CITY OF WINKLER

Zoning By-Law

Consolidated as of May 13, 2025

CITY OF winkler

DREAM. BUILD. LIVE.

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HOW TO USE THIS ZONING BY-LAW

There is a simple four-step process to determine the uses and structures that are permitted on a specific piece of property.

Step One - What Zone is your property located in?

- Use the Zoning Map in Part 10 – Zoning Maps to determine the zoning for your property.
- Reference Part 3 - Zones for a description of the intent of that particular Zone.
- Look in the Development Plan and any Secondary Plan that applies to your property to confirm your proposal fits with the applicable policies in those documents.

Step Two - What uses are permitted in your Zone?

- Find the column with the Zone of your property in the Bulk/Use Table in Part 3 – Zones.
- Uses marked with the letter "**P"** are permitted uses and may be developed once you have received a development permit.
- Uses marked with the letter "**C"** are conditional uses that may or may not be acceptable in a Zone depending on the circumstances of a proposed development. Conditional uses require a public hearing process and may have extra conditions imposed on the use to make it acceptable for the location.
- Uses with use-specific requirements are described in Part 4 – Use Specific Standards.

Step Three - How and where can you develop properties in your Zone?

- Find the column with the Zone of your property in the Bulk/Use Table in Part 3 – Zones.
- The Bulk Table provides information on allowable height of buildings and structures, required setbacks, and other spatial requirements for a property.
- To understand the specific details of these requirements, you may need to reference the Part 2 - General Regulations, Part 4 – Use Specific Standards, and Part 9 – Definitions.

Step Four - What kind of permits do you need?

- In most cases, you will need a development permit before you start any change in land use or any development (including construction of a building) on a property.
- A building permit is required to ensure compliance with buildings regulated by the MSTW Planning District.
- Check Part 8 - Development Permits to see if your planned development is exempt from needing a development permit. If so, you may proceed with development, as long as it meets the other requirements in this Zoning By-law and other applicable by-laws.
- If you need a development permit, fill out a development permit application.
- You are responsible for finding out any other Provincial or Federal regulations applying to your development, as well as any other required municipal permits, including building permits, plumbing permits, electrical permits, demolition permits, etc. if applicable.

PART 1 - APPLICABILITY AND SCOPE

1.1 TITLE

This By-law may be cited as the City of Winkler Zoning By-law and shall apply to all lands within the limits of the City of Winkler.

1.2 INTENT AND PURPOSE

1) The regulations established by this By-law are deemed necessary in order:
    a. To ensure general conformance with the objectives and policies of the MSTW Planning District Development Plan and any applicable Secondary Plans.
    b. To outline the powers and duties of City of Winkler Council (Council), the MSTW Planning District Planning Board (Planning Board), the Designated Officer, and the landowner and/or developer as they relate to this By-law.
2) This By-law regulates:
    a. The construction, erection, alteration, enlargement or placing of buildings and structures.
    b. The establishment, alteration, or enlargement of uses of land, buildings and structures.
    c. All other forms of development not included above.

1.3 CONTENTS OF THE BY-LAW

The contents of this By-law include:

Part 1 – Applicability and Scope

Part 2 – General Regulations

Part 3 – Zones

Part 4 – Use Specific Standards

Part 5 – Parking and Access

Part 6 – Signage

Part 7 – Administration

Part 8 – Development Permits

Part 9 – Definitions

Part 10 – Zoning Maps

1.4 HEADINGS AND TITLES

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

1.5 INTERPRETATION

1) Words, phrases, and terms defined within this By-law shall be given the described meaning.
2) Words, phrases and terms neither defined herein nor defined in By-laws of the City of Winkler shall be given their usual and customary meaning except where, in the opinion of Council, the context indicates a different meaning.
3) The phrase *used for* includes arranged for; maintained for; designed for; or occupied for.
4) *May:* Considered a guideline or suggestion towards implementing the intent of the policy.
5) *Should*: Intended to apply to most situations. Under unique circumstances where compliance is impractical or impossible, the City of Winkler will consider an acceptable alternate means that still meets the intent of the regulation instead.
6) *Shall or Must*: Considered to be mandatory.
7) 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.
8) 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.
    c. *Either-or* indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
9) 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.

1.6 UNITS OF MEASUREMENT

1) For convenience, this By-law contains both imperial and metric measurements.
2) In cases where a discrepancy occurs between the metric and imperial standards, the imperial unit shall prevail.
3) In the event that a calculation results in a fraction, the number should be rounded up to the nearest whole number.

1.7 EFFECTIVE DATE

This By-law shall be in full force and effect when the Council of the City of Winkler has given it Third Reading.

1.8 RELATIONSHIP TO FORMER BY-LAWS

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

1.9 VALIDITY

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.

1.10 COMPLIANCE

1) The issuance of a development permit in respect of building or structure does not affect the obligation to obtain a building permit or other permit where required under the building by-law, or another law, by-law, or regulation, for such a building or structure.

2) 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. All applicable municipal, Provincial and Federal building and code regulations.

    b. All applicable municipal and MSTW Planning District by-laws.

    c. Any other appropriate municipal, Provincial and Federal legislation.

    d. The conditions of any caveat, covenant, site plan, development agreement, variance order or conditional use order, easement or other instrument affecting a building or land.

3) 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.

4) Whenever the provisions of a special agreement or development agreement entered into between the City of Winkler 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.

5) 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.

1.11 PUBLIC UTILITIES AND SERVICES

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

PART 2 - GENERAL REGULATIONS

2.1 APPLICABILITY

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

2.2 REGULATION OF USES

1) With the exception of Subsection 2.5, no land, building, or structure shall be constructed, enlarged, placed, used, or occupied except for a use that:
    a. Is listed in the Part 3 - Zones as:
        i. A permitted Principal Use.
        ii. A permitted Accessory Use.
        iii. A Conditional Principal Use, subject to approval as such.
        iv. A Conditional Accessory Use, subject to approval as such.
        v. An Accessory building or structure.
        vi. A Temporary Use.
    b. Has been granted a variance as per *the Act*.
2) Where any land, building or structure is used for more than one purpose, all provisions of the By-law relating to each use shall apply. Where there is a conflict, the more restrictive regulations shall prevail, except as otherwise approved by Council.
3) There shall be only one principal building or one principal use on a zoning site except wherein otherwise stated.
4) No building or structure shall be located within a dedicated easement or right-of-way except where it is allowed by written agreement from the approving authority or Grantee.

2.3 ACCESSORY USES, BUILDINGS AND STRUCTURES

1) No accessory use or structure shall be established prior to the establishment of the principal use of land, building or structure to which it is secondary.
2) A principal use that is conditional (or permitted) in a specific Zone as shown in Part 3 cannot be an accessory use, even if permitted as a principal use in the same Zone.
3) No accessory structure shall be constructed or erected, except those in compliance with the following regulations:
    a. Where the accessory building or structure is attached to a principal building or structure, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the principal building or structure.

b. Where the accessory building or structure is detached from the principal building or structure, it shall be subject to, and shall conform to, all regulations of this By-law applicable to accessory buildings or structures.

c. 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 except where it is allowed by written agreement from the City.

4) An accessory building or structure shall not be used as a dwelling, except where otherwise permitted in this By-law.

5) The area of land or buildings used or occupied for accessory uses on a site shall not exceed the area of land or buildings respectively used or occupied by principal uses on the same site.

6) No land, building, or structure shall be used or occupied for any accessory use after the use or uses to which it is accessory have been discontinued.

2.4 TEMPORARY BUILDINGS, STRUCTURES OR USES

Temporary buildings, structures or uses may be allowed on a non-permanent basis subject to the issuance of a temporary use permit under the following conditions:

1) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than 12 months and may not be renewed for more than two successive periods at the same location, unless approved so by the Designated Officer.

2) The temporary use or structure must not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare.

3) The temporary use or structure must not have adverse impacts on nearby residential neighbourhoods.

4) The temporary use or structure must not result in permanent alterations to the site.

5) Tents and other temporary structures must be located so as not to interfere with the normal operations of any permanent use located on the property.

6) A temporary use is not permitted unless sufficient off-street parking is adequate to accommodate anticipated parking needs associated with the temporary use.

7) Temporary construction trailers or buildings must be removed from the premises within one month after completion of construction.

8) Seasonal uses must 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.

9) Canvas Buildings and Tents on site for fewer than 90 days per calendar year shall be classified as a temporary use and shall follow the Use Specific Standards outlined in 4.15.

2.5 PUBLIC UTILITIES

Public utility facilities for the transmission of water, sewage, electrical power, telephone, natural gas, cable television, fibre optic, and other similar services are permitted in all Zones and individual parcels, as the facilities are exempt from minimum parcel size requirements.

2.6 USES PERMITTED IN ANY ZONE

1) Except where specifically excluded, the following uses, buildings and structures are permitted in every Zone:
    a. Underground telecommunication lines and cables and telephone exchange buildings.
    b. Pipelines, telecommunication towers and wires, traffic control devices, and underground or utility systems.
    c. Parks, open space, community gardens, playgrounds and playing fields, hiking and bicycling paths, and ecological reserves.
    d. Public works operations.
    e. Transportation right-of-way established by a government or Crown corporation.
    f. Utilities.

2.7 PROJECTIONS INTO YARDS

1) Required yards shall be free of buildings, except accessory buildings, which must conform to the other requirements of this By-law.
2) Notwithstanding the yard requirements established in this By-law, building features and/or site features may project into a required yard as follows:

Feature	Front	Side	Rear
Unenclosed or unsheltered porches, decks, stairs, landings, and similar building features as determined by the Designated Officer	No more than 50% of the required yard depth, up to a maximum of 10 ft (3.0 m)	2 ft (0.6m) for principal dwelling/building or any accessory building over 150 sq ft (13.9 sq m 1.5 ft (0.45 m) for accessory buildings under 150 sq ft (13.9 sq m)	No more than 50% of the required yard depth, up to a maximum of 10 ft (3.0 m)
Overhangs, eaves, gutters, unsupported verandas, verandas supported with posts *, trellises, decorative mouldings, sills, downspouts, chimneys, and similar architectural features as	3.0 ft. (1.0 m)	Up to 18” from side property lines	Up to 18” from rear property lines

determined by the Designated Officer * *measured to the outside face of the posts of a veranda*			
Exterior stairs and balconies	Not permitted	Not permitted	5.0 ft (1.5 m)
Wheelchair ramps, lifts, and other accessibility features	Permitted	Permitted	Permitted
First story alcoves, bay windows, vestibules, and similar architectural features as determined by the Designated Officer.	2 ft (0.6 m)	Not permitted	2 ft (0.6 m)

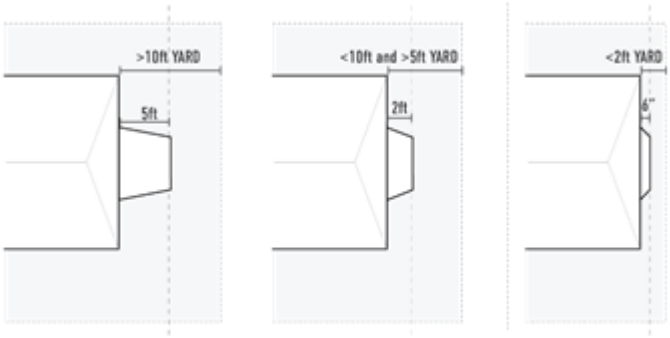


Figure 1: Projections into required yards

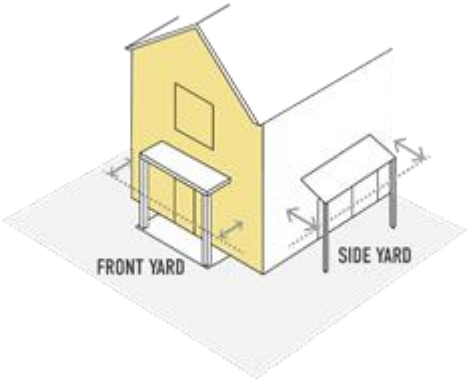


Figure 2: Projections into required yards

1) The Designated Officer may allow a projection not listed provided that projection will have no greater impact on surrounding properties than those that are permitted.
2) Where the principal building's primary entrance orients a corner yard, the Designated Officer may allow driveway parking in a yard other than the front yard.
3) A 5% or 3-inch (7.6 cm) *projection tolerance* (whichever is lesser) may be approved by the Designated Officer or its delegate as a type of minor variance. No fee will be charged for either pre-construction or post-construction projections that are defined as *tolerances*.

2.8 HEIGHT

1) In determining whether a development conforms to the maximum height permissible in any Zone, the following features, when attached or affixed to the principal dwelling, shall not be considered for the purpose of height determination: solar panels, wind turbines, chimney stacks, steeples, belfries, domes or spires, monuments, elevator housings, roof stairway entrances, water or other tanks, ventilating equipment, skylights, fire walls, receiving or transmitting structures, masts, flag poles, clearance markers or other erections which are considered to be similar by the Designated Officer.
2) Architectural features such as air conditioners, chimney stacks, steeples, spires, elevator housings, roof stairway entrances, ventilating equipment, skylights, fire walls, receiving or transmitting structures, masts, flag poles, clearance markers, or other features which, in the opinion of the Designated Officer, are of a similar character, may project above the maximum height of the principal or accessory building in the applicable Zone, at the discretion of the Designated Officer.

2.9 STREETS

No building or structure shall be erected upon any land designated for a future road allowance by Council. 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.

2.10 YARDS ON CORNER LOTS AND THROUGH LOTS

1) In the case of a corner lot, the front yard shall be the yard abutting the front lot line.
2) The Designated Officer may require any corner lot, odd shaped lot, or Planned Unit Development to provide an additional front yard or yards other than that required, having regard to the orientation and access of adjacent developments.
3) The Designated Officer may require a through lot to provide a front yard on each public roadway, other than a lane, provided that at least one front yard shall be provided.

2.11 YARDS ABUTTING RESIDENTIAL ZONES

Notwithstanding any provisions of this By-law, the following special yard requirements shall apply:

1) Where a side site line in a Commercial Zone abuts a side site line on an adjacent Residential Zone:
    a. The front yard minimum requirement of the adjacent Residential Zone shall extend for a distance of 50 ft (15.2 m) within the Commercial Zone.
    b. The side yard in the Commercial Zone shall be 10 ft (3.1 m).
    c. A solid fence 6.0 ft (1.8 m) in height shall be provided and maintained along the side site line abutting the Residential Zone extending from the front side site line to the depth of the front yard.

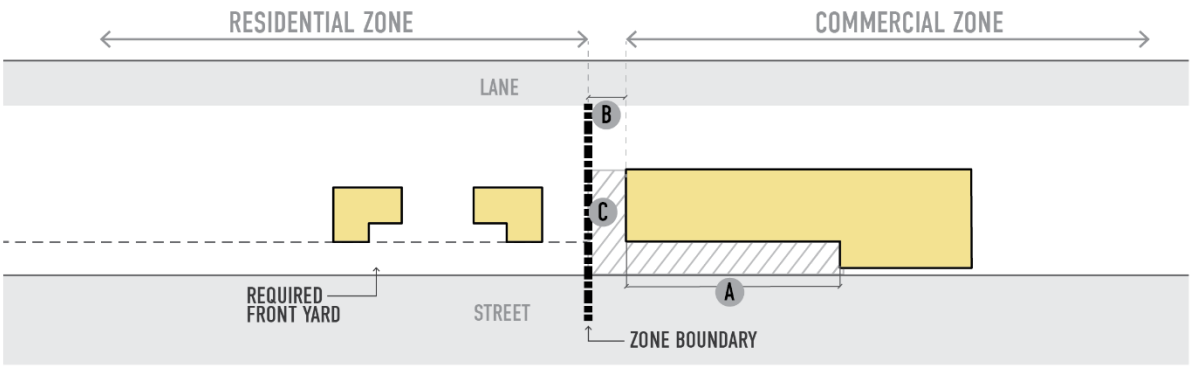


Figure 3: Commercial Zone Abutting a Residential Zone – Side Yard

2) Where a side site line in an Industrial Zone abuts a side site line on an adjacent Residential Zone:

   a. The front yard minimum requirement of the adjacent Residential Zone shall extend for a distance of 100 ft (30.5 m) within the Industrial Zone.

   b. The side yard in the Industrial Zone shall be 25 ft (7.6 m) from the Zone limit for all principal and accessory buildings and structures that abut to the residential Zone boundary as illustrated below.

   c. A solid fence 6.0 ft (1.8 m) in height shall be provided and maintained along the side site line abutting the Residential Zone extending from the front side site line to the depth of the front yard.

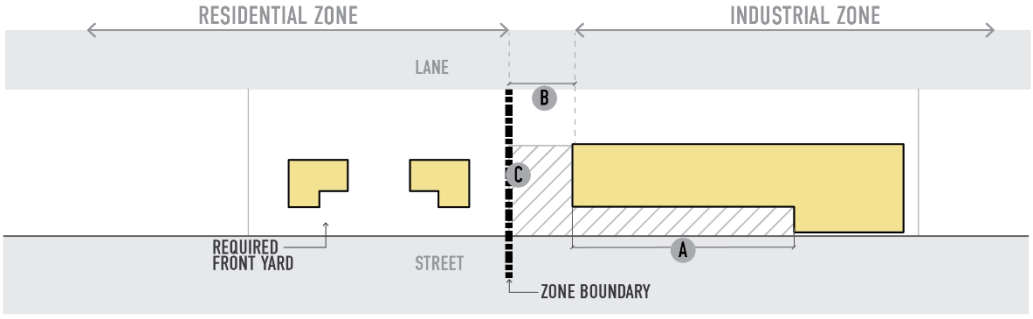


Figure 4: Industrial Zone Abutting a Residential Zone – Side Yard

3) Where a rear yard line in a Commercial Zone abuts a side or rear site line in an adjacent Residential Zone:

   a. The rear yard in the Commercial Zone shall be 25 ft (7.6 m)

   b. A solid fence 6.0 ft (1.8 m) in height shall be provided and maintained along the site line abutting the Residential Zone

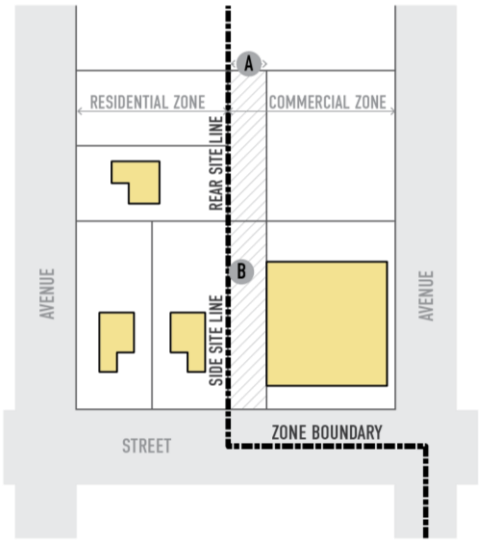


Figure 5: Commercial Zone Abutting a Residential Zone – Rear Yard

4) Where a rear yard line in an Industrial Zone abuts a side or rear site line in an adjacent Residential Zone:

   a. The rear yard in the Industrial Zone shall be 50 ft (15.2 m)

   b. A solid fence 6.0 ft (1.8 m) in height shall be provided and maintained along the site line abutting the Residential Zone

5) Outdoor storage, outdoor operations, and loading spaces shall not be permitted within the special side yard required in this Subsection.

6) Where permitted, outdoor storage of goods and materials shall not project above the height of a fence required in Subsection 2.13.

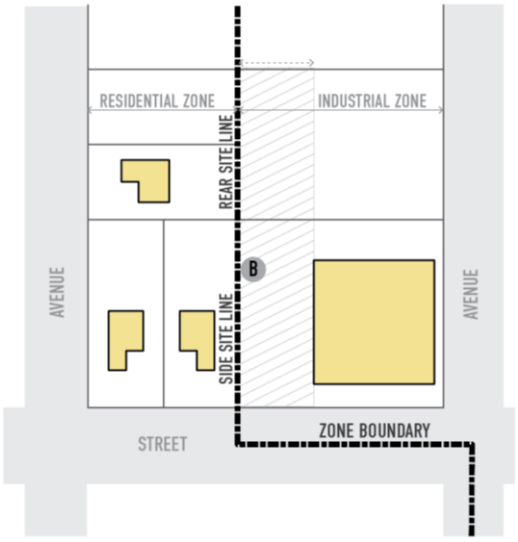


Figure 6: Industrial Zone Abutting a Residential Zone – Rear Yard

2.12 LANDSCAPING

2.12.1 General Regulations

The following applies to developments in Commercial, Industrial, Parks and Recreational, Institutional, and Multi-Unit Residential Developments:

1) A landscaping plan may be required, and no landscaping work shall commence unless the landscaping plan is approved by the Designated Officer.
2) A landscaping plan shall contain the following information for the site:
    a. All physical features, existing or proposed, including vegetation, berm contours, walls, fences, outdoor furniture and fixtures, surface utilities, and paving.
    b. All shrubs and trees, whether existing or proposed, labelled by their common name and size.
3) Landscaping should be integrated with the building architectural style, parking, and stormwater management areas proposed on the property.
4) Species must be hardy, drought- and salt-tolerant, and resistant to the stresses of compacted soils and weather exposure.
5) Snow storage areas must be located so that piled snow does not damage plant material.
6) Plant materials should not obstruct views. Dense plant material between 3.0 ft and 8.0 ft (0.9 and 2.4 m) from the ground must be avoided in critical areas for pedestrian and vehicular safety. Plant materials and hardscaping materials cannot obstruct views to the street at access drives.
7) Landscaping must be completed within two years after construction of the principal building or structure is completed. Council may require a letter of credit equal to 100% of the value of the landscaping as insurance may be required to ensure landscaping is completed within this time period. The “Deposit” will be forfeited if landscaping is not completed within two years of construction of the principal building or structure.

2.13 FENCES

1) A fence shall be permitted in a required yard.
2) All fences shall be measured from the general ground level at a distance of 2 ft. (0.61 m) from within the lot line of the site on which the fence is to be constructed, unless otherwise stated.
3) The permitted height of any fence can be increased or decreased at the discretion of the Designated Officer to reflect the grade of surrounding sites.
4) Barbed wire fences shall not be permitted in any district except in the SI and M Zones and be used for security purposes. Where barbed wire is used, the fence must be minimum of 6.6 ft (2.0 m) in height, and only the top 2.0 ft (0.60 m) of the fence may be barbed.
5) Electric fences shall not be permitted except in the case of the RR: Rural Residential Zone where an electric fence may be used in conjunction with an approved Equestrian Establishment or Residential-Related Farm.

6) Snow fences shall only be used on a temporary and seasonal basis for commercial, industrial, and institutional uses and are not permitted as a permanent fence structure.

7) Garbage collection, open storage or outdoor service areas of multi-unit dwellings with common areas shall be fenced to a height of 6.0 ft (1.8 m) with a lockable gate if visible from an adjacent property or public street, or at the discretion of the Designated Officer.

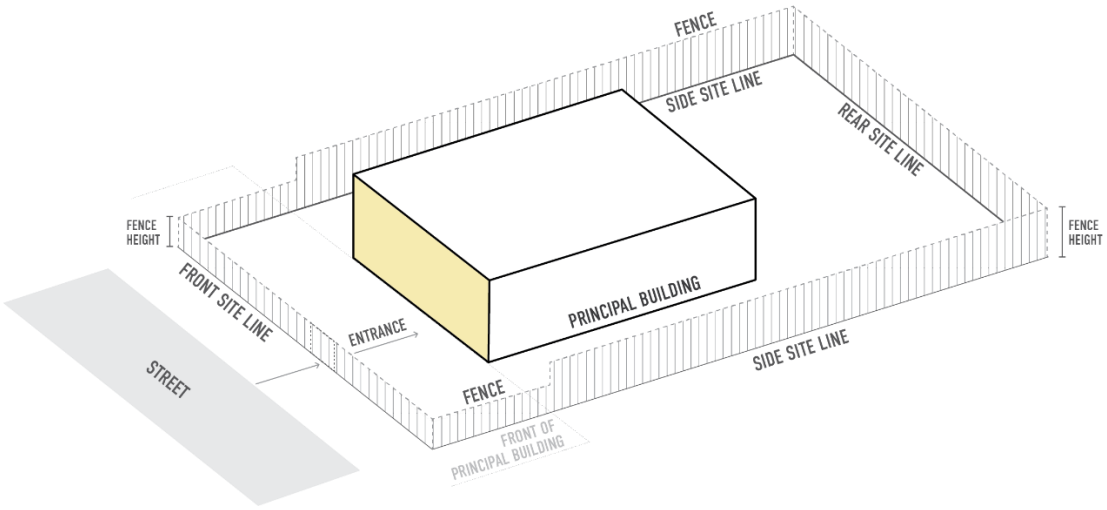


Figure 7: Fences and Site Lines

2.13.2 Fences for Residential Uses

1) Fences shall not be higher, measured from the general ground, than:
   a. 4.0 ft (1.2 m) in a required front yard.
   b. 6.6 ft (2.0 m) in a required side or rear yard.

2.13.3 Fences for Commercial, Industrial and Institutional Uses

1) Fences shall not be higher, measured from the general ground than:
   a. 4.0 ft (1.2 m) in a front yard, or at the discretion of the Designated Officer.
   b. 12.0 ft (3.7 m) in a side or rear yard.
2) Outside storage shall not be allowed to project above the height of the fence.
3) Where an Industrial or Commercial Zone abuts a Residential or Parks & Recreation Zone:
   a. All side and rear yard site lines must be screened by a solid fence, which will extend a minimum of 6.0 ft (1.8 m) in height or at the discretion of the Designated Officer.
   b. Garbage collection, open storage or outdoor service areas shall be fenced to a height of 6.0 ft (1.8 m) with a lockable gate if visible from an adjacent property or public street.

2.14 LIGHTING OF SITES

Outdoor lighting for any development 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.

2.15 CORNER VISION TRIANGLES

No building, structure, sign, fence, parking area, shelterbelt, hedge, or stockpiling of materials exceeding a height of 3.0 ft (0.9 m) 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 10 ft (3.1 m) along each lot line from the point of intersection.

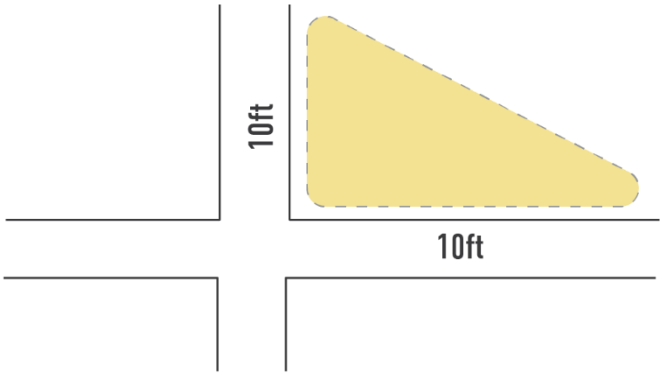


Figure 8: Corner Vision Triangle

2.16 FLOOD RISK AREAS AND HAZARD LANDS

1) Development is prohibited on land that is subject to subsidence or erosion by water or is marshy or unstable, or is otherwise hazardous by virtue of its soil or topography, unless a geotechnical engineering report showing that the development may occur without creating any additional risks is submitted to the City at the time of application for a development permit.

2) Development is prohibited on land that is within 2.0 ft (0.6 meters) of the high-water mark of the design flood, a recorded flood exceeding the design flood, or a flood specified by Manitoba Infrastructure, unless an engineering report showing the development, with flood protection, may occur without creating any additional risks is submitted to the City at the time of application for a development permit.

3) Notwithstanding any other provision of this By-law, the Designated Officer may refuse to issue a building and/or development permit where the proposed building or structure, as determined by Council, is located within the floodway of a waterbody, stream, drain, watercourse, or is low-lying, marshy, or subject to periodic flooding and where Council has determined that placement of said structure would impede the flow of water or floodwaters and/or create a hazard to life, limb or property.

4) Where Council has determined that the specific hazard has not been defined or where the proposed building or structure is to be located within the floodway fringe of a river, stream,

drain, or watercourse, or is otherwise subject to periodic flooding or runoff, permit such lands to be developed provided that:

a. Permanent structures shall be setback from all water courses a distance of a least ten times the height of the bank above a channel grade or 196 ft (59.7 m), whichever is greater.

b. Permanent structures shall be protected from flooding by raising the building site and access to the flood protection level which is 2.0 ft (0.7 m) above the flood level. The level of the surrounding fill at the building line shall not be less than the flood protection level, and shall not slope more than 6.0 in (15.2 cm) for a horizontal distance of 15 ft (4.6 m) from the building line and not more than 1.0 ft (0.4 m) vertically to 4.0 ft (1.2 m) horizontally thereafter.

c. The elevation of the main floor shall be a minimum of 1.0 ft (0.4 m) above the flood protection level.

d. Basements, if constructed, shall:

    i. Have the elevation of the basement floor not lower than the flood protection level by: 2.0 ft (0.7 m) if the fill material is pervious such as sand; or 5.5 ft (1.7 m) if the fill material is impervious such as clay.

    ii. Not contain habitable space.

    iii. Not be used for storage or immovable materials or hazardous materials that are buoyant, flammable, explosive or toxic.

    iv. Not contain any electrical circuit breaker panels.

    v. Be provided with a sump pit.

    vi. Have back-up valves in the sewer pipes or pipes leading to a holding tank or disposal field.

5) Notwithstanding any other provision of this By-law, the Designated Officer may:

    a. Refuse a building and/or development permit where 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.

    b. Require that the proposed building or structure be constructed and located in such a manner as to negate the effects of the hazard.

6) 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 above.

7) Council may, prior to the issuance of a development permit, consult with Provincial Government officials.

2.17 BUILDING GRADE

1) No building or structure shall be erected without first obtaining a lot grading permit for the building or structures to be erected, which shall be in accordance with the *Lot Grading and*

Drainage By-law. 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.

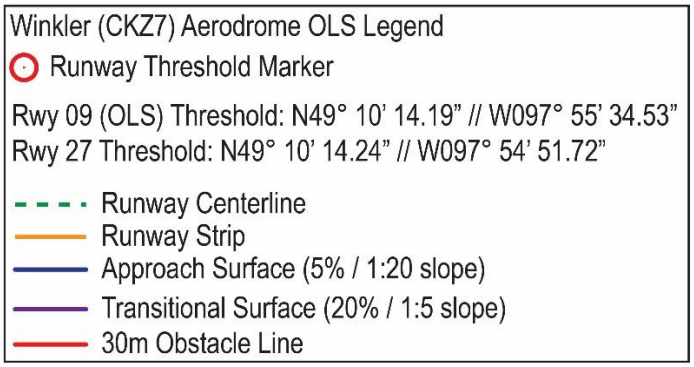
2) The grade of any site shall not be raised or lowered as per the *Lot Grading and Drainage By-law*. When evaluating the raising or lowering of the grade of any site, flood level information, street elevation, service installations, elevation of adjacent sites, drainage, appearance, and other pertinent factors shall be taken into consideration.

3) The lowest top of footing for basements may be a maximum of 1.37 m below the top of curb, unless approved by the Designated Officer.

2.18 BUILDING RESTRICTIONS ADJACENT TO AIRPORTS

1) No building or structure shall violate the Obstacle Limitation Surface as defined by the Transport Canada Advisory Circular AC301-001 which details the OLS – Non-Instrument AGN I requirement. The values in the table below are from AC301-001 Issue 5 Table 3(b).

Obstacle Limitation Surfaces	**Distances/Lengths in Meters, Slopes in Percentages**
Approach	
Length of inner edge each side of centreline	30 (98.4 ft)
Distance from threshold	30 (98.4 ft)
Divergence	10%
First section – Length – Slope	2,500 (8,202.1 ft) 5%
Total Length	2,500 (8,202.1 ft)
Transitional	
Slope first segment	20%



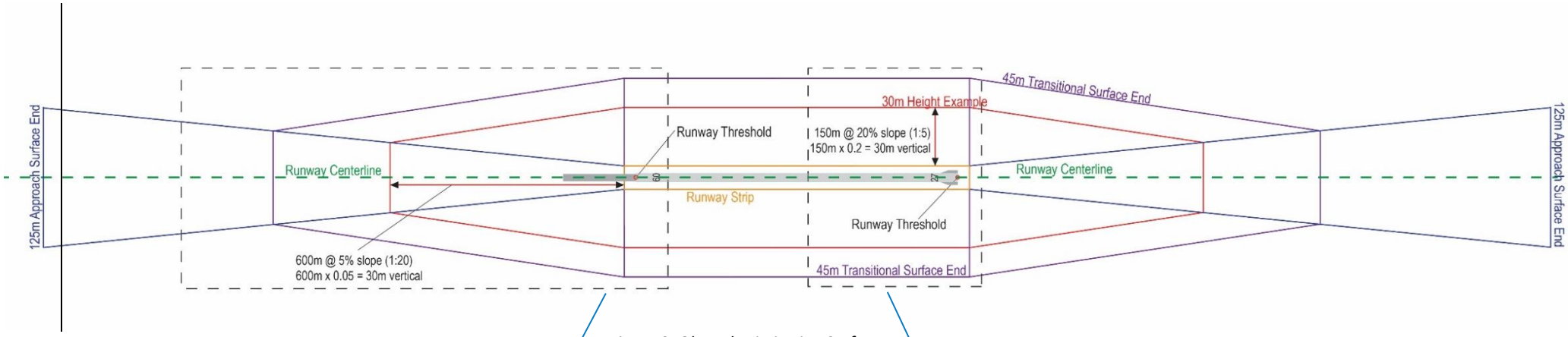


Figure 9: Obstacle Limitation Surfaces

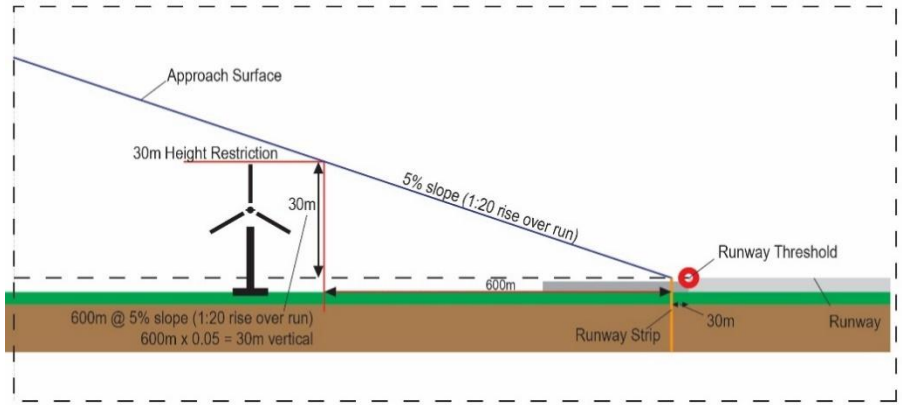


Figure 10: Obstacle Limitation Surfaces

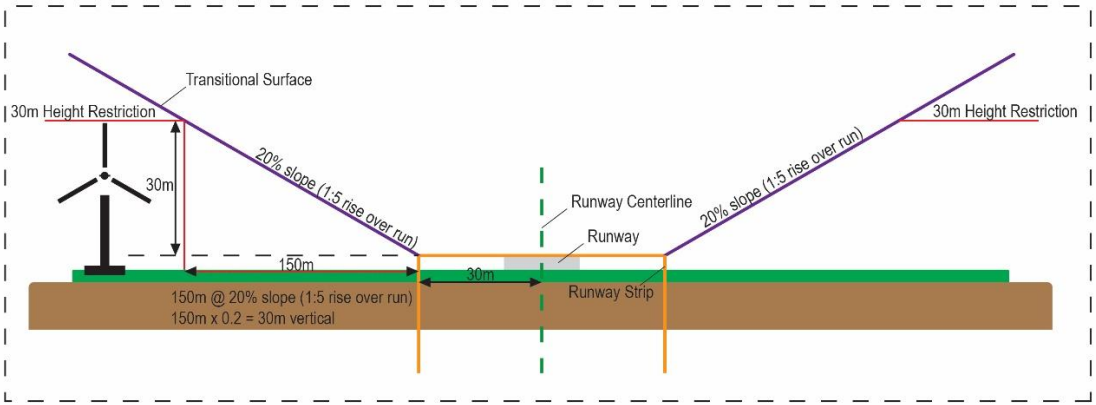


Figure 11: Obstacle Limitation Surfaces

2.19 PROVINCIAL HIGHWAY SETBACKS

1) Notwithstanding other provisions of this By-law, in the event a setback is required by Manitoba Infrastructure near a Provincial highway, including a service road the greater setback is required.

2) In accordance with the *Transportation Infrastructure Act*, a permit is required from Manitoba Infrastructure for any new structure / development proposed within Controlled Areas adjacent to PTHs 14 & 32 and at the intersection of PTH 14 / PTH 32 / PR 428, including a change in use or intensification of use.

2.20 NOXIOUS OR OFFENSIVE USES

Nothing in this By-law, or in a development permit, approval or a conditional use order, variance 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.

2.21 OUTDOOR SOLID FUEL FIRE APPLIANCES

An outdoor solid fuel fire appliance is not allowed within the City of Winkler, except as provided in the *Outdoor Solid Fuel Appliance By-law* in force in the City of Winkler.

2.22 COMPOSTING

The composting of private household material is permitted within all Zones. For the composting of any other material, Council may require a detailed engineering study from the applicant certifying that the proposed composting operation meets or exceeds all applicable Provincial regulations.

PART 3 - ZONES

3.1 INTENT OF ZONES

The Zones established in this By-law are intended to provide sufficient land for various types of land uses and developments in the City of Winkler in keeping with the provisions of the *MSTW Planning District Development Plan* and applicable Secondary Plans. Uses of land in the City are regulated in accordance with the following Zones:

Zone		Intent
R1	Residential Lower Density	To accommodate primarily single-detached and two-unit residential development.
R2	Residential Medium Density	To accommodate primarily low density multi-unit residential development.
R3	Residential Higher Density	To accommodate primarily single-, two- and multi-unit dwellings of higher densities.
RR	Rural Residential	To accommodate large lot residential development in rural settings.
CC	Commercial Central	To accommodate urban-scale mixed-use development including various residential, commercial, industrial, and civic land uses.
CG	Commercial General	To accommodate larger-scale commercial development.
CH	Commercial Highway	To accommodate larger-scale commercial development primarily to serve the travelling public.
SI	Service Industrial	To accommodate service and industrial-related developments of light to medium intensity with lower levels of nuisance
M	Industrial	To accommodate industrial development of a medium to heavy intensity with higher levels of nuisance.
I	Institutional	To accommodate both public and privately-operated development of an institutional, governance or community service nature.
PR	Parks & Recreation	To accommodate commercial or public recreation areas such as water slide parks, arenas, curling rinks, or golf courses.
PI	Public Infrastructure	To accommodate for a system or works that is used to provide for public consumption, benefit, convenience or use such as water, sewage disposal, public transportation, irrigation, drainage, fuel, electric power, heat, waste management and telecommunications.
DR	Development Reserve	To accommodate existing general agricultural uses and lands reserved for future development.

3.2 PERMITTED AND CONDITIONAL USES

The permitted and conditional uses prescribed for parcels within each Zone are those set out in the Use Table. Permitted uses are indicated on this table with the letter **P**. Conditional uses are indicated on this table with the letter **C**. Where a use is not listed and is not similar to, or accessory to, a permitted or conditional principal use, the use is not allowed in the Zone.

P - PERMITTED | C - CONDITIONAL | U.S.S. - USE SPECIFIC STANDARD (SECTION 4)														
Use	**R1**	**R2**	**R3**	**RR**	**CC**	**CG**	**CH**	**SI**	**M**	**I**	**PR**	**PI**	**DR**	**U.S.S.**
Residential Uses														
Dwelling, Single-unit	P	C	C	P									C	4.2
Dwelling, Two-unit	P	C	C											4.2
Dwelling, Multi-unit	C	P	P		C	C								4.2
Dwelling, Mobile Home Park		C		C										4.6
Institutional Residence	P	P	P		P	C				P				
Use	**R1**	**R2**	**R3**	**RR**	**CC**	**CG**	**CH**	**SI**	**M**	**I**	**PR**	**PI**	**DR**	**U.S.S.**
Commercial Uses														
Amusement Establishment, Indoor					C	C	C							
Amusement Establishment, Outdoor						C	C							
Animal Shelter & Veterinary Service					C	C	C	P	P				C	
Auctioneering Establishment							C	C	P					
Automotive and Recreational Vehicles Sales and Service					C	C	P	P	P					4.5
Body Modification Establishment					C	C	C	C						
Broadcasting & Motion Picture Studio					C	C	C	C	C					
Business Support Service					P	P	P	P	P					
Cannabis Retail Store														
Commercial School					C	C	C	P	P					
Drive-in or Drive-through Establishment					C	P	P	C						4.5
Eating or Drinking Establishment	C	C	C		P	P	P	C		C				
Fleet Service						C	C	P	P					
Funeral Service					C	C	P			P				
General Contractor						C	P	P	P				C	
Greenhouse, Plant & Tree Nursery					C	C	C	P	P				C	
Health Service		C	C		P	P	P	P	P	P				
Hotel					C	P	P	C						
Non-accessory Parking, Structured					C	C	P	C	P					
Non-accessory Parking, Surface					C	C	P	C	P					
Office	C	C	C		P	P	P	P	P	P				
Personal Service		C	C		P	P	P	P	C					
Rapid Drive-Through Vehicle Services					C	P	P	C						4.5
Retail, Large					C	P	P	P	C					
Retail, Small	C	C	C		P	P	P	P						
Service Station			C		C	C	P	P	P					4.5
Small Animal Keeping				C		C	C	P	P				C	
Special Event Facility				C	P	P	P	P	P	P	P	P	C	
Spectator Entertainment Establishment					C	C	P	P	C	P	P			
Storage, Indoor						C		P	P					
Storage, Outdoor						C		C	P					
Truck Sales and Servicing						C	P	P	P					4.5

P - PERMITTED | C - CONDITIONAL | U.S.S. - USE SPECIFIC STANDARD (SECTION 4)														
Truck Stop							P		C					
Use	**R1**	**R2**	**R3**	**RR**	**CC**	**CG**	**CH**	**SI**	**M**	**I**	**PR**	**PI**	**DR**	**U.S.S.**
Industrial Uses														
Aircraft Landing Field									C			C	C	
Bulk Storage Facility									P					
Cannabis Cultivation Operations														
Cannabis Processing Operations														
Cryptocurrency Processing Facility								C	C					4.12
Heavy Equipment Sales and Service						C	C	C	P					
Heavy Industrial									P					
Light Industrial						C	C	P	P					
Portable Asphalt Plant									C					
Private & Public Communication Towers & Facilities (height 49.2 ft (15 m) or taller)			C	C	C	C	C	C	C	C	C	C	C	4.16
Recycling Depot						C	C	C	P	C				
Solar Collector						C	C	C	C	C	C	C	C	4.17
Storage Compound									C					
Transport Terminal					C	C	C	C	C					
Trucking Operation								C	P					
Wayside Pit & Quarry									C				C	
Wet Industry						C	C	C	C					
Wind Energy Generating System (Commercial)									P					4.18
Use	**R1**	**R2**	**R3**	**RR**	**CC**	**CG**	**CH**	**SI**	**M**	**I**	**PR**	**PI**	**DR**	**U.S.S.**
Community Uses														
Cemetery										C			C	
Child Care Service	C	C	C	C	P	P		C	C	P			C	
Community Garden	P	P	P	P	P	P	P			P	P	P	P	
Community Service Facility	C	C	C	C	P	P	C	C		P	P			
Education Service, Private	C	C	C		C	C	C	C	C	P				
Education Service, Public	C	C	C		C	C	C	C	C	P				
Extended Medical Treatment Service					C	C				P				
Government Service					P	P	P	P	P	P	C			
Indoor Participant Recreation					C	P	P	C	C	C	P			
Outdoor Participant Recreation						C	C			C	P			
Place of Worship	C	C	C	C	C	P	C	C	C	P				
Private Club					C	C	C			C				
Protective & Emergency Service	C	C	C	C	P	P	P	P	P	P	P	P	P	
Public Library & Cultural Exhibit	C	C	C		P	P	P			P	P			
Public Park	P	P	P	P	P	P	P	P	P	P	P		P	
Tourist Campsite							C	C	C		P	P	C	
Wildlife & Conservation Reserve											P	P	P	

P - PERMITTED | C - CONDITIONAL | U.S.S. - USE SPECIFIC STANDARD (SECTION 4)														
Use	**R1**	**R2**	**R3**	**RR**	**CC**	**CG**	**CH**	**SI**	**M**	**I**	**PR**	**PI**	**DR**	**U.S.S.**
Agricultural Uses														
Abattoir									C					
Agri-Business							C	C	P				C	
Agricultural Activities				C							C		C	
Agricultural Crop Protection Warehouse							C	C	C					
Apiary				C							C		C	4.19
Crop Production						C		P	P				P	4.24
Equestrian Establishment													C	
Specialized Agriculture											C		P	
Urban Farm				C	C	C	C		C	C	C		C	4.13
Use	**R1**	**R2**	**R3**	**RR**	**CC**	**CG**	**CH**	**SI**	**M**	**I**	**PR**	**PI**	**DR**	**U.S.S.**
Other														
Planned Unit Development		C	C		C	C	C	C	C	C	C			4.11
Accessory Uses														
Use	**R1**	**R2**	**R3**	**RR**	**CC**	**CG**	**CH**	**SI**	**M**	**I**	**PR**	**PI**	**DR**	**U.S.S.**
Agricultural Activities				C									C	
Apiary				C									C	4.19
Bed & Breakfast	C	C	C	C									C	4.9
Boarding or Rooming House (2 suites or less)	P	P	P	P										4.21
Boarding or Rooming House (more than 2 suites)	C	C	C	C										4.21
Canvas Buildings and Tents (more than 90 days)						C	C	P	P					4.15.2
Child Care Service, Accessory	P	C	C	P	P	P		C	C	P	C			4.8.3
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	
Dwelling, Accessory – Commercial / Institutional					P	C								4.10
Dwelling, Accessory - Industrial						C		C		C				4.10
Eating or Drinking Establishment	C	C	C	C	P	P	P	C	C	P	P	P	C	
Home Industry				P									C	4.8.1
Home-Based Business	P	P	P	P										4.8.2
Institutional Residence	C	C	C		C					C				
Market Garden Stand	P	P	P	C	C	C							C	
Office	C	C	C	C	P	P	P	P	P	P	P	P	C	
Parking, Structured		P	P		P	P	P	P	P	P				
Parking, Surface		P	P		P	P	P	P	P	P				
Private & Public Communication Towers & Facilities (height less than 49.2 ft (15 m))	P	P	P	P	P	P	P	P	P	P	P	P	P	4.16
Private Club					P	P	P	P	P					
Residential-Related Farm (less than 10 A.U.)				C									C	4.19
Retail, Small	C	C	C	C	P	P	P	P	P	P	P	P	C	

P - PERMITTED | C - CONDITIONAL | U.S.S. - USE SPECIFIC STANDARD (SECTION 4)														
Secondary Suite	P	P	P	C										4.7
Secondary Suite in Row House, Dwelling	C	C	C											4.7
Shipping Container					C	P	P	P	P	P	P	P	C	4.23
Short Term Rental	C	C	C	C	C									
Solar Collector	P	P	P	P	P	P	P	P	P	P	P	P	P	4.17
Special Event Facility				C	P	P	P	P	P	P	P	P	C	
Storage, Outdoor						C		P	P					
Wet Industry						C	C	C	C					
Wind Energy Generating System (On-Site Use / Rooftop)				P	C	C	C	C	C	C	C	C	C	4.18
Use	**R1**	**R2**	**R3**	**RR**	**CC**	**CG**	**CH**	**SI**	**M**	**I**	**PR**	**PI**	**DR**	**U.S.S.**
Temporary Uses														
Emergency Residential Shelter	P	P	P	P	P	P	P	P	P	P	P		P	
Canvas Buildings and Tents (less than 90 days)				P						P	P	P		4.15.1
Farmers' Market			C	C	P	P	P	P	P	P	p		C	
Fundraising Event	P	P	P	P	P	P	P	P	P	P	P		P	
Seasonal Sales			C	C	P	P	P	P	C	C				
Shipping Container	P	P	P	P	P	P	P	P	P	P	P	P		4.23
Entertainment Event			C	C	C	C	C	C		P	P		C	
Temporary Construction Trailer or Building	P	P	P	P	P	P	P	P	P	P	P	P		
Signage	**R1**	**R2**	**R3**	**RR**	**CC**	**CG**	**CH**	**SI**	**M**	**I**	**PR**	**PI**	**DR**	**S.S.S.**
Accessory Uses														
Awning	P	P	P	P	P	P	P	P	P	P	P	P	P	6.5
Digital Signs					C	C	C	C	C	C	C			6.3
Fascia, Small	P	P	P	P	P	P	P	P	P	P	P	P	P	6.9
Fascia, Large	P	P	P	P	P	P	P	P	P	P	P	P	P	6.9
Free-Standing, Small		P	P	P	P	P	P	P	P	P	P	P		6.7
Free-Standing, Large					P	P	P	P	P	P	P	P		6.7
Inflatable						P	P	P	P	P				6.8
Permanent Advertising Signs (3rd Party)	C	C	C	C	C	C	C	C	C	C	C	C	C	6.1(2)
Portable Advertising Signs	C	C	C	C	P	P	P	P	P	P	P	P	P	6.4
Projecting, Small					P	P	P	P	P	P	P	P		6.6
Projecting, Large					P	P	P	P	P	P	P	P		6.6

3.3 BULK REGULATIONS

No land, building, or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged, or placed, except in accordance with the bulk requirements described in the Bulk Regulations Tables or elsewhere in this By-law.

3.4 R1 – RESIDENTIAL LOWER DENSITY

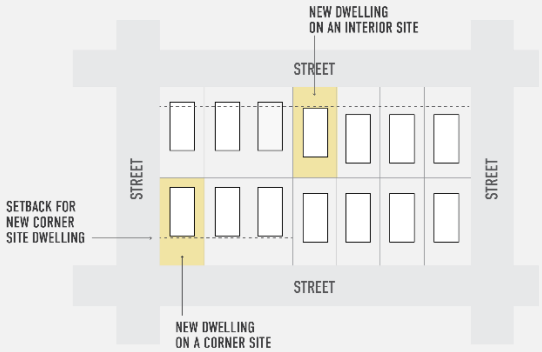
3.4.1 R1 Bulk Regulations

R1 Uses	Minimum						Maximum	
	Site		Yard				Site Coverage	Building Height
	Area	Width	Front	Side Interior	Side-Corner	Rear		
Dwelling, Single-unit	3,200 (297.3)	32 (9.8)	25 [c] (7.6)	5 [a] (1.5)	10 (3.1)	25 (7.6)	40%	35 (10.7)
Dwelling, Two-unit	5,400 [h] (501.7)	54 [h] (16.5)	25 [c] (7.6)	5 [a] (1.5)	10 (3.1)	25 (7.6)	50%	35 (10.7)
Dwelling, Multi-unit	9,000 [i] (836.1)	75 [i] (22.9)	25 (7.6)	5 (1.5)	12 (3.7)	25 (7.6)	60%	35 (10.7)
Institutional Residence	8,000 (743.2)	60 (18.3)	25 (7.6)	5 (1.5)	12 (3.7)	25 (7.6)	40%	35 (10.7)
All Other "R1" Uses	10,000 (929)	100 (30.5)	25 (7.6)	5 (1.5)	12 (3.7)	25 (7.6)	40%	35 (10.7)
Accessory Buildings & Uses	n/a	n/a	n/a [e]	5 [d] (1.5)	5 [d] (1.5)	5 [d] (1.5)	10% [f g]	15 (4.6)

a) When no public lane is located at the rear of Single-unit or Two-unit Dwelling site and no garage to the side of the house, one side yard shall be a minimum of 10 ft (3.0 m) to provide vehicular access to the rear yard. A 10 ft (3.0 m) side yard shall be required if an accessory building in the rear yard has a door width greater than 7.0 ft (2.1 m). The accessory building must be on the same side of the house as the side yard.

b) When no public lane is located at the rear of a Multi-unit Dwelling and no garage is attached to the side of the principal building, one side yard shall be a minimum of 12 ft (3.7 m).

c) Excluding reversed corner lots, where sites comprising 40% 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 or the minimum front yard setback, whichever is lesser.



d) Where an accessory building is located to the rear of the main building, the rear, interior and corner side yard for the accessory building may be 2.0 ft (0.6 m) provided the accessory building does not exceed 150 sq ft (13.9 sq m) and does

not abut a front yard. Where an accessory building is over 150 sq ft (13.9 sq m) and is located to the rear of the main building, the rear, interior and corner side yard for the accessory building must be 5.0 ft (1.5 m) provided it does not abut a front yard.

e) Accessory buildings and uses must not be located closer to a public roadway than the front wall of the principal building.

f) May not exceed the floor area of the principal use building.

g) If a detached secondary suite exists, the total site coverage shall be 15%.

h) The subdivision of an existing or proposed two-unit dwelling shall be required to meet 50% of the minimum site area and width (27 ft, 8.3 m).

i) The subdivision of an existing or proposed row type dwelling shall be required to have a minimum site area of 1,600 sq. ft. and a minimum site width of 16 ft. No side yard is required along a party wall.

3.4.2 Additional R1 Regulations

1) The maximum gross density in the R1 Zone shall be 7 dwellings per acre.
2) Non-Residential uses shall be developed in accordance with Subsection 4.3 of this By-law.
3) The separation distance between buildings shall be 3 ft (0.9 m).

3.5 R2 – RESIDENTIAL MEDIUM DENSITY

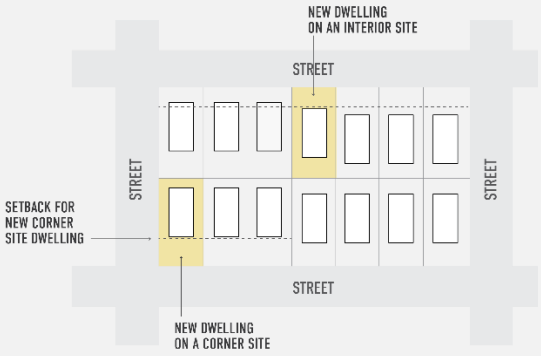
3.5.1 R2 Bulk Regulations

R2 Uses	Minimum						Maximum	
	Site		Yard				Site Coverage	Building Height
	Area	Width	Front	Side Interior	Side-Corner	Rear		
Dwelling, Single-unit	3,200 (297.3)	32 (9.8)	25 [c] (7.6)	5 [a] (1.5)	10 (3.1)	25 (7.6)	40%	35 (10.7)
Dwelling, Two-unit	5,400 [g] (594.6)	54 [g] (19.5)	25 [c] (7.6)	5 [a] (1.5)	10 (3.1)	25 (7.6)	50%	35 (10.7)
Dwelling, Multi-unit	9,000 [h] (836.1)	75 [h] (22.9)	25 (7.6)	5 [b] (1.5)	12 (3.7)	25 (7.6)	60%	35 (10.7)
Mobile Home Park	3 acres (1.2 ha)	200 (61)	25 (7.6)	5 (1.5)	10 (3.1)	25 (7.6)	50%	35 (10.7)
Institutional Residence	8,000 (743.2)	60 (18.3)	25 (7.6)	5 (1.5)	12 (3.7)	25 (7.6)	40%	35 (10.7)
All Other "R2" Uses	10,000 (929)	100 (30.5)	25 (7.6)	5 (1.5)	12 (3.7)	25 (7.6)	40%	35 (10.7)
Accessory Buildings & Uses	n/a	n/a	n/a [e]	5 [d] (1.5)	5 [d] (1.5)	5 [d] (1.5)	10% [f]	15 (4.6)

a) When no public lane is located at the rear of Single-unit or Two-unit Dwelling site and no garage to the side of the house, one side yard shall be a minimum of 10 ft (3.1 m) to provide vehicular access to the rear yard. A 10 ft (3.1 m) side yard shall be required if an accessory building in the rear yard has a door width greater than 7 ft (2.1 m). The accessory building must be on the same side of the house as the side yard.

b) When no public lane is located at the rear of a Multi-unit Dwelling and no garage is attached to the side of the principal building, one side yard shall be a minimum of 12 ft (3.7 m).

c) Excluding reversed corner lots, where sites comprising 40% 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 or the minimum front yard setback, whichever is lesser.



d) Where an accessory building is located to the rear of the main building, the rear, interior, and corner side yard for the accessory building may be 2.0 ft (0.6 m) provided the accessory building does not exceed 150 sq ft (13.9 sq m) and does not abut a front yard. Where an accessory building is over 150 sq ft (13.9 sq m) and is located to the rear of the main building, the rear, interior, and corner side yard for the accessory building must be 5.0 ft (1.5 m) provided it does not abut a front yard.

e) Accessory buildings and uses must not be located closer to a public roadway than the front wall of the principal building.

f) May not exceed the floor area of the principal use building.

g) The subdivision of an existing or proposed two-unit dwelling shall be required to meet 50% of the minimum site area and width (27 ft, 8.3 m).

h) The subdivision of an existing or proposed row type dwelling shall be required to have a minimum site area of 1,600 sq. ft. and a minimum site width of 16 ft. No side yard is required along a party wall.

3.5.2 Additional R2 Regulations

1) The maximum gross density in the R2 Zone shall be 15 dwelling units per acre.
2) The separation distance between buildings shall be 3 ft (0.9 m).
3) 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.
4) For developments that have more than 10 dwelling units, the exteriors of the dwelling units should provide individuality and variety of building design in terms of setbacks, entrances, elevations or finishing materials.
5) The maximum gross density for a Mobile Home Park shall be 8 dwellings per acre.

3.6 R3 – RESIDENTIAL HIGHER DENSITY

3.6.1 R3 Bulk Regulations

R3 Uses	Minimum						Maximum	
	Site		Yard				Site Coverage	Building Height
	Area	Width	Front	Side Interior	Side-Corner	Rear		
Dwelling, Single-unit	3,200 (297.3)	32 (9.8)	25 [e] (7.6)	5 [a] (1.5)	10 (3.1)	25 (7.6)	40%	35 (10.7)
Dwelling, Two-unit	5,400 [f] (594.6)	54 [f] (19.5)	25 [e] (7.6)	5 [a] (1.5)	10 (3.1)	25 (7.6)	50%	35 (10.7)
Dwelling, Multi-unit	9,000 [g] (836.1)	75 [g] (22.9)	25 (7.6)	5 [a] (1.5)	12 (3.7)	25 (7.6)	60%	50 (15.2)
Institutional Residence	8,000 (743.2)	60 (18.3)	25 (7.6)	5 (1.5)	12 (3.7)	25 (7.6)	40%	35 (10.7)
All Other "R3" Uses	10,000 (929)	100 (30.5)	25 (7.6)	5 (1.5)	12 (3.7)	25 (7.6)	60%	35 (10.7)
Accessory Buildings & Uses	n/a	n/a	n/a [c]	5 [b] (1.5)	5 [b] (1.5)	5 [b] (91.5)	10% [d]	15 (4.6)

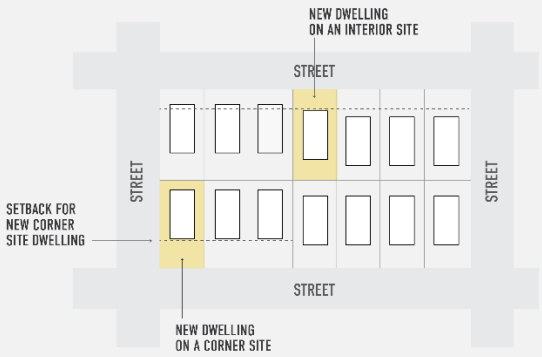
a) When no public lane is located at the rear of a Multi-unit Dwelling and no garage is attached to the side of the principal building, one side yard shall be a minimum of 12 ft (3.7 m). When no public lane is located at the rear of Single-unit or Two-unit Dwelling site and no garage to the side of the house, one side yard shall be a minimum of 10 ft (3.1 m) to provide vehicular access to the rear yard. A 10 ft (3.1 m) side yard shall be required if an accessory building in the rear yard has a door width greater than 7 ft (2.1 m). The accessory building must be on the same side of the house as the side yard.

b) Where an accessory building is located to the rear of the main building, the rear, interior and corner side yard for the accessory building may be 2 ft (0.6 m) provided the accessory building does not exceed 150 sq ft (13.9 sq m) and does not abut a front yard. Where an accessory building is over 150 sq ft (13.9 sq m) and is located to the rear of the main building, the rear, interior and corner side yard for the accessory building must be 5 ft (1.5 m) provided it does not abut a front yard.

c) Accessory buildings and uses must not be located closer to a public roadway than the front wall of the principal building.

d) May not exceed the floor area of the principal use building.

e) Excluding reversed corner lots, where sites comprising 40% 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 or the minimum front yard setback, whichever is lesser.



f) The subdivision of an existing or proposed two-unit dwelling shall be required to meet 50% of the minimum site area and width (27 ft, 8.3 m).

g) The subdivision of an existing or proposed row type dwelling shall be required to have a minimum site area of 1,600 sq. ft. and a minimum site width of 16 ft. No side yard is required along a party wall.

3.6.2 Additional R3 Regulations

1) The maximum gross density in the R3 Zone shall be 35 dwelling units per acre.
2) The separation distance between buildings shall be 3 ft (0.9 m).
3) For developments that have more than 10 dwelling units, the exteriors of the dwelling units should provide individuality and variety of building design in terms of setbacks, entrances, elevations, or finishing materials.

3.7 RR – RURAL RESIDENTIAL

3.7.1 RR Bulk Regulations

RR Uses	Minimum						Maximum	
	Site		Yard				Site Coverage	Building Height
	Area	Width	Front	Side Interior	Side-Corner	Rear		
Mobile Home Park	3 acres (1.2 ha)	200 (61)	25 (7.6)	5 (1.5)	10 (3.1)	25 (7.6)	50%	35 (10.7)
All Other "RR" Uses	2 acres (0.8 ha)	200 (61)	25 (7.6)	25 (7.6)	25 (7.6)	25 (7.6)	10% [c]	35 (10.7)
Accessory Buildings & Uses	n/a	n/a	n/a [b]	10 [a] (7.6)	25 [a] (4.6)	10 [a] (4.6)	5%[c]	35 (10.7)

a) Where an accessory building is located to the rear of the main building, the rear, interior and corner side yard for the accessory building may be 5 ft (0.6 m) provided the accessory building does not exceed 150 sq ft (13.9 sq m) and does not abut a front yard.

b) Accessory buildings and uses must not be located closer to a public roadway than the front wall of the principal building.

c) If a detached secondary suite exists, the total site coverage shall be 6%.

3.7.2 Additional RR Regulations

1) Water supply and sewage disposal shall be provided in accordance with applicable Provincial regulation.

2) A permit is required from Manitoba Infrastructure for any new structure / development proposed within Controlled Areas adjacent to PTHs 14 & 32 and at the intersection of PTH 14 / PTH 32 / PR 428, including a change in use or intensification of use within these controlled areas.

3) The maximum building height regulation of 35 ft (10.7 m) shall not apply to buildings or structures that are accessory to a Residential-Related Farm.

4) The maximum gross density for a Mobile Home Park shall be 8 dwelling units per acre.

3.8 CC – COMMERCIAL CENTRAL

3.8.1 CC Bulk Regulations

CC Uses	Minimum						Maximum	
	Site		Yard				Site Coverage	Building Height
	Area	Width	Front	Side Interior	Side-Corner	Rear		
Dwelling, Multi-unit	9,000 [b] (836.1)	75 (22.9)	0	0 [a]	20 (6.1)	20 (6.1)	80%	100 (30.5)
All Other "CC" Uses	2,500 (232.3)	25 (7.6)	0	0 [a]	0	20 (6.1)	n/a	35 (10.7)
Accessory Buildings & Uses [b c d]	n/a	n/a	0	0	0	5 (1.5)	10% [e]	15 (4.6)

a) A minimum side yard of 10 ft (3.1 m) shall be required where a site abuts the lot line of a Residential Zone.

b) Detached accessory buildings shall be located a minimum of 10 ft (3.1 m) from the principal building on the site.

c) Consideration should be made for out swing doors when buildings developed at 0 ft/m.

d) Accessory buildings and uses must not be located closer to a public roadway than the front wall of the principal building.

e) May not exceed the floor area of the principal use building.

3.8.2 Additional CC Regulations

1) No loading, storage, trash collection, outdoor service or display area shall be permitted within a side yard, unless approved by Designated Officer. 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 Subsection 2.12 of this By-law.

2) If the rear or side lot lines of a site abut a Residential Zone and are used for parking, an outdoor service or display area, or both, they shall be screened in accordance with Subsection 2.12 of this By-law.

3) Any fuel storage areas established on the site shall comply with the applicable Provincial storage and handling regulation and fire code.

4) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Provincial legislation.

5) 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 or Drive-Through Establishment

    b. Eating and Drinking Establishment

    c. Retail, Small or Large

6) For developments that have more than ten dwelling units, the exteriors of the dwelling units should provide individuality and variety of building design in terms of setbacks, entrances, elevations and finishing materials.

3.9 CG – COMMERCIAL GENERAL

3.9.1 CG Bulk Regulations

CG Uses	Minimum						Maximum	
	Site		Yard				Site Coverage	Building Height
	Area	Width	Front	Side Interior	Side-Corner	Rear		
Dwelling, Multi-unit [g]	9,000 [e] (836.1)	75 [e] (22.9)	20 (6.1)	5 [f] (1.5)	15 (4.6)	20 (6.1)	50%	35 (10.7)
All "CG" Uses	10,000 (929)	100 (30.5)	20 (6.1)	5 [a] (1.5)	15 (4.6)	20 (6.1)	50%	35 (10.7)
Accessory Buildings & Uses [b c]	n/a	n/a	20 (6.1)	5 (1.5)	15 (4.6)	10 (3.1)	10% [d]	15 (4.6)

a) A minimum side yard of 10 ft (3.1 m) shall be required where a site abuts the lot line of a Residential Zone. When no public lane is located at the rear of the building and no garage is attached to the side of a principal building, one side yard shall be a minimum of 15 ft (4.6 m).

b) Detached accessory buildings shall be located a minimum of 10 ft (3.1 m) from the principal building on the site.

c) Accessory buildings and uses must not be located closer to a public roadway than the front wall of the principal building.

d) May not exceed the floor area of the principal use building.

e) The subdivision of an existing or proposed row type dwelling shall be required to have a minimum site area of 1,600 sq. ft. and a minimum site width of 16 ft. No side yard is required along a party wall.

f) When no public lane is located at the rear of a Multi-unit Dwelling and no garage is attached to the side of the principal building, one side yard shall be a minimum of 12 ft (3.7 m).

g) Multi-unit dwellings must meet the requirements for density and parking of the R2 Zone.

3.9.2 Additional CG Regulations

1) No loading, storage, trash collection, outdoor service, or display area shall be permitted within a side yard unless approved by the Designated Officer. 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 Subsection 2.12 of this By-law.

2) If the rear or side lot lines of a site abut a Residential use and are used for parking, an outdoor service or display area, or both, they shall be screened in accordance with Subsection 2.12 of this By-law.

3) Any fuel storage areas established on the site shall comply with the applicable Provincial storage and handling regulation and fire code.

4) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Provincial legislation.

5) 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 or Drive-Through Establishment

b. Eating and Drinking Establishment

c. Rapid Drive-Through Vehicle Service

d. Retail, Small or Large

6) All exposed building faces shall have consistent and harmonious exterior finishing materials as determined by the Designated Officer.

7) For developments that have more than 10 dwelling units, the exteriors of the dwelling units should provide individuality and variety of building design in terms of setbacks, entrances, elevations, and finishing materials.

8) A permit is required from Manitoba Infrastructure for any new structure / development proposed within Controlled Areas adjacent to PTHs 14 & 32 and at the intersection of PTH 14 / PTH 32 / PR 428, including a change in use or intensification of use within these controlled areas.

3.10 CH – COMMERCIAL HIGHWAY

3.10.1 CH Bulk Regulations

CH Uses	Minimum						Maximum	
	Site		Yard				Site Coverage	Building Height
	Area	Width	Front	Side Interior	Side-Corner	Rear		
All "CH" Uses	15,000 (1,393)	100 (30.5)	40 (12.2)	25 [a] (7.6)	25 (7.6)	25 (7.6)	50%	35 (10.7)
Accessory Buildings & Uses [b c]	n/a	n/a	40 (12.2)	15 (4.6)	15 (4.6)	15 (4.6)	10% [d]	15 (4.6)

a) A minimum side yard of 10 ft (3.1 m) shall be required where a site abuts the lot line of a Residential Zone. When no public lane is located at the rear of the building and no garage is attached to the side of a principal building, one side yard shall be a minimum of 15 ft (4.6 m).

b) Detached accessory buildings shall be located a minimum of 10 ft (3.1 m) from the principal building on the site.

c) Accessory buildings and uses must not be located closer to a public roadway than the front wall of the principal building.

d) May not exceed the floor area of the principal use building.

3.10.2 Additional CH Regulations

1) No loading, storage, trash collection, outdoor service or display area shall be permitted within a side yard unless approved by Designated Officer. 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 Subsection 2.12 of this By-law.

2) If the rear or side lot lines of a site abut a Residential use and are used for parking, an outdoor service or display area, or both, they shall be screened in accordance with Subsection 2.12 of this By-law.

3) Any fuel storage areas established on the site shall comply with the applicable Provincial storage and handling regulation and fire code. Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Provincial legislation.

4) 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 or Drive-Through Establishment

    b. Eating and Drinking Establishment

    c. Rapid Drive-Through Vehicle Service

    d. Retail, Large

5) All exposed building faces shall have consistent and harmonious exterior finishing materials as determined by the Designated Officer.

6) A permit is required from Manitoba Infrastructure for any new structure / development proposed within Controlled Areas adjacent to PTHs 14 & 32 and at the intersection of PTH 14 / PTH 32 / PR 428, including a change in use or intensification of use within these controlled areas.

3.11 SI – SERVICE INDUSTRIAL

3.11.1 SI Bulk Regulations

SI Uses	Minimum						Maximum	
	Site		Yard				Site Coverage	Building Height
	Area	Width	Front	Side Interior	Side-Corner	Rear		
All "SI" Uses	7,500 (696.8)	100 (30.5)	20 (6.1)	5 [a] (1.5)	15 (4.6)	20 (6.1)	70%	45 (13.7)
Accessory Buildings & Uses [b c]	n/a	n/a	20 (6.1)	5 (1.5)	15 (4.6)	10 (3.1)	10% [d]	25 (7.6)

a) A minimum side yard of 10 ft (3.1 m) shall be required where a site abuts the lot line of a Residential Zone.

b) Detached accessory buildings shall be located a minimum of 10 ft (3.1 m) from the principal building on the site.

c) Accessory buildings and uses must not be located closer to a public roadway than the front wall of the principal building.

d) May not exceed the floor area of the principal use building.

3.11.2 Additional SI Regulations

1) All development shall comply with Subsection 4.4 of this By-law.
2) Any fuel storage areas established on the site shall comply with the applicable Provincial storage and handling regulation and fire code.
3) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba legislation.
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.
    c. A solid fence shall be provided and maintained in a condition that is 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 is of the opinion that a proposed development may conflict with these regulations, the application shall be referred to the appropriate Provincial departments(s) prior to issuing a development permit.
6) A permit is required from Manitoba Infrastructure for any new structure / development proposed within Controlled Areas adjacent to PTHs 14 & 32 and at the intersection of PTH 14 / PTH 32 / PR 428, including a change in use or intensification of use within these controlled areas.

3.12 M – INDUSTRIAL

3.12.1 M Bulk Regulations

M Uses	Minimum						Maximum	
	Site		Yard				Site Coverage	Building Height
	Area	Width	Front	Side Interior	Side-Corner	Rear		
All "M" Uses	10,000 (929)	100 (30.5)	20 (6.1)	5 [a] (1.5)	15 (4.6)	20 (6.1)	70%	75 (22.9)
Accessory Buildings & Uses [b c]	n/a	n/a	20 (6.1)	5 (1.5)	15 (4.6)	10 (3.1)	10% [d]	25 (7.6)

a) A minimum side yard of 10 ft (3.1 m) shall be required where a site abuts the lot line of a Residential Zone.

b) Detached accessory buildings shall be located a minimum of 10 ft (3.1 m) from the principal building on the site.

c) Accessory buildings and uses must not be located closer to a public roadway than the front wall of the principal building.

d) May not exceed the floor area of the principal use building.

3.12.2 Additional M Regulations

1) All development shall comply with Subsection 4.4 of this By-law.

2) Any fuel storage areas established on the site shall comply with the applicable Provincial storage and handling regulation and fire code. Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Provincial legislation.

3) 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.

   c. A solid fence shall be provided and maintained in a condition that is acceptable to the Designated Officer.

4) 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 departments(s) prior to issuing a development permit.

5) A permit is required from Manitoba Infrastructure for any new structure / development proposed within Controlled Areas adjacent to PTHs 14 & 32 and at the intersection of PTH 14 / PTH 32 / PR 428, including a change in use or intensification of use within these controlled areas.

3.13 I – INSTITUTIONAL

3.13.1 I Bulk Regulations

I Uses	Minimum						Maximum	
	Site		Yard				Site Coverage	Building Height
	Area	Width	Front	Side Interior	Side-Corner	Rear		
Institutional Residence	8,000 (743.2)	60 (18.3)	25 (7.6)	5 (1.5)	12 (3.7)	25 (7.6)	40%	35 (10.7)
All Other "I" Uses	20,000 (1,858)	100 (30.5)	25 (7.6)	15 (4.6)	15 (4.6)	25 (7.6)	60%	35 (10.7)
Accessory Buildings & Uses [a] [b]	n/a	n/a	25 (7.6)	5 (1.5)	5 (1.5)	5 (1.5)	10% [c]	15 (4.6)

a) Detached accessory buildings shall be located a minimum of 10 ft (3.1 m) from the principal building on the site.

b) Accessory buildings and uses must not be located closer to a public roadway than the front wall of the principal building, unless approved by the Designated Officer.

c) May not exceed the floor area of the principal use building.

3.14 PR – PARKS AND RECREATION

3.14.1 PR Bulk Regulations

PR Uses	Minimum						Maximum	
	Site		Yard				Site Coverage	Building Height
	Area	Width	Front	Side Interior	Side-Corner	Rear		
All "PR" Uses	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Accessory Buildings & Uses [a b]	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

a) Detached accessory buildings shall be located a minimum of 10 ft (3.1 m) from the principal building on the site.

b) Accessory buildings and uses must not be located closer to a public roadway than the front wall of the principal building, unless approved by the Designated Officer.

3.15 PI – PUBLIC INFRASTRUCTURE

3.15.1 PI Bulk Regulations

PI Uses	Minimum						Maximum	
	Site		Yard				Site Coverage	Building Height
	Area	Width	Front	Side Interior	Side-Corner	Rear		
All "PI" Uses	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Accessory Buildings & Uses [a] [b]	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

a) Detached accessory buildings shall be located a minimum of 10 ft (3.1 m) from the principal building on the site.

b) Accessory buildings and uses must not be located closer to a public roadway than the front wall of the principal building, unless approved by the Designated Officer.

3.16 DR – DEVELOPMENT RESERVE

3.16.1 DR Bulk Regulations

DR Uses	Minimum						Maximum	
	Site		Yard				Site Coverage	Building Height
	Area	Width	Front	Side Interior	Side-Corner	Rear		
Dwelling, Single-unit	2 acres (0.8 ha)	200 (61)	25 (7.6)	25 (7.6)	25 (7.6)	25 (7.6)	10%	35 (10.7)
All Other "DR" Uses	20 acres (8.1 ha)	600 (182.9)	50 (15.2)	15 (4.6)	15 (4.6)	25 (7.6)	50%	35 (10.7)
Accessory Buildings & Uses [a b]	n/a	n/a	n/a	10 (3.0)	25 (7.6)	10 (3.0)	5%	35 (10.7)

a) Detached accessory buildings shall be located a minimum of 10 ft (3.1 m) from the principal building on the site.

b) Accessory buildings and uses must not be located closer to a public roadway than the front wall of the principal building.

3.16.2 Additional DR Regulations

1) Water supply and sewage disposal shall be provided in accordance with *The Environment Act*, *The Public Health Act* and *The Drinking Water Safety Act*.

2) A permit is required from Manitoba Infrastructure for any new structure / development proposed within Controlled Areas adjacent to PTHs 14 & 32 and at the intersection of PTH 14 / PTH 32 / PR 428, including a change in use or intensification of use within these controlled areas.

3) The maximum building height regulation of 35 ft (10.7 m) shall not apply to buildings or structures that are accessory to a Residential-Related Farm.

4) Water supply, sewage disposal, and waste management shall be provided in accordance with *The Environment Act*, *The Public Health Act* and *The Drinking Water Safety Act*.

5) 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.

   c. Be prejudicial to the future economical subdivision, servicing, and development of the subject land for future urban uses on a planned basis.

6) 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.

7) A dwelling unit is allowed in conjunction with a Campsite development if it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.

8) Water supply and sewage disposal shall be provided in accordance with *The Environment Act*, *The Public Health Act* and *The Drinking Water Safety Act*.

9) Any materials related to a small-scale business operation shall be kept within an enclosed building. These buildings shall be constructed and finished with durable materials and blend in with the surrounding residential development.

PART 4 - USE SPECIFIC STANDARDS

4.1 APPLICABILITY

The Use Specific Standards apply to the uses listed irrespective of the Zone in which they are located. Where these regulations appear to be in conflict with the Zone 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 Zone.

4.2 RESIDENTIAL DESIGN STANDARDS

1) Developments with greater than 100 R1 Zone lots shall be required to provide lots or parcels for multiple-unit housing amounting to a minimum of 10% lots of the total housing unit yield. City/Developers may shadow-plan multi-unit parcels for conversion to future single-unit housing subject to Council approval.
2) Locate parks and open public open spaces a maximum of 0.5 km (0.3 mi) away from housing and development.
3) Parks and open spaces are required to be connected via safe pedestrian/cycle pathways to housing developments.

4.2.2 Accessory Buildings and Structures

1) 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.
2) Where the accessory building is detached from the principal building, it shall have a minimum separation distance of 3 ft (0.9 m) clear of all projections to the principal building or any other building or structure on site, nor shall it be located closer to the public roadway than the front wall of the principal building, unless approved by the Designated Officer in the PI, PR and I zones.
3) The total floor area of accessory buildings and structures may not exceed the site coverage maximum.

4.2.3 General Performance Standards for Residential Uses

1) In any development, the design, use of exterior finishing materials, and construction shall be to the satisfaction of the Designated Officer or 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. The Designated Officer or 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.

4.2.4 Separation Distances from Other Uses

1) No dwelling unit shall be located within 1,320 ft (402.3 m) 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.

b. Approval has been obtained from the applicable Provincial authority.

2) No dwelling unit shall be located within 1,500 ft (457.2 m) of the boundary of a municipal sewage treatment facility.

3) No dwelling unit shall be located within 50 ft (15.2 m) from the edge of a right-of-way or easement 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 100 ft (30.5 m) from the edge of a railway right-of-way.

5) No dwelling unit shall be located within 500 ft (152.4 m) from any active natural resource development.

4.2.5 Side Yard Exceptions

Side yard regulations shall not apply along the common party walls. The following dwellings that have common party walls shall be considered as one building occupying one lot: Two-Unit Dwellings and Multiple-Unit Dwellings.

4.2.6 Subdivision of Existing Attached Dwellings

1) A site with a two-unit attached dwelling or a row type multi-unit dwelling located thereon may be subdivided into two or more sites provided that:

a. Any new side site line shall, where possible, be a straight line between the front and rear site lines, located in such a manner that the party wall of two adjacent units shall form part of the new side site line.

b. Each site created shall have frontage on a street other than a lane.

c. Each site created shall provide not less than 1 on-site parking space having access directly to either a public lane or street.

d. The permitted use for each site created shall be for one attached single-unit dwelling only.

e. All applicable building and sewer and water by-laws shall be complied with.

f. In the case of the subdivision of a two-unit attached dwelling, the minimum site requirements must be provided with the exception that no side yard is required along the party wall.

g. Notwithstanding the minimum bulk requirements, in the case of row type dwellings, any new site created pursuant to this Subsection shall have a minimum site area of 1,600 sq. ft. and a minimum site width of 16 ft. No side yard is required along a party wall.

4.3 COMMERCIAL DESIGN STANDARDS

1) All commercial developments shall be designed to:

   a. Convey an image of cohesive appearance and architectural character.

   b. Ensure that offices, reception, and public use areas are easily identifiable and visible from the public roadway.

   c. Be constructed and finished with durable materials to maintain the initial appearance of the development throughout the life of the project.

2) The siting and access of drive-throughs, eating and drinking establishments, and large and small retail shall be to the satisfaction of the Designated Officer who shall ensure that such developments do not prejudice the safety and transportation function of the public roadways.

3) The Designated Officer or Council may require that the appearance of walls exposed to public view from beyond the site of a commercial development be combined with other materials where, in the Designated Officer or Council's opinion, such walls are inconsistent with the finishing materials or appearance characteristics of surrounding developments.

4) The location of the principal building on a site of a commercial development shall take into account:

   a. The setbacks, building placement and orientation of adjacent sites.

   b. The micro-climatic effects, including shading of adjacent buildings or sites.

5) Garbage collection, loading, storage, or outdoor service areas for commercial developments shall be developed in accordance with Subsection 2.12 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 personal property which, in the opinion of the Designated Officer or Council, are unsightly or adversely affect the character or appearance of the site or surrounding developments.

4.4 INDUSTRIAL DESIGN STANDARDS

4.4.1 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.

4.4.2 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 which exceeds the regulations of the Province of Manitoba pursuant to *The Environment Act*, *The Dangerous Goods Handling & Transportation Act* and regulations pertaining thereto, or the *City of Winkler Noise By-law*, as amended.

4.4.3 Appearance

1) 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, where required by the Designated Officer 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 6.6 ft (2.0 m).

2) 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.

3) The Designated Officer may require that exposed projections outside the building such as mechanical and electrical equipment, transformer ducts, and materials handling equipment be screened from view from any public roadway, or from adjacent sites if, in their opinion, such projections are inconsistent with the character and appearance of surrounding development or the intended visual qualities of the said Zone.

4) 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 their opinion, such walls are inconsistent with the finishing materials or appearance characteristic of surrounding development.

5) 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.

4.5 VEHICULAR – ORIENTED USES

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) Stacking space shall be provided as follows:

   a. For Drive-in or Drive-through Establishment and other Commercial uses having a drive-up service window, a minimum of 12 in-bound stacking spaces shall be provided for vehicles approaching the drive-up service window. Of the 12 in-bound stacking spaces for vehicles approaching a drive-up service window, at least 8 spaces must be located prior to the order box or menu board.

   b. 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.

3) For Rapid Drive-Through Vehicle Services, stacking space shall be provided as follows:

   a. For self-service including coin operated car washes, a minimum of two in-bound and one out-bound stacking spaces shall be provided for each service bay, plus one additional stacking space before the entrance to the facility.

b. For automatic (touchless) car washes, a minimum of three in-bound and one outbound stacking spaces shall be provided for each service bay, plus two additional stacking spaces before the entrance to the facility.

c. All stacking spaces shall be a minimum of 18 ft (5.5 m) long and 10 ft (3.1 m) wide. Stacking lanes shall provide sufficient space for turning and maneuvering.

4) Service Stations shall comply with the following additional regulations:

a. All pump islands and underground storage tanks shall be located at least 20 ft (6.1 m) from any boundary of the site.

b. Refueling areas are not permitted in a required parking area.

c. A canopy over a pump island may extend to within 10 ft (3.1 m) of the boundary of the site. The canopy area shall not constitute part of the site coverage for the purpose of this Subsection of the By-law.

5) Stacking spaces should not block or interfere with the smooth flow of traffic to and from:

a. Required off-street parking spaces

b. The driving aisles providing access to those spaces, or

c. Any adjacent street or public lane through an approved access point

4.6 MOBILE HOME

4.6.1 Mobile Homes

Mobile homes require a development permit. No mobile home shall receive a development permit unless it complies with the following regulations:

1) All mobile homes, even those constructed outside the municipality, must meet the structural standards in *The Buildings and Mobile Homes Act*.

2) A mobile home, when located permanently on a site, shall:

a. Be connected to municipal sewer and water services when such services are available on the site.

b. Be placed and anchored on a permanent foundation in accordance with the CSA Z240.10.1 Site Preparation, Foundation, and Anchorage for Manufactured Homes standard.

c. Have skirting that screens the view of the foundation supports or wheels.

4.6.2 Mobile Home Park

A mobile home park must meet the following standards:

1) More than one mobile home may be permitted on an approved mobile home park site.

2) A mobile home park must provide a roadway with a driving surface a minimum of 16.5 ft (5.0 m) wide with an all-weather surface that serves all dwellings that meets the municipal roadway lighting and surface water drainage standards.

3) A mobile home park must provide clear identification of each dwelling space and its boundaries.

4) A mobile home park must provide a centrally located common park space or recreation area equivalent to a minimum area of 262 sq ft (24.3 sq m) per dwelling space.

5) An application for a mobile home park must be accompanied with a detailed site plan, including:

    a. location of the site boundaries

    b. foundations, pads, or mobile home sites

    c. accessory buildings

    d. internal roads

    e. sidewalks and active transportation paths

    f. vehicle parking

    g. systems supplying electrical power, water, and sewage disposal.

4.7 SECONDARY SUITES

1) Secondary suites are permitted if they comply with the following regulations:

    a. Not more than one secondary suite shall be permitted on a single site.

    b. A site cannot have both a boarding house and a secondary suite.

    c. A minimum of one off-street parking space must be provided for each secondary suite, in addition to the parking required for the principal building.

2) The maximum floor area of the secondary suite shall not exceed 860 sq ft (80 sq m) or 40% of the total habitable floor space of the principal building (whichever is the lesser).

3) The following additional regulations shall apply to detached secondary suites:

    a. Shall follow the setback standards for accessory buildings and structures in the Bulk Regulation Table.

    b. Shall not exceed a height of 15 ft (4.6 m) when the detached suite is located in a single storey accessory building.

    c. Shall be located in the rear yard.

    d. Shall be set back a minimum of 10 ft (3.0 m) from rear of the principal dwelling.

    e. Shall not exceed 60% of the total habitable floor area of the principal dwelling, to a maximum of 645.8 sq ft (60 sq m).

    f. Basements are prohibited in detached secondary suites.

    g. Service cables including electrical, telephone and television will be buried underground if underground servicing is the normal practice in the neighborhood where the detached suite is located.

    h. Subdivision of land which results in a separate land title for the secondary suite will not be permitted.

i. Notwithstanding the maximum bulk requirements, in the case of detached secondary suites, the total site coverage regulation for all accessory buildings and uses on site may be increased to 15% in the R1 zone and 6% in the RR zone.

4.8 HOME OCCUPATIONS

The following apply to all Home Occupations (Home Industries and Home-Based Businesses):

1) A home occupation must not produce any offensive noise, vibration, traffic, smoke, dust, odour, glare, heat, or electrical interference as determined by the Designated Officer.
2) A home occupation will involve no external storage of materials, containers, or finished products, unless approved by the Designated Officer.
3) A home occupation is not permitted to use or store materials or processes that produce flammable explosive vapours or gases.
4) A home occupation that requires delivery of materials or commodities in bulk quantity to and from the residence by commercial vehicles or trailers may not be permitted.

4.8.1 Home Industry

A Home Industry shall comply with the following regulations:

1) Exterior storage of products or materials must be limited to the Rear Yard, unless the products or materials are screened from public view to the satisfaction of the Designated Officer. The storage shall not project above the height of a fence or screening.
2) The area used to carry out the Home Industry shall not occupy more than 4,305 sq ft (400 sq m).
3) A Home Industry shall be conducted by a resident or residents of the dwelling unit to which the Home Industry is secondary.
4) The proponent of the Home Industry must obtain a development permit before establishing or expanding a Home Industry on a site.
5) In the case of rental premises, the proponent will be required to obtain the permission of the owner of the premises before a development permit will be issued.

4.8.2 Home Based Businesses

Home Based businesses shall:

1) Be conducted by a person or persons residing in the dwelling.
2) Not have more than 30% of the total floor area of buildings on the site devoted to the business.
3) An accessory structure may be used for conducting a home-based business, provided that the structure complies with all other requirements of this By-law.
4) Work or activity must be conducted entirely within the residential unit or accessory building.
5) More than one home-based business per dwelling may be permitted, provided that all applicable regulations are satisfied.

4.8.3 Child Care Services – Accessory Use

1) Accessory use Child Care Services must provide a pick-up/drop-off area, which may be a driveway, sufficient to ensure the safety of people when entering and leaving the premises.
2) Accessory use Child Care Services may occupy 100% of the total floor space.

4.9 BED AND BREAKFAST

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

1) There shall be no exterior display or advertisement larger than 6.0 sq ft (0.6 sq m) in area, provided that no sign shall be illuminated, and any sign must be compatible with the residential character of the area.
2) The Bed and Breakfast Home shall not generate vehicular traffic or parking that is in excess of what is normally characteristic of the area.
3) The Bed and Breakfast 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:
    a. Three bedrooms or bedroom suites in the R1, R2, R3, CC and CG Zones.
    b. Six bedrooms or bedroom suites in the RR Zone.
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 suite.
7) An approved 4.6 lb (2.2 kg) multi-purpose portable fire extinguisher shall be visibly mounted near the kitchen exit door, preferably the door leading directly outdoors.

4.10 ACCESSORY DWELLING UNIT

1) Where permitted, accessory dwelling units shall:
    a. Only be permitted as an accessory use.
    b. Only be permitted in conjunction with a permitted principal use.
    c. Be fully separated from the associated principal use by walls, partitions and/or floors.
    d. Have an entrance from the exterior of a building which is separate from the main entrance of the principal use.

4.10.1 Accessory Dwelling Unit – Industrial

1) Industrial accessory dwelling units shall:
    a. Not exceed 10% of the principal buildings floor area or 400 sq ft (37.2 sq m), whichever is lesser.

b. Only be occupied by owners, employees, or operators of the associated principal use.

c. Have a maximum of one accessory one-bedroom per parcel.

4.10.2 Accessory Dwelling Unit – Commercial / Institutional

1) Commercial / Institutional accessory dwelling units shall:

   a. Be located above the ground floor or to the rear of the building.

   b. Have a minimum of 1 parking stall for the dwelling unit in addition to the parking requirements for the principal use.

   c. Have a minimum dwelling unit floor area of 600 square feet, or 25% of the floor area of the total building, which is greater.

2) A home-based business shall not be permitted in the residential portion of the dwelling unit.

4.11 PLANNED UNIT DEVELOPMENTS

1) A development that proposes a mixture of different land uses, or which do not necessarily conform to the requirements of this By-law may be deemed by Council, a Planned Unit Development.

2) A Planned Unit Development may contain two or more principal buildings or use classes, subject to Section 4.11.4.

3) Specific use regulations and dimensional standards of the Zone shall not directly apply to Planned Unit Developments. However, the uses and standards of a Planned Unit Development shall incorporate the minimum equivalent performance standards applicable in this By-law.

4) An application for a planned unit development must be accompanied with a detailed site plan, as per Part 8 – Development Permits

5) Planned Unit Developments should be regulated through a site plan agreement or development agreement which is caveated against the title at the Land Titles office.

4.11.1 Residential Planned Unit Developments

1) The minimum site area for a residential Planned Unit Development shall be 20,000 sq ft (0.46 acres).

2) In no case shall buildings be closer to each other than the sum of the required yards for adjoining walls.

3) The density of development shall not be increased by greater than 10% of the normal density permitted in that zone.

4.11.2 Commercial / Industrial Planned Unit Developments

1) The minimum site area for a commercial and/or industrial Planned Unit Development should be 20,000 sq ft (0.46 acres).

2) In no case shall buildings be closer to each other than the sum of the required yards for adjoining walls.

3) The density of development shall not be increased by greater than 10% of the normal density permitted in that zone.

4) Permitted uses for a Planned Unit Development site shall be identified through a development agreement.

4.11.3 Residential Bareland Condominium Developments

1) A bareland unit, as defined in The Condominium Act, which is delineated by horizontal land boundaries, shall be considered a site under this By-law for the purposes of determining the applicable dimensional standards.

2) Dwelling units on multiple zoning sites within bareland condominium developments may share access to a public road by way of a street defined as a common element in The Condominium Act, provided the following conditions are met:

   a. The minimum width of the street must be 20 feet.

   b. The street must be surfaced with concrete, asphalt, paving stones, or some combination of those materials, as to prevent the rising of dust or similar loose particles.

   c. The street shall be designed to accommodate the turning radius of emergency vehicles.

   d. The private driveways providing access from the dwellings to the street must be designed, constructed, and maintained in accordance with Subsection 5.5.

4.11.4 Multiple Use Sites

1) If a development with more than one main use, building or structure on a single site may not, in the opinion of the Designated Officer, be of a magnitude to necessitate a Planned Unit Development. Multiple uses on a single site may be permitted provided that:

   a. The second or subsequent use, building or structure is a permitted or conditional use in the applicable zone.

   b. The relevant Use Specific Standards and provisions for each use are met.

4.12 CRYPTOCURRENCY PROCESSING

1) As a condition of approval, council may require that the owners enter into a development agreement and that they be required to replace the capacity used from the electrical power grid.

4.13 URBAN FARMS

1) A development permit application for an urban farm that involves any of the following activities must be accompanied with a plan that addresses how the activities will be managed to mitigate impacts on surrounding land uses and natural systems:

   a. The processing of food produced on site.

b. The use of heavy equipment such as tractors.

2) Greenhouses, compost structures, hoop houses, and similar structures are permitted as accessory structures, provided they conform to the applicable bulk requirements for accessory buildings and structures for the relevant zone.

3) Compost must be maintained in a way that limits nuisance odors to adjacent properties.

4) On-site sales are limited to sales of plants or produce generated on site.

4.14 POOLS, HOT TUBS & WATER FEATURES

1) The maximum allowable depth of in-ground swimming pools shall be determined by the City's Designated Officer based on site considerations.

2) Sump pump and drain tiles for in-ground pools may not discharge into the City's sewer system.

3) Maximum site coverage regulations shall not apply to Private and Semi-Private Swimming Pools and Hot Tubs.

4) Permanent Private Swimming Pools and Hot Tubs shall be located a minimum of 5.0 ft (1.5 m) from any side or rear property lines.

5) All outdoor swimming pools, hot tubs and water features capable of holding 24 in (0.6 m) of water depth shall be completely enclosed with a fence or other suitable barrier constructed or erected in accordance with the following:

   a. It shall have a minimum height of 5.0 ft (1.5 m) including gates, which shall be self-closing and equipped with a lockable latch to prevent unauthorized entry.

   b. There shall be no openings other than an entry to a building or a gate and it shall be constructed so as to prevent a child from crawling under either the fence or gate.

   c. Where other than chain link is used, the outside surface of the enclosure shall be relatively smooth so as not to provide foot or toe holds.

   d. The enclosure surrounding an outdoor swimming pool, hot tub, or water feature shall be maintained in good repair.

6) Hot tubs must have a secured lid in place when not in use.

4.15 CANVAS BUILDINGS AND TENTS

1) If on-site for fewer than 90 days per calendar year, a Canvas Building or Tent:

   a. Shall be classified as a Temporary Use.

   b. Shall be located to the rear and/or side of the principal building.

   c. Shall be a maximum size of 5,000 sq ft (464.5 sq m)

   d. Shall be subject to the regulations regarding placement of accessory buildings, but shall not be allowed at any time within the portion of a property between the front building wall and any public street right-of-way unless authorized by the Designated Officer and subject to terms and conditions set out in the Development Permit.

2) If on-site for more than 90 days per calendar:

    a. Shall be classified as an accessory building and be subject to applicable zoning regulations and building codes.

4.16 PRIVATE & PUBLIC COMMUNICATIONS TOWERS & FACILITIES

1) The Federation of Canadian Municipalities (FCM)/Canadian Wireless Telecommunications Association (CWTA) Antenna System Siting Protocol (Protocol) must be addressed for any new cell towers or similar wireless technology infrastructure to be established in the City, including but not limited to:

    a. Notification of potential siting.

    b. Site investigation meeting with City to discuss location and potential co-location.

    c. Confirmation of municipal development and design preferences and requirements.

    d. A proposal submitted with all requirements contained in the Protocol.

    e. Confirmation of any applicable municipal fees.

2) The following systems are generally excluded from requirements to consult with the City, but must still consider local surroundings, neighbouring residents, co-location opportunities, sensitive locations, and Transport Canada marking requirements:

    a. Systems less than 49.2 ft (15 m) above ground.

    b. Maintenance of existing radio apparatus.

    c. Additions or modifications to an existing Antenna System, within limits described in the Protocol.

    d. Painting or lighting to comply with Transport Canada.

    e. Installation for an Entertainment Event or emergency, i.e. less than three months.

3) Private communication facilities may be allowed as an accessory use in accordance with the minimum yard requirements for accessory structures in the Zone in which it is to be located, with the following exceptions:

    a. A private communications facility is not subject to the height requirements for accessory structures.

    b. All private communication facilities shall be set back from all property lines of the site on which it is located a minimum distance equal to its height, measured from grade to the uppermost point of its extension.

    c. A private communications facility may be located on the roof of a building, provided the roof of the building can structurally support the weight of the facility, including all support apparatus, in accordance with the Manitoba and National Building Code.

4.17 SOLAR ENERGY GENERATING SYSTEMS

All solar energy generating systems must meet the following standards:

1) Any solar energy system not connected to a building shall adhere to the same setbacks and height restrictions for accessory buildings for the Zone in which the installation is situated.

2) A roof or wall-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 of a principal building may project a maximum of 5 ft (1.5 m) from the surface of the roof but may not extend beyond the outermost edge of the roof.

4) A solar energy system that is mounted on a wall of a principal building or accessory building may project a maximum of 5 ft (1.5 m) from the surface of the wall into the rear yard (only) and must be located a minimum of 8 ft (2.4 m) above grade.

5) A solar energy system may be located on the roof of a building, provided the roof of the building can structurally support the weight of the solar system, including all support apparatus, in accordance with the Manitoba and National Building Code.

4.18 WIND ENERGY GENERATING SYSTEMS

1) Commercial Wind Energy Generating systems are not permitted within the City of Winkler.

2) On Site Use Wind Energy Generating systems must meet the following standards:

   a. An on-site use wind energy generating system must be set back no less than 1.5 times the total turbine height from the property line and any public road or railway right of way or at least 20 ft (6.1 m) behind the front facing wall of the principal building, or in the case of corner lots, at least 15 ft (4.6 m) from the front and side site lines, whichever is greater.

   b. On-site use wind energy generating systems are permitted to exceed the maximum heights permitted in the Zone, up to a maximum 15 ft (4.6 m) above the roof of the principal building.

   c. An on-site use wind energy generating system must be safely and securely attached to a rooftop in compliance with the National and Provincial Building Codes.

4.19 APIARIES

1) No hives shall be located within 25 ft (7.5 m) of a site line unless located in compliance with the following:

   a. The hive's base is set at a minimum height of 8.0 ft (2.4 m) above grade or

   b. Is located behind a solid fence or hedge 6.0 ft (1.8 m) in height located parallel to an adjacent property line and extending a minimum of 20 ft (6.1 m) horizontally behind the hive in either direction.

2) Every landowner who allows the keeping of bees on their property has the duty to ensure the maintenance of the beehives. The bees must be requeened if they swarm or show signs of aggressive behaviour.

4.20 HAZARDOUS MATERIALS STORAGE

1) No commercial-related or industrial-related Bulk Storage Facility or Agricultural Crop Protection Warehouse shall be located within:
    a. 1,000 ft (304.8 m) of a building used for human occupancy.
    b. 328.1 ft (100 m) from the edge of the rights-of-way of Provincial Trunk Highways, Provincial Roads as well as all Provincial Access Roads.

4.21 RESIDENTIAL-RELATED FARM BUILDING

1) Accessory residential-related farm buildings or structures shall be a minimum distance of 100 ft (30.5 m) from any lot line.
2) A Residential-Related Farm can only be developed as an accessory use in conjunction with a Single-unit Dwelling.

4.22 BOARDING OR ROOMING HOUSE

Where permitted, the cumulative area of the sleeping rooms for a boarding house shall be limited to a maximum of 50% of the gross floor area of the dwelling.

4.23 SHIPPING CONTAINERS

1) A rail car, semi-trailer, sea-can or shipping container used for storage must be located to the rear and/or side of the principal building and must adhere to the following standards:
    a. If used for less than 90 days per calendar year:
        i. Shall be classified as a Temporary Use and must comply with Subsection 2.4 of this By-law.
    b. If used for more than 90 days per calendar:
        i. Shall be classified as an Accessory Use and must comply with section 2.3 of this By-law.
        ii. Shall be placed on a concrete or wood foundation.
        iii. Shall be painted to match the colour of the principal building or be screened from public view.
    c. For sites less than 2.3 acres (1.0 ha) there shall be no more than four rail cars or semi-trailers, or similar such containers.
    d. For sites between 2.3 acres (1.0 ha) and 4.9 acres (2.0 ha) there shall be no more than eight rail cars or semi-trailers, or similar such containers.
    e. For sites greater than 4.9 acres (2.0 ha) there shall be no more than 12 rail cars or semi-trailers, or similar such containers.

4.24 CROP PRODUCTION

Existing uses of Crop Production in the Industrial Zones are to be considered existing, non-conforming.

PART 5 - PARKING AND ACCESS

5.1 GENERAL REGULATIONS

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 Part.

    a. Alternative parking stall and aisle width dimensions may be considered at the discretion of the City's Designated Officer.

2) All accessory off-street parking spaces shall be located on the same site as the use served, unless permitted by a variance order to locate elsewhere. When located on a different site, the parking lot site shall be located no further than 500 ft (152.4 m) from the site it serves. As a condition of approval, an agreement shall be entered into ensuring that the subject sites remain together for the purpose of satisfying parking requirements.

3) 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.

4) Accessory off-street parking spaces may be surface or structured.

5) Parking spaces and off-street parking and loading may be located in any required yard, except in the case of sites in Residential Zones, where there shall be no parking in the front yard other than a driveway. Parking spaces on driveways should be oriented perpendicular to the public roadway from which it has access, unless approved by the Designated Officer.

5.2 SURFACING

1) The surface of an accessory off-street parking area and its access driveways shall be designed in such a manner that there will be no free flow of water onto either adjacent properties or along public sidewalks.

2) All accesses to accessory off-street parking areas shall be paved.

3) Accessory off-street parking areas adjacent to Residential areas shall be hard-surfaced with either asphalt, concrete, or paving bricks.

5.3 LANDSCAPING

1) If a surface parking lot or accessory parking area is a size of 50 or more parking stalls:

    a. A landscaping plan and site drainage plan must be submitted to the Designated Officer for approval.

    b. Landscaped open space in the parking areas shall be provided in the minimum amount of 16.2 sq ft (1.5 sq m) for each parking space.

        i. Within this required landscaped area, trees shall be provided on the basis of a minimum one tree for each 45.00 sq. m. (484.59 sq. ft.) of any landscaped area, or as approved by the Designated Officer.

c. The required landscaping shall not be located in one area and shall be placed within the parking area so as to break up large areas of parking and to provide visual relief.

2) If a surface parking lot or accessory parking area abuts a public street, the parking area must:

   a. Provide bumper guards, wheel stops, masonry walls or fences in order to prevent a vehicle from encroaching onto public or private property.

   b. Be described in a landscaping plan and approved by the Designated Officer.

3) All boulevards must be seeded with grass and maintained by the property owner fronting the boulevard. Rock, gravel, or artificial cover of any kind is not permitted on the boulevard, with the exception of turfstone.

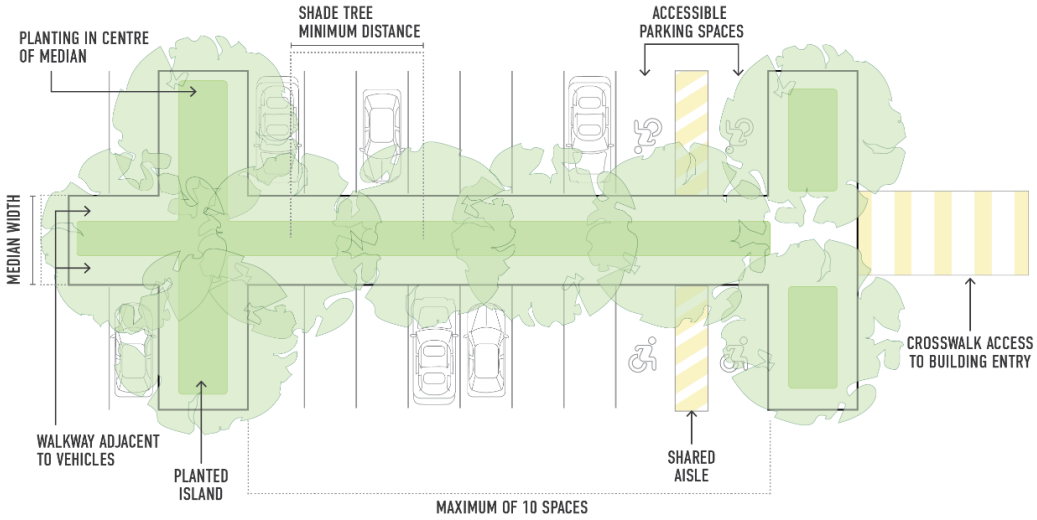


Figure 12: Parking Lot Landscaping

4) A parking area having eight (8) or more parking spaces may be required to be fenced at the discretion of the Designated Officer depending on existing adjacent uses.

5.4 OUTDOOR LIGHTING

1) Any outdoor lighting (other than those exempted in provision (3) below) must be located, arranged, or shielded so that no light is directed at any adjoining properties or interferes with the effectiveness of any traffic control device.

2) The maximum permitted height of a light fixture is 20 ft (6.1 m).

3) These standards do not apply to federally regulated or provincially regulated buildings and structures (including the lighting required for airports and towers).

5.5 DRIVEWAYS

1) All driveways that access a hard surfaced municipal roadway must be hard surfaced from property line to edge of roadway.

2) All driveways that access a gravel municipal roadway that will be hard surfaced in the future must be paved within one year of street construction completion, or within one year of development permit approval, whichever comes sooner.

3) The following maximum widths apply to all driveways:

Residential	50% site width up to a maximum of 29.5 ft (9 m) [a b]
Commercial	39. 4 ft (12 m) [a]
Industrial	49.2 ft (15 m) [a]

a) To be measured as a straight line from driveway edge to driveway edge, perpendicular to the length of the driveway at its widest point in the municipal right-of-way.

b) Exceptions may be made for odd-shaped lots at the discretion of the Designated Officer.

c) Notwithstanding the above, where existing driveways end 12 in (0.3 m) or less from an interior property line, the portion between the driveway and property line may be hard surfaced, subject to the discretion of the Designated Officer.

4) Every residential corner lot must situate the driveway on the interior side of the lot to increase the distance from the corner to the driveway. The driveway accesses must be a minimum of 9.8 ft (3.0 m) from the end of the radius on the curb.

5) Minimum driveway width, for all driveways, is 10 ft (3 m) for one-way traffic and 20 ft (6.1 m) for two-way traffic.

6) Residential driveways are limited to one per lot.

7) Commercial and Industrial driveways are limited to one per lot unless otherwise approved by the Designated Officer.

8) Shared accesses may be permitted as a condition of driveway access approval. A cross-access agreement may be required, at the discretion of the Designated Officer.

9) Flares may be permitted at the discretion of Designated Officer when they are deemed to be necessary to provide adequate fire access.

10) All curb cuts must be made horizontally unless other arrangements have been made with the Designated Officer.

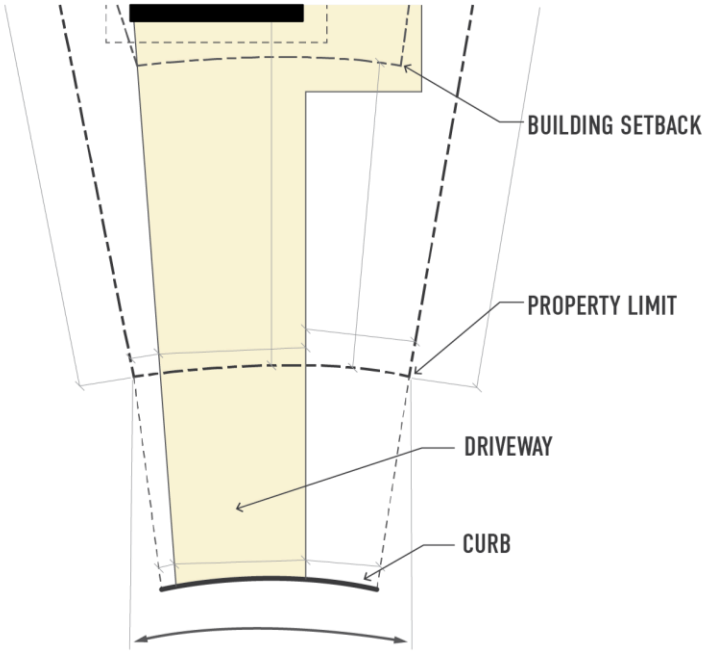


Figure 13: Driveway Dimensions

5.6 MINIMUM PARKING SPACES

1) Accessory off-street parking spaces shall be provided according to the minimum number of spaces as calculated below for uses within the Use Categories indicated.

2) Where the parking space regulation is determined by reference to a unit such as floor area, the next higher number shall be required where the calculation results in a fractional number of parking spaces.

3) Where parking requirements are based on the "floor area" of the use, the term "floor area" means the gross floor area of the principal building, excluding:

   a. Any area used for parking within the principal building.

   b. Any area used for incidental service storage, mechanical equipment, or similar uses.

Use	R1	R2	R3	RR	CC	CG	CH	SI	M	I	PR	DR	Unit
Residential													
Single unit, two-unit	2	2	2	2	N/a	n/a	n/a	n/a	n/a	1.0	n/a	n/a	Per dwelling unit
Multi-unit	2	1.5	1.0	n/a	0.5	n/a	n/a	n/a	n/a	1.0	n/a	n/a	Per dwelling unit. In R3 zone, additional 1.0 visitor spaces per 10% of total required spaces, excluding row house dwellings.

Use	R1	R2	R3	RR	CC	CG	CH	SI	M	I	PR	DR	Unit
Boarding or Rooming House	1.0	1.0	1.0	1.0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Per 3 suites, plus one space for the building owner
All Other Residential Uses	2	1.5	1.0	1.0	0.5	n/a	n/a	n/a	n/a	1.0	n/a	n/a	Per dwelling unit
Commercial													
Retail, Large	n/a	n/a	n/a	n/a	n/a	2.0	2.0	2.0	2.0	n/a	n/a	n/a	Per 1,076 sq ft (100 sq m) floor area
Eating or Drinking Establishment	1.0	1.0	1.0	n/a	n/a	1.0	1.0	1.0	n/a	1.0	n/a	n/a	Per 6 seats or 269 sq ft (25 sq m) whichever is lesser
Hotel	n/a	n/a	n/a	n/a	1.0	1.0	1.0	1.0	n/a	n/a	n/a	n/a	Per guest rooms or sleeping units
All Other Commercial Uses	1.0	1.0	1.0	1.0	n/a	n/a	n/a	1.5	1.5	1.5	n/a	2.0	Per 1,076 sq ft (100 sq m) floor area
Industrial													
All Industrial Uses	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1.0	1.0	1.0	n/a	1.0	Per 1,076 sq ft (100 sq m) floor area
Community													
Places of Worship	1.0	1.0	1.0	1.0	n/a	1.0	1.0	1.0	1.0	1.0	n/a	n/a	Per 4 seating places for the public or 430 sq ft (40 sq m) of assembly room space, whichever is greater
Child Care Service	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0	1.0	1.0	1.0	Per 2 employees
Extended Medical Treatment Service	n/a	n/a	n/a	n/a	n/a	2.0	2.0	n/a	n/a	n/a	n/a	n/a	Per bed
Education Service (Public or Private)	1.5	1.5	1.5	n/a	n/a	1.5	1.5	1.5	1.5	1.5	n/a	n/a	Per classroom, plus 1 space per 100 sq ft (9.3 sq m) of public area
Indoor Participant Recreation	n/a	n/a	n/a	n/a	n/a	1.0	1.0	1.0	1.0	1.0	1.0	n/a	Per 100 sq ft (9.3 sq m) or 5 fixed seats, whichever is lesser.
All Other Community Uses	2.0	2.0	2.0	2.0	n/a	n/a	n/a	2.0	2.0	2.0	2.0	2.0	Per 1,076 sq ft (100 sq m) floor area
Agricultural													
All Agricultural Uses	n/a	n/a	n/a	1.0	n/a	n/a	n/a	1.0	1.0	n/a	1.0	1.0	Per 1,076 sq ft (100 sq m) floor area

5.7 REDUCTIONS TO MINIMUM PARKING REQUIREMENTS

1) 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 or the Designated Officer through a Parking Management Plan that there is a complementary use of the parking facilities which would warrant a reduction in the parking regulations.

2) Council or the Designated Officer may require that an applicant submit a parking management plan prepared by a professional engineer, professional planner, or professional parking consultant, documenting that a lower amount of automobile parking is adequate to meet the needs of the proposed use or combination of uses and to prevent traffic or parking congestion on surrounding streets or public lanes: because of unique patterns of peak hour use, the proximity of other public parking areas, proximity to major public transportation routes, the provision of enhanced bike parking, the use of a car share program, or other factors, without the imposition of additional parking management tools.

3) If Council or the Designated Officer concludes that the proposed parking management plan will provide automobile parking adequate to meet the needs of the proposed use or combination of uses and to prevent traffic or parking congestion on surrounding streets and public lanes, Council or the Designated Officer may approve the parking management plan and may reduce the amount of required off-street parking required to conform with the approved plan.

5.8 MAXIMUM PARKING SPACES

In the **CC – Commercial Central** Zone, the number of accessory off-street parking spaces for any building or use (not including barrier-free spaces) shall not exceed the amount determined as follows, not including barrier-free spaces:

Use	Less than 20 spaces	20 to 50 spaces	More than 50 spaces	
Retail, Large	3.0	2.5	2.0	Per 1,076 sq ft (100 sq m) floor area
Eating or Drinking Establishment	1.0	1.0	1.0	Per 6 seats or 269 sq ft (25 sq m) whichever is lesser
All Other Commercial Uses	-	-	-	Per 1,076 sq ft (100 sq m) floor area
All Industrial Uses	-	-	-	Per 1,076 sq ft (100 sq m) floor area or per 5 employees, whichever is greater
Child Care Service	1.0	1.0	1.0	Per 2 employees
Extended Medical Treatment Service	-	-	-	Per bed
Education Service (Public or Private)	1.5	1.0	1.0	Per classroom, plus 1 space per 100 sq ft (9.3 sq m) of public area
All Other Community Uses	3.0	2.5	2.0	Per 1,076 sq ft (100 sq m) floor area

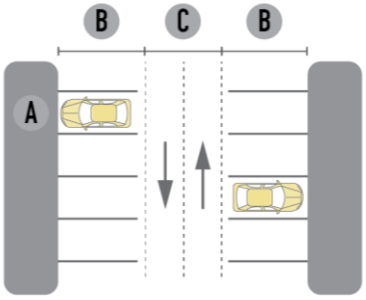
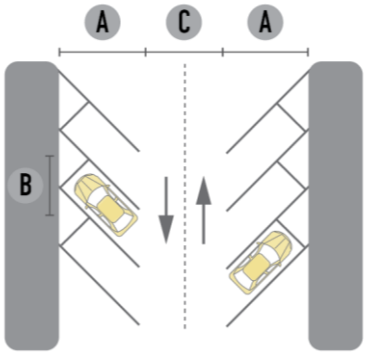
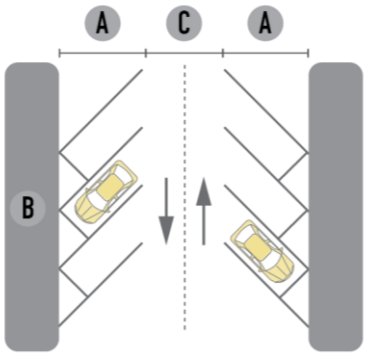
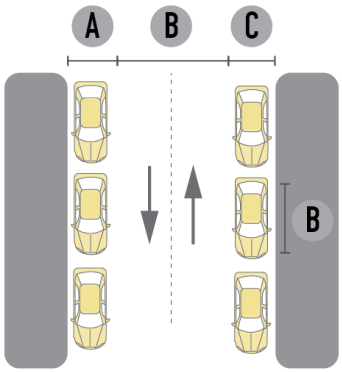
5.9 PARKING STALL AND AISLE SPECIFICATIONS

1) Off-street parking spaces shall meet the parking stall and aisle specifications in the table below. If the proposed spaces are designed at an angle that is not in the table, use the specifications for the angle that is closest.

2) Up to 15% of all required accessory off-street parking spaces may be provided at a length shorter than required below, to a minimum of 15.4 ft (4.7 m).

3) Off-street parking spaces must provide a minimum vertical clearance of at least 6.6 ft (2.0 m).

4) The parking stall width must be increased to 10 ft (3 m) if the long dimension is immediately adjacent to a fence or wall.

		Minimum Stall Dimensions		Minimum Aisle Width	
Angle	**Configuration**	**Stall Width (a)**	**Stall Depth (b)**	**Two -Way (c)**	**One -Way (c)**
90° (Head-In)		9.0 ft (2.74 m)	20 ft (6.1 m)	24 ft (7.3 m)	20 ft (6.1 m)
60° (Angled)		9.0 ft (2.74 m)	20 ft (6.1 m)	24 ft (7.3 m)	18 ft (5.5 m)
45° (Angled)		9.0 ft (2.74 m)	20 ft (6.1 m)	24 ft (7.3 m)	12 ft (3.7 m)
0° (Parallel)		9.0 ft (2.74 m)	23 ft (7.0 m)	24 ft (7.3 m) * *Stalls located at the end of the aisle can be reduced to 18.04 ft (5.5 m)	12 ft (3.7 m)

5.10 BARRIER-FREE PARKING SPACES

1) Except single-unit, two-unit and mobile home dwelling units, barrier-free parking spaces shall be provided according to the minimum number of spaces specified in the table below.

2) The location of barrier-free parking spaces shall be prioritized in terms of proximity and access to the principal building entrance.

3) Barrier-free spaces must be clearly marked and reserved for the exclusive use of people with mobility issues.

4) Barrier-free access to parking areas shall be provided in accordance with the Manitoba and National Building Code, and *Winkler Accessibility Plan* subject to appropriate Provincial approval. If discrepancies exist, the most generous regulation shall apply.

Number of Off-Street Parking Spaces on a Site	**Minimum Number of Barrier-Free Parking Spaces**
1 – 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101+	4, plus 1 for every 50 additional spaces, to a maximum of 10 spaces

5.11 MINIMUM LOADING SPACES

1) Loading spaces shall be provided according to the minimum number of spaces as calculated in the table below for uses within the Use Categories indicated. There are no loading requirements for Zones not included on the table. The number of on-site loading spaces provided may be reduced at the discretion of the Designated Officer.

Use Category	CG	CH	SI	M	I	Unit
Commercial (> than 10,000 sq ft (929 sq m))	1.0	1.0	1.0	1.0	1.0	Per 20,000 sq ft (1,860 sq m) of floor area of primary building
Community (> than 10,000 sq ft (929 sq m))	1.0	1.0	1.0	1.0	1.0	Per 30,000 sq ft (2,800 sq m) of floor area of primary building
Industrial	1.0	1.0	1.0	1.0	1.0	Per 30,000 sq ft (2,800 sq m) of floor area

2) A required off-street loading space shall meet the following minimum standards:

   a. It shall have minimum dimensions of 35 ft (10.7 m) long, 12 ft (3.7 m) wide, with 14 ft (4.3 m) vertical clearance.

   b. It shall have access to a lane or street and 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 at the discretion of the Designated Officer.

   c. It shall be provided on the same site as the principal building or use.

5.12 BICYCLE PARKING

1) Lockable bicycle spaces shall be provided according to the minimum number of spaces as calculated in the table below. There are no bicycle parking requirements for uses not included on the table.

2) Required bicycle parking must be located with convenient access to major building entrances.

Use Category	Bicycle Parking Requirements
Dwelling, Multi-unit	1/5 automobile parking stalls
All Commercial Uses	1/5 automobile parking stalls
All Community Uses	1/5 automobile parking stalls

PART 6 - SIGNAGE

6.1 GENERAL REGULATIONS

The following provisions shall apply to all signs erected or maintained within the City of Winkler, except wherein otherwise stated:

1) Signs and sign structures may be allowed as accessory uses in accordance with Table 3.2, subject to the issuance of a development permit, except as provided in Sections 6.4 to 6.10.

2) No sign or sign structure shall be erected at any location where in the opinion of the Designated Officer it is deemed to interfere with or obstruct the view of any street, intersection, or railroad grade crossing, or be confused with any authorized traffic sign, signal, or device.

3) No rotating beam, beacon, or flashing illumination resembling an emergency light shall be used in connection with any sign display.

4) No permanent sign or sign structure shall be erected or maintained on, over, or above any land or right-of-way belonging to the City of Winkler unless an encroachment agreement has been entered with the City in accordance with the City's *Encroachment By-law.*

5) A permit is required from Manitoba Infrastructure for any new structure / development proposed within Controlled Areas adjacent to PTHs 14 & 32 and at the intersection of PTH 14 / PTH 32 / PR 428.

6) Signs must be placed on private property except for temporary signage in accordance with Section 6.2.

7) In the case of multiple occupancy sites, each business shall be considered a separate entity.

8) All signs and sign structures shall be kept in good repair and in a proper state of preservation. Signs which have become obsolete because of discontinuance of the operation or activity or are not maintained in good condition or repair should be repaired, removed, or relocated within 30 days following notice by the Designated Officer at the expense of the property owner.

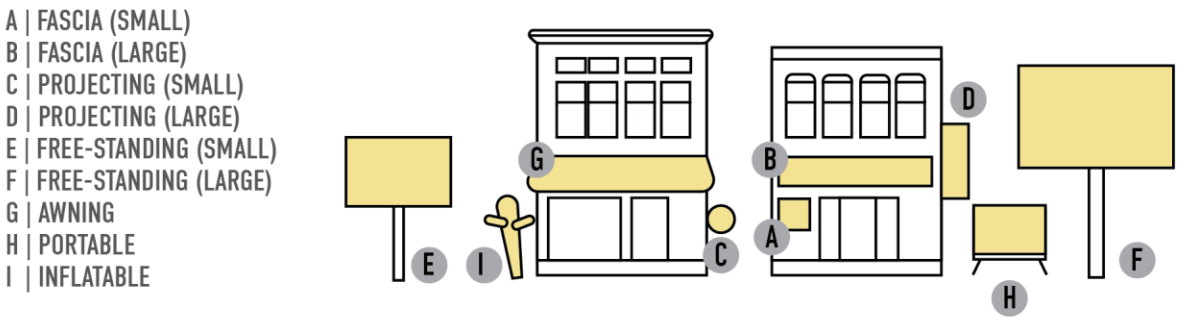


Figure 14: Sign Types

6.2 TEMPORARY SIGNS

1) A Temporary Signs are permitted providing that:

   a. The sign does not exceed 16 sq ft (1.5 sq m) in area, unless otherwise approved by the Designated Officer.

   b. The sign indicates the date of the event.

   c. The sign is not placed within 50 ft (15.2 m) of an uncontrolled intersection or a traffic circle.

   d. The sign is not placed more than seven days in advance of the event.

   e. The sign is removed within 36 hours of the event, unless otherwise approved by the Designated Officer.

   f. Temporary signs permitted on **public property** are limited to public service announcements, real estate, political campaigns, construction, directional signage, garage sales and community events such as fundraisers and sporting events, or at the discretion of the Designated Officer.

6.3 DIGITAL SIGNS

6.3.1 General Regulations

1) No sign may contain flashing lights or digital images unless specifically allowed in Subsection 6.5.

2) All signs with flashing lights or digital images are prohibited within 100 ft (30.5 m) of R1, R2 or R3 Zones

3) The maximum area for a single face is 75 sq ft (7 sq m).

4) Digital signs are not permitted in a required yard abutting a Residential Zone.

5) If a component fails or malfunctions in any way or fails to operate as indicated on the approved permit, the sign owner shall ensure that the sign is turned off until all components are operating as required.

6) No Portable Sign shall have any digital component.

6.3.2 Brightness

1) A digital sign shall be equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions so that the electronic sign is not a nuisance or safety issue as determined by the Designated Officer.

6.3.3 Display

1) Sound, live video feed and the broadcasting of television programs or movies is not permitted.

2) Images must have a minimum hold time of 6 seconds. Transitions must remain at a consistent brightness level.

3) Copy must not be shown in a manner that requires the message to be viewed or read over a series of sequential messages on a single digital sign or sequenced on multiple digital signs.

4) Copy must not involve any visible effects, including but not limited to blinking, intermittent, or flashing light or the illusion of such effects.

5) Transitions must not involve any visible effects, including but not limited to blinking, intermittent, or flashing light or the illusion of such effects.

6.3.4 Impact to Traffic Operations and Emergency Services

1) No digital sign shall be erected, operated, used, or maintained that:

   a. Due to its position, shape, colour, format or illumination obstructs the view of, or shall be confused with, a traffic sign, signal or device.

   b. Display lights resembling lights associated with danger or those used by emergency vehicles.

   c. Uses spot or reflector lights directed at on-coming traffic that creates a hazard to traffic on public roadways from which the digital sign is visible.

   d. Due to its illumination, competes with or dulls the contrast of the traffic control sign, signal, or device for on-coming traffic.

2) The appropriate transportation authority shall be satisfied that each digital sign:

   a. Does not physically obstruct the sight lines or views of a traffic control sign, signal, or device for on-coming traffic.

   b. Is not located in the field of view near or past the traffic control sign, signal, or device for on-coming traffic.

   c. Is not located in the field of view near or past other traffic conflict points such as intersections, merge points, exit ramps, or curved roadways.

6.4 SIGNS NOT REQUIRING A DEVELOPMENT PERMIT

The following signs shall not require a development permit. However, they must still comply with any applicable standards in this By-law:

1) Signs posted by duly constituted public authorities in the performance of their public duties.

2) Commemorative or memorial signs or tablets.

3) Temporary signs.

4) Residential on-site identification signs or warning signs (such as “Private Property” signs and similar) not exceeding 3 sq ft (0.3 sq m) each in surface area.

5) Temporary and/or mobile signs required for direction and convenience of the public, including signs identifying restrooms or parking entrances, not exceeding 5.0 sq ft (0.5 sq m) in sign surface area.

6.5 PORTABLE SIGN REQUIREMENTS

1) Portable signs are valid in one location for up to a 12-month period and may not be moved or relocated from the City approved location.
2) Portable signs must be renewed prior to the expiry date to preserve the first rights to the location or site of a portable sign
3) May be illuminated. Digital and flashing lights are not permitted
4) 50 sq ft (4.7 sq m) maximum area for a single face
5) 10 ft maximum height from grade to top of sign
6) Must not obstruct any views necessary for motorists and pedestrians to move safely
7) Only allowed to occupy one parking space where there is no practical alternative provided the minimum parking requirement is met
8) There shall be no more than one Portable sign per property unless approved by the Designated Officer. If the lot is a Planned Unit Development or contains multiple principle uses, tenants or occupancy types there can be a maximum of two signs, the signs shall be a minimum of 65 ft (19.8m) apart.
9) Portable Advertising signs are permitted under the following criteria:
    a. Greenfield development sites only
    b. Real estate signs only
    c. Must be removed when the development is 90% sold, rented, or leased

6.6 AWNING SIGN REQUIREMENTS

Maximum Area	Minimum Setback	Permit required
10% of the area of the wall to which awning is affixed to	N/A	No

6.6.1 Additional Awning Sign Regulations:

1) Not permitted for home-based businesses.
2) May be illuminated. Digital, and flashing lights are not permitted

6.7 PROJECTING SIGN REQUIREMENTS

Type	Maximum Area	Minimum Setback	Permit required
Small Projecting	5 sq ft (0.5 sq m) maximum area for a single face [a]	N/A	Yes
Large Projecting	21.5 sq ft (2 sq m) maximum area for a single face [b]	N/A	Yes + Building permit

6.7.1 Additional Projecting Sign Regulations:

1) Must not project more than 5.0 ft (1.5 m) from the wall to which the sign is affixed.
2) Must not project more than 6.5 ft (2.0 m) from the wall to which the sign is affixed.
3) Illumination, digital, and flashing lights are permitted.

6.8 FREE-STANDING SIGN REQUIREMENTS

Type	Maximum Height	Maximum Area	Minimum Setback	Permit required
Small Free-Standing [a, b, c]	6.5 ft (2.0m) from grade to top of sign	N/A	5 ft (1.5m)	Yes
Large Free-Standing [c, d ,e, f,]	35 ft (10.6 m) from grade to top of sign 50 ft (15.2 m) in "CH" Zone from grade to top of sign	200 sq ft (18.6 sq m) maximum area per occupant for a single face to a maximum of 900 sq ft (83.6 sq m) for all occupant faces combined.	5 ft (1.5m)	Yes + Building permit

6.8.1 Additional Free-Standing Sign Regulations:

1) Not permitted for home-based businesses
2) May not be illuminated, digital, or flashing lights in R2, R3 and RR.
3) No more than one per lot, except on a corner lot or through lot. The Designated Officer may allow more than one free standing sign if warranted.
4) Only permitted in front or rear yard.
5) Illumination, digital and flashing lights are permitted.
6) Not permitted in a required yard abutting a Residential Zone.

6.9 INFLATABLE SIGN REQUIREMENTS

Type	Maximum Height	Minimum Setback	Permit required
Inflatable Signs	16.5 ft from grade	N/A	No

6.9.1 Additional Inflatable Sign Regulations:

1) Only one inflatable sign shall be permitted per site
2) May be illuminated. Digital and flashing lights are not permitted.
3) May only be displayed for no more than 15 days within a 6-month period.
4) Must not obstruct any views necessary for motorist and pedestrians to move safely

6.10 FASCIA SIGN REQUIREMENTS

Type	Maximum Area	Minimum Setback	Permit required
Small Fascia [a, b]	5.0 sq. ft (0.5 sq. m) maximum area for a single face	N/A	Yes
Large Fascia [c, d]	25% of the area of the wall to which sign is affixed.	N/A	Yes

6.10.1 Additional Fascia Sign Regulations:

1) May not be illuminated, digital, or flashing lights in R1, R2, R3 and RR.
2) Maximum of one 10 sq ft (1.0 sq m) sign for Home Based Businesses and Home Industries. Sign must be affixed to the wall or fence of a principal or accessory building.
3) May not be illuminated, digital, or flashing lights in R1, R2, R3 and RR.
4) Not permitted for home-based businesses.

PART 7 - ADMINISTRATION

7.1 AUTHORITY AND RESPONSIBILITY OF THE DESIGNATED OFFICER

1) The position of the Designated Officer is hereby established. The persons appointed City Manager or Director of Planning & Engineering by council and their appointed designates shall be a Designated Employee or Officer per The Planning Act and identified in the City of Winkler's Designated Officer By-Law.

2) The Designated Officer shall have the authority/responsibility to:

    a. Issue development permits and exercise the powers of administration, inspection, remedy, and enforcement provided in Part 12 of *The Planning Act.*

    b. Refuse to issue a development permit where:

        i. The development permit application, or any information accompanying the development permit application, is incorrect or incomplete.

        ii. The proposed building, structure, or use does not, to the Designated Officer's knowledge, comply with this Zoning By-law or with any other law.

    c. Revoke a development permit where the development permit was issued in error.

    d. Make a minor variance order, without the need for a public hearing, for any proposed change that varies:

        i. Any height, distance, area, size, or intensity of use requirement in the Zoning By-law by no more than 15%.

        ii. The number of parking spaces required by the Zoning By-law by no more than 15%.

    e. Enter the land, building, or structure at any reasonable time for the purpose of administering or enforcing this By-law in accordance with the *Planning Act*.

    f. Assist and advise the public with respect to the requirements of the Zoning By-law and other pertinent legislation.

    g. Receiving completed applications for a development permit, variance orders, conditional use orders and amendments to the Zoning By-law, and the issue of development permits in accordance with the Zoning By-law.

    h. Issuing zoning memoranda, verification of use letters, and certificates of non-conformity.

    i. Make available to the public during normal office hours digital copies of this By-law and all subsequent amendments thereto.

7.2 RESPONSIBILITIES OF COUNCIL

7.2.1 Responsibilities of Council

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

1) The enactment of this By-law.
2) Considering the adoption or rejection of proposed amendments or the repeal of this By-law.
3) Approving or rejecting variance order applications.
4) Approving or rejecting conditional use order applications and considering revoking the authorized conditional use order for any violation of any conditions imposed by it.

7.2.2 Responsibilities of the Planning District Board and/or Council

Subject to the provisions of the *Planning Act*, the Planning District Board and/or Council is responsible for:

1) Administering and enforcing those provisions of *the Planning Act*, where applicable.
2) Administering and enforcing the provisions of this By-law, where applicable.
3) 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.

7.3 NON-CONFORMING BUILDINGS, STRUCTURES, LOTS AND USES

1) A non-conforming use and a non-conforming building or structure shall be regulated in accordance with and subject to the provisions of the *Planning Act*, unless otherwise provided for in this By-law.
2) A non-conformity that existed prior to the effective date of this By-law remains a non-conformity for the purposes of this By-law unless it complies with this By-law.
3) 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 as the Designated Officer considers necessary.
    b. Routine maintenance of the building.
    c. Additions or enlargements to single-unit or two-unit dwellings that comply with the bulk requirements of the zoning district.
    d. Renovations not exceeding 10% of the total assessed value of the building.
4) Repairs or incidental alterations may be made to a non-conforming structure.
5) Where the Designated Officer determines that a non-conforming building or structure is damaged by more than 50% of the cost of constructing an equivalent new building or structure, the building or structure may be repaired or rebuilt in conformance with this By-law and any approved variance and conditional use if a development permit is obtained within 180 days of the date of damage or extended by resolution of Council, and restoration begins within one year.
6) If the size or dimensions of an existing parcel of land do not conform with this By-law, the owner of the land may:
    a. Use the land for any use permitted under this By-law.

b. Construct or alter a building on the land if all other requirements of this By-law are met (such as yards set, backs, building height, and floor area).

7) A non-conforming use of a structure or of a parcel of land, or portion thereof, which is, or hereafter becomes, abandoned, vacant, or unoccupied, and remains vacant and unoccupied for 12 consecutive months, shall not thereafter be occupied or used except for a use which conforms to the applicable Zone regulations.

8) A non-conforming sign may be structurally altered, reconstructed, or replaced in the same location and position in any way that does not change the size, height, or degree of illumination.

9) Unless otherwise provided for herein, an existing building, structure or use which was non-conforming under the provisions of the previous By-law in force on the effective date of this By-law and amendments thereto shall remain non-conforming for the purposes of this By-law.

10) A person with an interest in a building, a parcel of land or an operation involving a use of land that does not comply with this By-law may apply to the Designated Officer with adequate documentation for a Certificate of Non-Conformity confirming that the building, parcel, use of land, or intensity of use was lawfully in existence before the enactment of this By-law.

7.4 ENFORCEMENT AND PENALTIES

7.4.1 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 contravenes; or causes, suffers or permits a contravention of, any provision of the *Planning Act*, a development permit, building permit, a development agreement, or this By-law commits an offense.

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.

   b. In contravention of a condition of a development permit issued under this By-law.

7.4.2 Penalties

Fines and penalties will be imposed as per the *Planning Act.*

7.4.3 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.

   b. Any person undertakes or causes or permits any development on a site contrary to the terms or conditions of a permit.

c. The development has not been established or partially established as determined by the one year after issuance of the permit.

d. The permit was issued in error.

e. The permit was issued on the basis of incorrect information.

2) Any person who undertakes, 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.

7.5 CONDITIONAL USES

1) As per the *Planning Act*, 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 Subsection and the appropriate provisions of the *Planning Act*.

3) An owner or his/her agent may file an application to use land for a use listed as a conditional use in this By-law.

4) An application for approval of a conditional use shall be filed with the Designated Officer and shall be in such form and accompanied by such information and fees as determined by Council.

5) Council may request the Designated Officer to prepare a written report that identifies potential impacts. The analysis may be required to, among other things, consider the following criteria:

a. Compatibility with the general nature of the surrounding area as indicated by:

i. Land use function and scale of development.

ii. Traffic impacts.

iii. Relationship to, or impacts on, utility services and public facilities such as recreational facilities and schools.

iv. Relationship to municipal land, right-of-way or easement regulations.

v. Effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area.

vi. Relationship to the documented concerns and opinions of area residents regarding the application.

vii. Groundwater and soil conditions.

viii. Topographical, physical, and natural features.

ix. Special studies prepared by qualified professionals including a traffic impact study or a geotechnical report.

b. No detrimental effect to the health or general welfare of people or property in the surrounding area.

c. Consistency with the *MSTW Planning District Development Plan*, relevant Secondary Plans, and Council policy.

6) Prior to consideration by Council of a conditional use application, the Designated Officer shall place a public notice in compliance with the *Planning Act*.

7) An application for a conditional use shall be processed and approved or rejected in accordance with the *Planning Act*. If warranted, Council may want to consider imposing conditions to ensure that the proposed development will not significantly impact the City. This may 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 works, underground works or drainage works, or sidewalk landscaping works.

   g. Liability insurance protecting the City from any future legal claims, including environmental contamination to water sources.

   h. The owner/applicant entering into a development agreement with the City.

8) The approval of Council shall expire and cease to have any effect if it is considered not acted upon in the opinion of the Designated Officer within 12 months of the date of the decision, unless it is renewed at the discretion of Council for one additional period not exceeding 12 months.

7.6 VARIANCES

1) Any person who is of the opinion that this By-law injuriously or adversely affects them or their property rights, may at any time apply for a variance order, in accordance with the provisions of the *Planning Act*.

2) An application for a variance order shall be filed with the Designated Officer, and shall be in such form and accompanied by such information and fees as determined by the Designated Officer or Council.

3) Prior to consideration by Council of a proposed variance order, the Designated Officer shall place a public notice in compliance with the *Planning Act*. Council may request the Designated Officer to prepare a written report that assesses the merits and implications of the proposed application.

4) Council may request the Designated Officer to prepare a written report that identifies potential impacts. The analysis may be required to, among other things, consider the following criteria:

   a. Compatibility with the general nature of the surrounding area as indicated by:

i. Land use function and scale of development.

ii. Traffic impacts.

iii. Relationship to, or impacts on, utility services and public facilities such as recreational facilities and schools.

iv. Relationship to municipal land, right-of-way or easement regulations.

v. Effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area.

vi. Relationship to the documented concerns and opinions of area residents regarding the application.

vii. Groundwater and soil conditions.

viii. Topographical, physical, and natural features.

ix. Special studies prepared by qualified professionals including a traffic impact study or a geotechnical report.

5) An application for a variance order shall be processed and approved or rejected in accordance with the provisions of the *Planning Act*. As a condition of approval, Council may require that the owner/applicant enter into a development agreement with the City.

6) The approval of Council shall expire and cease to have any effect if it is not acted upon within 12 months of the date of the decision, unless it is renewed at the discretion of Council for one additional period not exceeding 12 months.

7.7 SUBDIVISIONS

1) Subject to Subsection 7.7(2) and (3) of this By-law, no parcel of land shall hereafter be divided into sites, unless each site conforms to the regulations of the Zone in which the site is located.

2) Council may, as provided in the *Planning Act*, vary the regulations as they apply to an individual site, subject to complying with the objectives and policies of the *MSTW Planning District Development Plan* and any applicable Secondary Plan.

3) Council may request the Designated Officer to prepare a written report that identifies potential impacts. The analysis may be required to, among other things, consider the following criteria:

a. Compatibility with the general nature of the surrounding area as indicated by:

i. Land use function and scale of development.

ii. Traffic impacts.

iii. Relationship to, or impacts on, utility services and public facilities such as recreational facilities and schools.

iv. Relationship to municipal land, right-of-way or easement regulations.

v. Effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area.

vi. Relationship to the documented concerns and opinions of area residents regarding the application.

vii. Groundwater and soil conditions.

viii. Topographical, physical, and natural features.

ix. Special studies prepared by qualified professionals including a traffic impact study or a geotechnical report.

4) 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.

5) In addition to the requirements contained herein, all subdivisions shall conform to the provisions of the *MSTW Planning District Development Plan*, any applicable Secondary Plan, and the provisions of the *Planning Act*, where applicable.

6) An application for a subdivision shall be processed and approved or rejected in accordance with the provisions of the *Planning Act*. As a condition of approval, Council may require that the owner/applicant enter into a development agreement with the City.

7.8 REZONING AMENDMENTS

7.8.1 Text and Mapping Amendments

1) Any person applying to amend this By-law shall apply in writing to the Designated Officer, furnishing reasons in support of the application and requesting that the Designated Officer submit the application to the Council.

2) If a person applies to the Council in any manner for an amendment to Parts I, II, III and IV of this Zoning By-law, the Council may require them to submit their application to the Designated Officer in accordance with the provisions of this Subsection of the By-law before it considers the amendment proposed by such person.

3) Any person applying to amend this By-law to change the Zone governing any land shall apply in writing to the Designated Officer and submit the following to the Designated Officer:

   a. The applicant's name, signature, address, and interest in the property.

   b. A signed statement by the applicant stating that they are willing to pay for all costs incurred by the City 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.

   c. The appropriate application fee.

   d. A brief written statement by the applicant in support of their application, and their reasons for applying.

   e. A preliminary copy of development plans supporting the application.

7.8.2 Review and Processing of Amendments

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

2) If Council deems it appropriate to give the application first reading, the Designated Officer shall then examine the proposed amendment or undertake an investigation and analysis of the potential impacts of development under the proposed Zone. The analysis shall be based upon the full development potential of the uses and development regulations specified in the proposed Zone and not just on the merits of any particular development proposal. The analysis may, among other things, consider the following impact criteria:

    a. Relationship to and compliance with the *MSTW Planning District Development Plan*, applicable Secondary Plans 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. Necessity and appropriateness of the proposed Zone 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.

    j. Topographical, physical, and natural features.

    k. Special studies prepared by qualified professionals including a traffic impact study or a geotechnical report.

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 their discretion, may present for the consideration of Council any proposed amendment to this By-law, and the proposed amendment shall be accompanied by the report and recommendation of the Designated Officer.

5) Council, in its discretion, may initiate any amendment to this By-law, and prior to the approval of any amendment, Council may refer the proposal to the Designated Officer for their report and recommendation.

6) When a Development Agreement is to be entered into between the City and the applicant, the applicant shall pay to the City, in addition to any other fee required pursuant to this or any other By-law, a Development Agreement fee.

7.8.3 Notification of Amendments

Prior to consideration by Council of a proposed rezoning amendment, the Designated Officer shall:

1) Place a public notice in compliance with the *Planning Act.*

2) May also circulate notice to other relevant agencies as determined by the Designated Officer.

PART 8 - DEVELOPMENT PERMITS

8.1 CONTROL OF DEVELOPMENT

1) No development shall be undertaken in the City of Winkler unless an application has been approved and the development permit has been issued.

2) No person:

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

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

8.2 DEVELOPMENT PERMIT REQUIREMENTS

8.2.1 When Development Permits are Required

1) A development permit is required for any of the following, except as otherwise provided for in this By-law:

   a. The erection, construction, enlargement, relocation, structural alteration, or placing of a building or structure, either permanent or temporary.

   b. The establishment of a use of land or a building or structure.

   c. The change of a use of land or a building or structure.

   d. The alteration or enlargement of an approved conditional use.

   e. For a home occupation.

8.2.2 Development Permits and Other Permits

The issuance of a development permit in respect of building or structure does not affect the obligation to obtain a building permit or other permit where required under the building by-law, or another law, by-law or municipal, Provincial, or Federal regulation, for such a building or structure.

8.2.3 When Development Permits are Not Required

1) A development permit is not required for the following:

   a. Incidental alterations.

   b. Agricultural cropping of land.

   c. The erection, construction, enlargement, structural alteration, or placing of the following as accessory structures:

      i. Fences

      ii. Outdoor lighting

iii. Flagpoles

d. Structures less than 107. 6 sq ft (10 sq m).

e. Private communications facilities.

f. Unenclosed patios at grade level.

g. Water features with a water depth of less than 2 ft (0.6 m).

h. Driveways, patios, retaining walls and other similar landscaping features that do not materially alter the existing grade and natural surface drainage pattern.

2) Despite not requiring a development permit, all items in this provision shall be subject to requirements of this By-law.

8.3 DEVELOPMENT PERMIT APPLICATION

An application for a development permit:

1) Shall be made by the owner or owners of the parcel in question, or by a person authorized by them.

2) Shall include the following information:

a. The municipal address of land and buildings presently occupying the site, if any.

b. A legal description of the land on which the proposed development is to occur, by lot, block, subdivision, and registered plan numbers.

c. The applicant's name, address, and interest in the land.

d. Description of the work to be performed with respect to:

i. Change in current occupancy of land use.

ii. Description of proposed development or building operations.

e. Identification of the scale of the development with respect to:

i. Gross floor area of the development.

ii. Area of the site covered.

iii. Height of the structure.

iv. Number of floors or storeys.

v. Number of dwelling units.

f. For Commercial projects, the estimated value, in dollars, of the proposed work.

g. Surveyor’s staking certificate, building location certificate, or other document prepared by a Registered Manitoba Land Surveyor which confirms the presence and location of survey monuments, unless waived by the Designated Officer.

3) Shall be accompanied by plans drawn to scale showing the following:

i. The shape and dimensions of the parcel to be used or built on.

ii. The location and dimensions of existing buildings and structures.

iii. The location and dimensions of any proposed building, structure, enlargement, or alteration.

iv. Use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use.

v. Vehicular access, utility connections, parking areas (including number of parking and loading spaces required and provided), loading areas, or signage (where applicable).

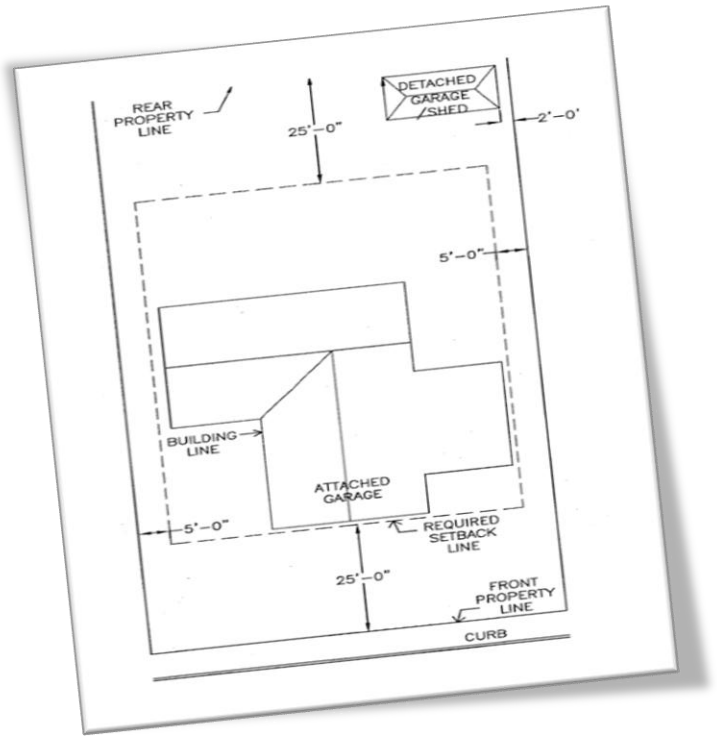


Figure 15: Sample Plan Drawing

4) May be required to be accompanied by a building location certificate (for existing buildings only) at the Discretion of the Designated Officer.

5) May be required to be accompanied by a Status of Title at the Discretion of the Designated Officer.

6) May be required to be accompanied by the fee prescribed by the City as well as any charges arising to the City resulting from the issuance of the Development Permit.

7) Shall not be considered to have been received until the applicant has submitted all information required pursuant to this Subsection of the By-law, and any information specifically required pursuant to the regulations of the applicable Zone or any other Subsection of this By-law and until the applicant has paid the appropriate fee.

8.4 GENERAL CONDITIONS FOR DEVELOPMENT PERMITS

1) 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 Subsection of the By-law.

2) The Designated Officer may require an applicant to submit such additional information considered necessary to verify the compliance of the proposed use or development with the regulations of this By-law.

3) 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.

4) A development permit for an accessory building cannot be issued unless a development permit for the main building has also been issued.

5) Notwithstanding the above, in the case of adjoining lots, an accessory building may be constructed on an abutting lot owned by the same legal owner prior to the construction of a principal building provided a principal building exists on one of the lots, subject to a conditional use.

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.

8.5 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 City of Winkler.

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 this By-law.

    b. After the development application has been approved and the permit issued, notify the Designated Officer, and obtain their 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, electrical, highways, and all other permits required in connection with the proposed work.

    d. Be responsible for any pre-design studies required by the City to confirm the City can accommodate the demand for water supply, wastewater treatment, and waste disposal.

8.6 CONDITIONS ATTACHED TO A DEVELOPMENT PERMIT

1) The Designated Officer, the Planning Board or Council may impose, with respect to a permitted use, such conditions as are required to ensure compliance with this By-law.

2) Council may, with respect to a conditional use, impose such conditions as deemed appropriate, having regard to the regulations of this By-law, other municipal, Provincial and Federal government regulations, and matters raised at the conditional use hearing.

3) The Designated Officer or Council may, as a condition of issuing a development permit, require the applicant to make satisfactory arrangements for the supply of 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 Designated Officer or Council 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. Right-of-Way and Access

        i. To construct or pay for the construction of or improvement to a public roadway required to give access to the development.

        ii. 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.

        iii. To repair, improve or reinstate, or to pay for the repair, improvement, or reinstatement, of any street furniture, curbing, sidewalk, multi-use pathway, boulevard landscaping, and tree planting which may be damaged or destroyed or otherwise harmed by the development or building operations upon the site.

    b. Municipal Servicing and Utilities:

        i. To construct, or pay for the construction of, or improvement to, land drainage works that are necessary to serve the development.

        ii. To connect any new principal building to municipal sewer and/or water where feasible.

        iii. 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.

5) The Designated Officer or Council may require any agreement entered into to be caveated against the title to the site at the Land Titles Office.

8.7 SLOPE AND SOIL INFORMATION

1) When an application for a development permit is submitted to the Designated Officer for the development of a site abutting 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 established contour intervals.

The final grades shall be to the satisfaction of the Designated Officer and in accordance with the *Lot Grading and Drainage By-law*, as amended.

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. If required, the engineering study may be required to include evidence derived from:

    a. Test borings (including hydro-carbon analysis).

    b. Ground water piezometer test.

    c. Slope indicators where necessary.

    d. Identification of any sub-surface mining operations.

    e. Water erosion analysis.

    f. Surface erosion analysis.

    g. Hydro-carbon analysis.

3) 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.

4) The Designated Officer may require the submission of a detailed engineering study as outlined in Subsection 8.6(2) of this By-law prior to the issuance of a development permit at any location within the City which in the opinion of the Designated Officer or Certified Professional Engineer of Manitoba has unstable soil conditions.

5) 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.

8.8 EXCAVATION, STRIPPING AND GRADING

1) For the purpose of this Subsection 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.

    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.

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 they are 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 reasonably 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.

8.9 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 in accordance with the *Lot Grading and Drainage By-law*.

2) Notwithstanding any other regulation of this By-law, the Designated Officer or Council may refuse a development permit for, or prohibit, any drainage works to be undertaken on lands where it has been determined that such works would create an adverse effect on adjacent public or private lands or where adjacent drains are insufficient to accommodate the added runoff.

8.10 MOVING OF STRUCTURES

1) No person shall move any structure or part thereof off their property to any other location within the City unless that structure or part is made to conform to the regulations of this By-law applicable to the Zone to which it is to be moved and the structure or part as determined by the Designated Officer will be similar to, or better than, the standard of surrounding development in terms of building materials.

2) The moving of buildings or structures within a Controlled Area of a Provincial trunk highway shall require a permit from Manitoba Infrastructure and any other applicable provincial authority.

3) Before moving a building or portion to a new location, the City may require that the owner provide proof of liability insurance and enter into an agreement with the City 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.

4) Within 60 days upon completion of removal of a building from a site, the old foundation shall be removed, any excavation shall be filled, the ground shall be leveled and/or the site shall be put in a safe condition to the satisfaction of the Designated Officer.

PART 9 - 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.

9.1 GENERAL

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.

Accessory means a use, building or structure that is naturally and normally incidental, subordinate in purpose or area, or both, and exclusively devoted to the use, building, or structure to which it is accessory.

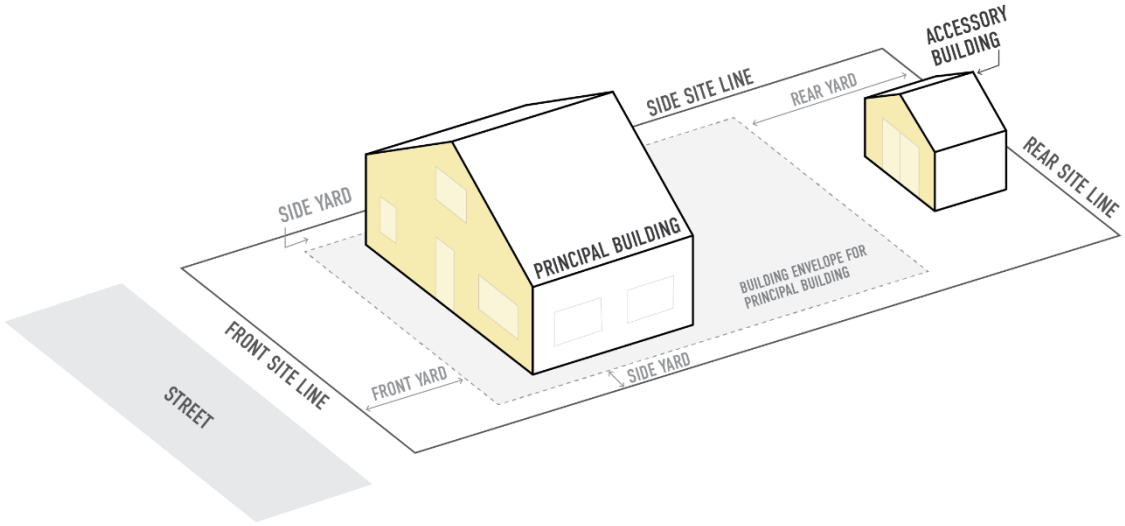


Figure 16: Accessory Buildings

Affordable Housing means any unit that costs less than 30% of the before tax median household income of the community within which it is built. Shelter costs shall include costs related to leasing or owning the land (e.g., rent, mortgage payments, property taxes, and/or condominium fees) and payments for utilities and other municipal services.

Alteration, Incidental means changes or replacements in the non-structural parts of a building or structure, including, but not limited to the following:

i. An addition, alteration, removal, reconstruction or replacement on the non-structural exterior of a residential building

ii. An addition, alteration, removal, reconstruction or replacement of any unroofed driveway, sidewalk, patio or any accessory building floor

iii. Alteration of non-load bearing interior partitions in all types of buildings

iv. Replacement of, or changes in, the capacity of utility pipes, ducts or conduits

v. Replacement and placement of necessary roofing materials, awnings, eaves, overhangs and related structures, provided the area and height of the roof are not increased

vi. The addition and replacement of interior structures such as furnaces, fuel tanks, water heaters, fireplaces or wood stoves

vii. Replacement of exterior building facades

Alteration, Structural means any change, which prolongs the life of the supporting members of a building or structure, which includes, but is not limited to, bearing walls, columns, beams or girders.

Animal Unit means the number of animals in a particular category of livestock that will excrete 73 kg of total nitrogen in a 12-month period.

Approach Surface means the trapezoid beginning prior to the runway threshold and extending into the extended runway centerline that slopes up at a uniform rate. The width of this area grows (diverges) at a uniform rate with distance along the runway centerline.

Attached, when used in reference to a building, means a building otherwise complete in itself, which is dependent for structural support, or complete enclosure, upon a wall or walls shared in common with an adjacent building or buildings.

Basement means a storey or storeys of a building located below the first storey.

Balcony means an unenclosed platform projecting from the upper storeys of a building.

Bees means any member of the genus Apis mellifera or Megachile rotundata insect or similar insects at the discretion of the Designated Officer.

Blank Walls means exterior walls containing no windows, doors or other similar openings.

Buffer Strip means an area of land used to separate two types of developments that are generally incompatible. Buffers typically consist of landscaping or vegetation which provide a visual barrier and also help control other nuisances, such as dust.

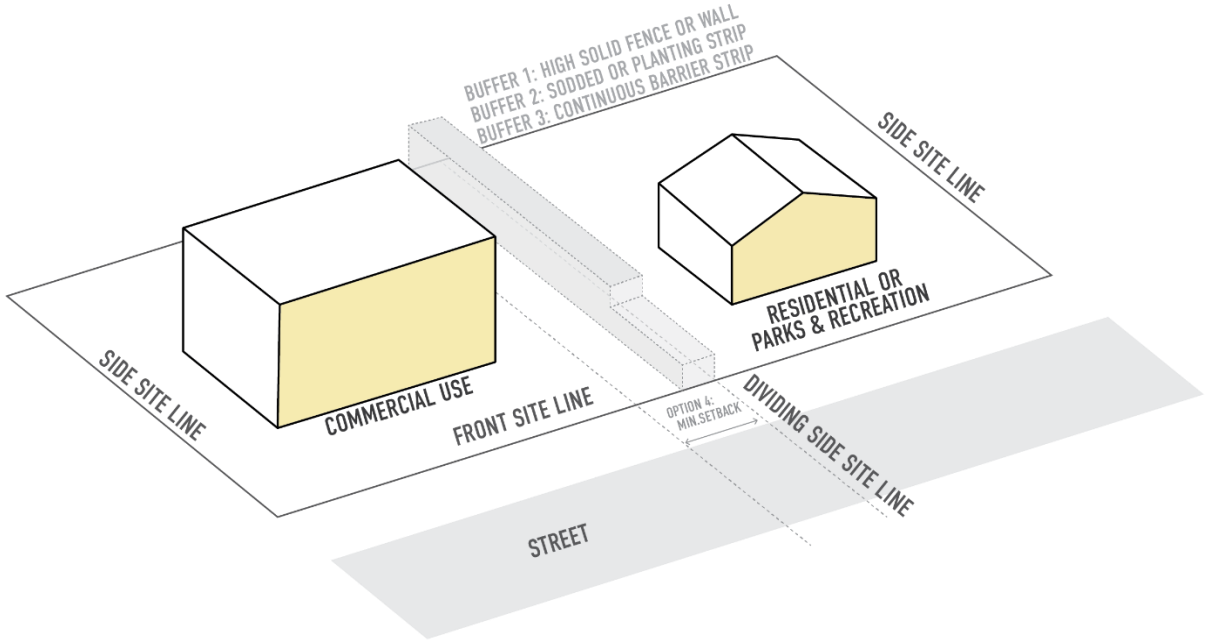


Figure 17: Buffer Strips

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Building Permit means a permit issued by an authority having jurisdiction authorizing the construction or alteration of all or part of any building.

Cannabis as defined in the *Cannabis Act* (Canada).

Caretaker means a person in charge of a building or site on a temporary or interim basis.

Composting means a designed and managed system to facilitate the process of aerobic decomposition of organic matter by biological action.

Conditional Use means a use of land or a building that may be permitted under this By-law. Council has the discretion to approve a conditional use in accordance with the *Act*.

Conditional Use Order means an Order in respect of an application for a Conditional Use

Condominium means individual ownership of a unit in a multiple unit structure where expenses common to all parties are shared as per *The Condominium Act*.

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.

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.

Controlled Area means the area between a declared provincial road right-of-way and a control line, measured from the edge of the provincial highway right-of-way or within a control circle measured from the centre of a provincial highway intersection as defined by the *Transportation Infrastructure Act*.

Control Line is defined in *Transportation Infrastructure Act*. In the majority of cases (some exceptions exist), existing statutory control areas in relation to highway classifications are shown in the table below:

CONTROL LINES	
Classification	**Distance From Right of Way Edge**
Limited Access Highway	38.1 or 76.2 metres
All Others	38.1 metres
CONTROL CIRCLES	
All Highways	**Distance From Intersection Centre**
	457.2/304.8/152.4 metres (control circle radii will vary)

General Control Line / Circle Dimensions (Transportation Planning Resource Guide, p. 15)

Construction includes:

i. Excavating, removing, filling, and backfilling for the purpose of preparing or maintaining a site in respect of a building or a proposed building.

ii. Erecting, extending, enlarging, placing, removing, locating, and demolishing a building.

iii. Altering, renovating, and reconstructing a building.

iv. Moving a building from one site to another.

v. Underpinning the foundation of a building.

Council means the Council of the Municipal Corporation of the City of Winkler.

Deck structure consisting of an unenclosed, uncovered platform, raised 2.0 ft (0.6 m) or more above grade. Does not include a balcony, sheltered deck, or patio.

Deck, Sheltered means a structure consisting of an unenclosed, covered platform, raised 2.0 ft (0.6 m) or more above grade. Includes porticos, verandas, and pergolas.

Density means the total number of dwelling units divided by the total area of land to be developed.

Density, Gross means the density of a total of area of land including required public or private roads, infrastructure such as stormwater ponds, required public parks or trails, critical areas, and their required buffers.

Density, Net means the density of a total of area of land excluding required public or private roads, infrastructure such as stormwater ponds, required public parks or trails, critical areas, and their required buffers.

Designated Officer means any person employed by City of Winkler who has the position of Designated Officer as recognized by the Designated Officer By-law, or any person acting under the delegated authority of such Designated Officer.

Design Flood means a flood magnitude on a water body that, on average, is expected to occur once during a two hundred year period.

Development Permit means an approval issued by the City of Winkler authorizing development.

Development Plan means the *MSTW Planning District Development Plan* adopted by By-law and as amended.

Driveway means that portion of a parking facility that provides vehicular access from a public right-of-way to a parking space, or an aisle.

Dwelling Unit means a suite operated as a housekeeping unit, used, or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping, and sanitary facilities.

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.

Elevation, Lot Grade means either:

i. The elevation of the finished ground surface at any specific reference point.

ii. The elevation of the finished ground surface at any point on the slope between two specific reference points on a lot.

iii. A combination of the above.

Enlargement means an addition to the floor area of an existing building or structure, or an increase in that portion of a parcel of land occupied by an existing use.

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

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.

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.

Fuel Storage means an above or below grade tank used for the bulk storage of petroleum products, other flammable liquids, or inflammable liquids legally stored within a structure or establishment that is incidental to the primary use of the site.

Garage means an accessory structure, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.

Grade, Building Lot means the lot grade elevation of the finished ground surface immediately adjacent to the foundation of a building.

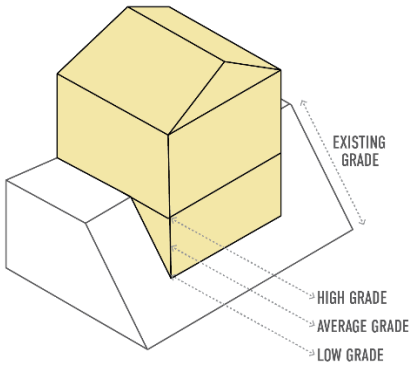


Figure 18: Building Grade

Habitable Room means any room in a dwelling other than a non-habitable room.

Hard surfaced means the paving of the ground with poured concrete, hot mix asphalt, or any other surface material approved by the Designated Officer.

Height means, when used with reference to a building or structure, the vertical distance between the horizontal plane through grade and a horizontal plane through:

i. The highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than1:3 (rise:run), and

ii. The average level between eaves and ridges in the case of a pitched, gambrel, mansard, or hipped roof, or a roof having a slope of more than1:3 (rise:run), provided that in such cases the ridge line of the roof shall not extend more than 5.0 ft (1.5 m) above the maximum permitted building height of the Zone.

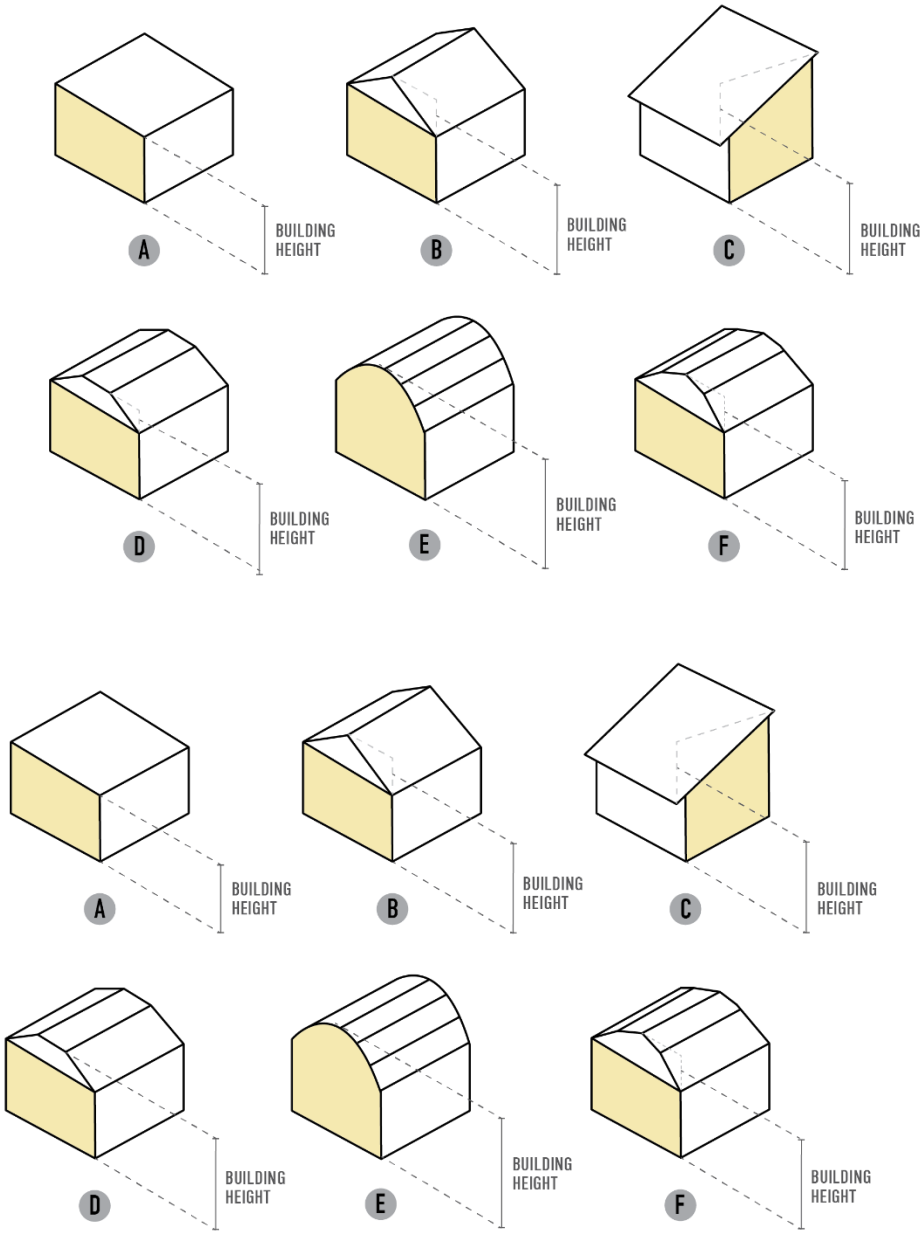


Figure 19: Building Height and Roof Types

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

Household Pets means any animal, other than a dog or cat that has been domesticated and is kept or harboured within the City, as per the *Animal Control By-law*.

Landscaping means any decorative features, such as trees, shrubs, flowers, grass, or other horticultural elements, decorative stonework, paving, screening, or other architectural elements. These features are designed to enhance the visual amenity of a site or to provide a screen between sites in order to mitigate objectionable features between them.

Lane means a public roadway having a right-of-way that is less than 33 ft (10.1 m) in width.

Livestock means horses, cattle, swine, pigs, goats, sheep, pigeons, all domestic poultry, and specialty fowl, or similar animals at the discretion of the Designed Officer, as per the *Animal Control By-law*.

Loading Space means an open area of land or an area within a structure, not including within a public right-of-way, for the temporary parking of a motor vehicle for the loading and unloading of materials, merchandise, or people.

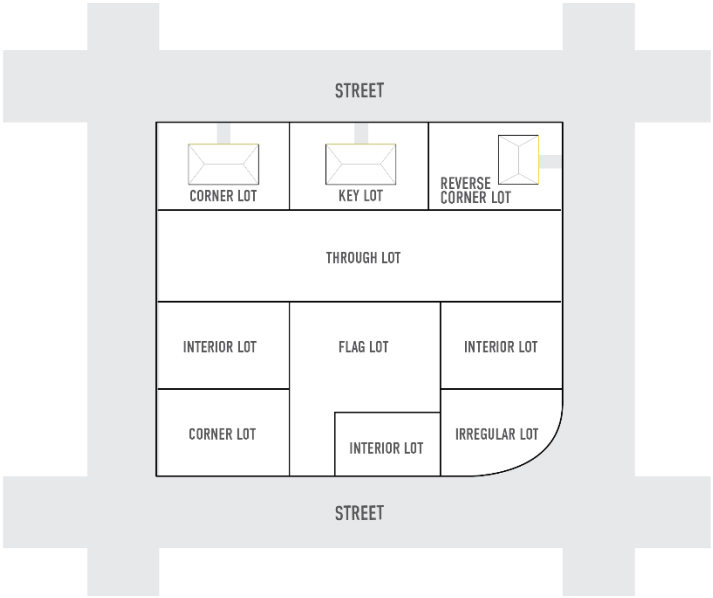


Figure 20: Lot Types

Lot, Corner means a lot located at the intersection of two public roadways, the interior angle of such intersection not exceeding 135.00 degrees.

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

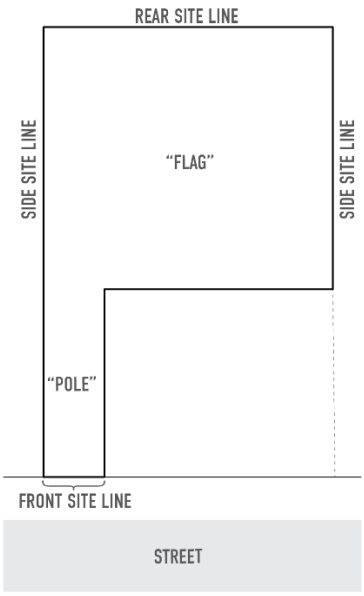


Figure 21: Flag Lot

Lot, Interior means any lot other than a corner lot or through lot.

Lot, Through (also referred to as a Double Fronting Lot) 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.

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.

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.

Lot, Reverse Corner means a corner lot, the rear lot line of which abuts the side lot line of another lot.

Lot Line, Side means the property line of a lot other than a front lot line or rear lot line.

Lot Line, Flanking means the side lot line which abuts the street on a corner lot.

Lot Depth means the average horizontal distance between the front and rear lot lines of the site.

Lot 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 between the front and rear lot lines, or at 50 ft (15.2 m) from the front lot line, and the lesser of these distances is the site width.

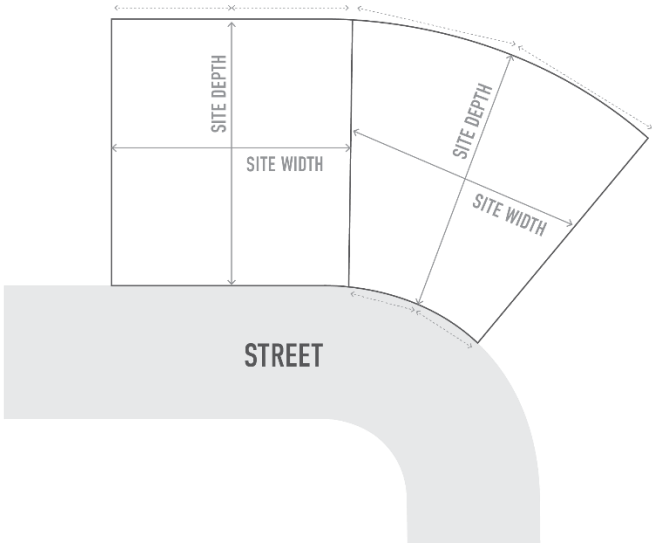


Figure 22: Lot Widths

MSTW Planning District Board means the MSTW Planning District Board as established under *the Act*.

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.

Obstacle Limitation Surface (OLS) means a protected area around a runway that are defined by Transport Canada Advisory Circular AC301-001.

Occupancy means the use or intended use of a building or part thereof for the shelter or support of persons, animals, or property.

Occupancy Permit means permission or authorization issued in writing pursuant to applicable zoning regulations, to occupy any building or part thereof, in the City of Winkler.

Offensive or Objectionable or Nuisance means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses, creates or is liable to create a condition which may be or become hazardous or injurious as regards health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land, building or structure.

Outdoor Storage means the storage of merchandise, goods, inventory, materials, equipment or other items that are not intended for immediate sale or are too large for indoor storage, by locating them outside.

Owner in relation to property, means a person who is the owner of a freehold estate in the property, and includes:

i. A person who is an owner with another person as joint tenant or tenant in common of a freehold estate

ii. A person who is the registered owner of a unit under The Condominium Act, and

iii. A real owner, as defined in subsection 1(1) of The Municipal Assessment Act.

Parcel of Land means the aggregate of all land described in any manner in the certificate of title.

Party Wall means a wall jointly owned and jointly used by two parties under easement agreement or by right in law, and erected at or upon a line separating two parcels of land each of which is, or is capable of being, a separate real-estate entity.

Passenger Vehicles 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.

Patio means an unenclosed, unsheltered structure or paved area adjoining a building that is at grade or less than 2.0 ft (0.6 m) above grade.

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.

Pollution means the presence of foreign substances that adversely affect the natural constituents of the air, water, or soil.

Principal means a use, building or structure that is the main or primary activity for which a site or its buildings are designed, arranged, developed, or intended, or for which it is occupied or maintained.

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

Runway means a defined rectangular area on a land aerodrome prepared for the landing and take-off of aircraft along its length.

Runway Centerline means the line connecting runway threshold to runway threshold. This line may be extended past the runway thresholds and be referred to as “extended runway centerline”.

Runway Strip means the rectangular area surrounding the runway where no obstacles may exist that are higher than the runway surface closest to the obstacle of interest.

Runway Threshold means the physical start point of the runway used by pilots for landing and takeoff. This point may not coincide with the beginning of the runway pavement.

Separation Distance means the distance between two buildings or structures, measured from the nearest points of the finished exteriors of any structure or building.

Site means a whole lot or block in a registered plan of subdivision, or the aggregate of all contiguous land described in a certificate of title of in more than one certificate of title provided they are in the same ownership.

Site Coverage means combined area occupied by the principal or accessory building on a site, measured as a percentage of the total site area at the level of the lowest storey above grade. The site coverage excludes seasonal non-insulated structures, permanent in-ground swimming pools and hot tubs, open patios at grade, steps, uncovered walks, wheelchair ramps, cornices, eaves, and similar projections.

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.

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.

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.

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 2.2 ft (0.7 m) above the floor of such storey.

Street means a public roadway having a right-of-way at least 33 ft (10.1 m) in width that affords the principal means of access to abutting land.

Structure means a thing constructed or erected with a fixed location on or below the ground or attached to something with such a fixed location. It includes, but is not limited to, buildings, walls, fences, signs, billboards, light standards, and antennas.

Temporary Buildings and Uses means an incidental use, building or structure for which a development permit has been issued for a limited time only.

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.

Trailer means a vehicle designed for carrying chattels, and for being towed by a motor vehicle.

Transitional Surface means the trapezoid beginning at the edge of the runway strip and extends out perpendicular to the runway centerline. This surface slopes up at a uniform rate until it achieves a final elevation of 45 m above the runway.

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

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.

Variance means the modification of a provision of the *Zoning By-law* in accordance with the *Act*.

Variance Order means an Order in respect of an application for a Variance.

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

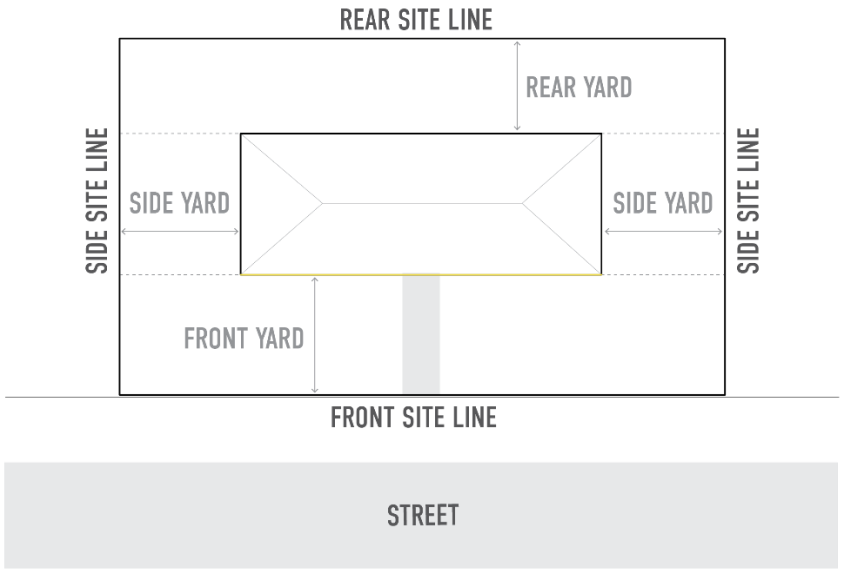


Figure 23: Yards

Yard means an open area unobstructed from the ground to the sky, unless otherwise provided for herein, measured from the closest exterior wall of a building to the boundary of the site on which it is located.

Yard, Corner Side means the yard extending along the side lot line of a reverse corner site from the front yard to the rear yard, the depth of which is measured perpendicularly from the nearest wall of the principal building to the side lot line.

Yard, Front means a yard extending the full length of the front lot line, the depth of which is measured perpendicularly from the nearest wall of the principal building to the front lot line.

Yard, Rear means the yard measured from a front, rear, or side lot line towards the depth of which is measured perpendicularly from the nearest wall of the principal building to the rear lot line.

Yard, Required means the yard measured from a front, rear, or side lot line towards the interior of the site, within which no building or any part of a building may be located, unless permitted herein.

Yard, Side means a yard extending along the side lot line from the front yard to the rear yard, the depth of which is measured perpendicularly from the nearest wall of the principal building to the side lot line.

Yard, Set Back means the distance that a development or a specified portion of it must be set back from a lot line.

9.2 RESIDENTIAL USES

Dwelling, Single-unit means a development consisting of a building containing only one dwelling, which is separate from any other dwelling or building. This includes a manufactured home dwelling, ready-to-move dwelling and modular home dwelling, but not a Mobile Home Dwelling.

Figure 24: Single-unit Dwelling Example

Dwelling, Two-unit means the whole of a building divided vertically or horizontally into two separate dwelling units, each of which has an independent entrance.

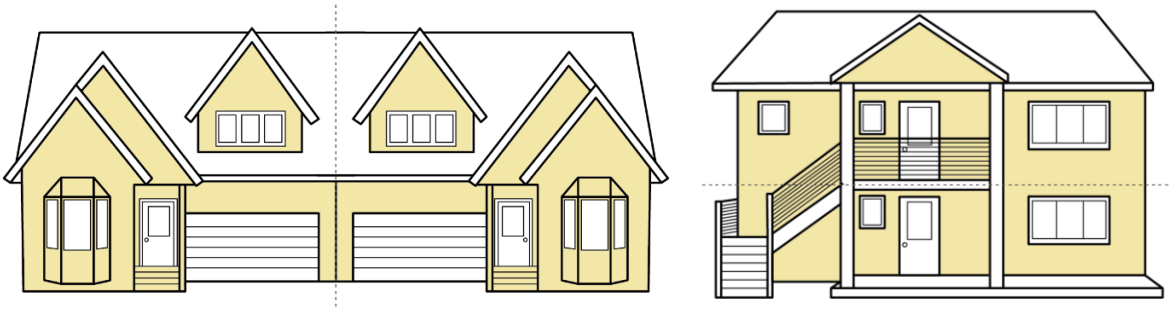


Figure 25: Two-unit Dwelling Examples

Dwelling, Multi-unit means a building containing three or more dwelling units served by common corridors and/or individual entrances, other than row house dwellings.

Figure 26: Multi-unit Dwelling Examples

Dwelling, Row House means a building with three (3) or more dwelling units joined side by side (or occasionally side to back), such as a townhouse, but not having any other principal dwellings either above or below except for a Secondary Suite. Each unit may or may not occupy its own site.

Dwelling, Mobile Home means a portable dwelling unit that is designated to be used as a living quarters or as accommodation for travel, recreation, or vacation purposes and that:

i. Is capable of being transported on its own chassis and running gear by towing or other means, or

ii. Is placed on the chassis or body of a motor vehicle, or

iii. Forms part of a motor vehicle.

Mobile Home Park means a parcel or land under one ownership upon which mobile homes are provided for rent or lease.

Mobile Home Site means a site in a mobile home subdivision that may be purchased for the placement of a mobile home.

Institutional Residence means a premise which is intended for the training, treatment, rehabilitation, housing, care, and/or supervision of individuals.

9.3 COMMERCIAL USES

Amusement Establishment, Indoor means a facility within any building, room, or area having table games or electronic games played by patrons for entertainment. This includes arcades but does not include Carnivals or Indoor Participant Recreation Services.

Amusement Establishment, Outdoor 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.

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 includes pet clinics and veterinary offices.

Auctioneering Establishment means a development specifically intended for the auctioning of goods and equipment, including temporary storage of such goods and equipment.

Automotive and Recreational Vehicle Sales and Service 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 servicing and mechanical repair. This includes automobile dealerships, car rental agencies and motorcycle dealerships, transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops, but does not include body repair and paint shops.

Body Modification Establishment means an establishment which specializes in the placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This excludes microblading.

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.

Business Support Service means a development used to provide support services to businesses which are characterized by one or more of the following features:

i. The use of minor mechanical equipment for printing, duplicating, binding, or photographic processing.

ii. The provision of office maintenance or custodial services.

iii. The provision of office security.

iv. The sale, rental, repair, or servicing of office equipment, furniture, and machines.

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

Commercial School means an establishment offering training or instruction in a trade or vocation.

Drive-in or Drive-through Establishment means any use designed or operated to allow patrons, while outside on the premises in motor vehicles, to order, request, exchange, donate, or receive goods, wares, merchandise, products, foods, beverages, or services.

Eating or Drinking Establishment means the sale to the public of prepared foods, for consumption within the premises or off the site. This does not include drive-in or drive-through establishments.

Fleet Service means a central facility for the distribution, storage, loading and repair of a fleet of vehicles, with or without associated dispatch services and offices. Typical uses include, but are not limited to, courier, delivery, and express services, cleaning services, key and lock services, security services, and taxi service.

Funeral Service means a development used for the preparation of the dead for burial or cremation, and the holding of funeral services. This includes funeral homes, undertaking establishments and includes cremation and interment services.

General Contractor Service 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.

Greenhouse, Plant and Tree Nursery means a development used primarily for the raising, storage, and sale of bedding, household, and ornamental plants.

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.

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.

Non-Accessory Parking, Structured means an enclosed structure or facility where motor vehicles may be stored for purposes of temporary, daily, or overnight off-street parking as a principal use. The facility may be above, below, or partially below ground and includes parking garages and parking decks.

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

Office 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.

Personal Service 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 includes barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, and dry-cleaning establishments and laundromats. This use does not include Body Modification Establishments.

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.

Retail means the use of a building or portion of a building where goods, wares, merchandise, or similar items are offered for sale directly to the public. 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.

Retail, Large means a building or portion of a building where the retail use occurs in a space with a ground floor area greater than 2,000 sq ft (185.8 sq m).

Retail, Small means a building or portion of a building where the retail use occurs in a space with a ground floor area less than 2,000 sq ft (185.8 sq m).

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

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.

Small Animal Keeping 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.

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.

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

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

Truck Sales and Servicing 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.

Truck Stop means a highway oriented commercial operation that may include multiple uses such as eating and drinking areas, gas bar, retail sales, service station, vehicle repair, and other similar or related uses primarily intended to service the travelling public and trucking industry.

9.4 INDUSTRIAL USES

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.

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 does not include Anhydrous Ammonia Facilities.

Cannabis Cultivation Operation means the growing of cannabis plants and harvesting material from those plants, as well as associated activities.

Cannabis Processing Operation means the manufacturing, packaging, and labelling of cannabis projects destined for sale to consumers, and the intra-industry sale of these products, including to provincially authorized distributors, as well as any associated activities.

Cryptocurrency Processing Facility means the operation of specialized computer equipment for the purpose of mining one or more blockchain-based cryptocurrencies, such as Bitcoin. Typical physical characteristics of cryptocurrency mining include specialized computer hardware for mining operations as well as equipment to cool the hardware and operating space. For the purposes of the associated regulations, cryptocurrency mining does not include the exchange of cryptocurrency or any other type of virtual currency nor does it encompass the use, creation, or maintenance of all types of peer-to-peer distributed ledgers.

Heavy Equipment Sales and Service 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.

Heavy Industrial means a use of land that includes the assembly, fabrication, storage, or processing of goods and materials that may have impacts in terms of noise, fumes, odours, or safety hazards outside of the structures in which the use takes place.

Light Industrial means a use of land that includes the assembly, fabrication, storage, or processing of goods and materials that do not create noise, fumes, odours, or safety hazards outside of the structures in which the use takes place.

Portable Asphalt Plant means a temporary facility with equipment designed to heat, dry, and mix aggregate with asphalt to produce asphalt paving material and includes stockpiling and storage of bulk materials used in the process.

Private & Public Communications Towers & Facilities means outdoor equipment and structures required for the purposes of transmitting or receiving television, radio, microwave, radar, laser, or similar communications signals. These facilities may include, but are not limited to antennae, aerials, receiving dishes, transmission beacons, masts, and towers.

Public Utilities Facility means a system, work, building, plant or works equipment, works yard, or resource owned by a public or private utility company or government agency for the provision of water, sewer, drainage, gas, electricity, transportation, and communication services.

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, hazardous waste, and/or salvage yards.

Shipping Container means a container designed to store and transport cargo by ship, rail, or truck, whether or not it is actually used for such a purpose. Shipping containers may also be known as cargo containers, intermodal containers, and sea cans. For the purposes of this By-law, a shipping container does not have wheels, and does not include a motor vehicle.

Solar Collector means a panel or other solar energy device with the primary purpose of gathering, storing, and distributing solar energy for electricity generation, space heating, space cooling, or water heating. Solar collectors can be ground anchored or wall-mounted and used for on-site electrical needs or commercial sale and distribution.

Storage Compound means a development used exclusively for temporary outdoor storage of goods and materials where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land. Typical uses include vehicle storage compounds, automobile wrecking yards, automobile recycling facilities, and salvage yards.

Transport Terminal means a development where commercial passenger vehicles pick up and discharge fare-paying passengers or a development used for the sale, rental, repair, or storage of commercial vehicles.

Trucking Operation means the use of land, buildings, or structures for the purpose of storing, servicing, repairing, or loading trucks, transportation trailers and/or buses.

Wayside Pit and Quarry means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a project such as a road construction contract that is not located on the road right-of-way.

Wet Industry means an industry that generates manufacturing or processing wastewater that has higher concentrations than domestic wastewater, or which uses more than 50 m^3/day of water on its premises or otherwise determined by the designated officer. Typical uses include breweries, food processors, and abattoirs.

Wind Energy Generation System means any device or group of devices such as a wind charger, windmill, or wind turbine that converts wind energy to electrical energy whether it is used for personal use or for generation of power for sale by an enterprise. Wind systems can be ground or rooftop mounted and used for on-site generation or sale and distribution.

Wind Energy Generating System, Commercial means a wind energy generating system designed and built to provide electricity for commercial sale and distribution to the electricity grid.

Wind Energy Generating System, On-Site Use means a wind energy generating system intended to primarily serve the electrical needs of the on-site user or consumer (either behind the meter or off-grid) rather than to produce power for resale. Rooftop Wind Energy Generation Systems are a type of On-Site Use Wind Energy Generating System.

9.5 COMMUNITY USES

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.

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.

Child Care Service means a development to provide personal care and education to children. Typical uses include licensed and unlicensed home day cares, licensed day care centres, day nurseries, kindergartens, nursery schools, and play schools.

Community Garden means an area managed by a non-profit organization, a community-based entity, or a public entity where members of the community may grow plants for beautification, education, recreation, community distribution, or personal use.

Community Service Facility 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, arts and cultural training centres, and community centres.

Education Service, Private means a development for instruction and education which is not maintained at public expense, and which may or may not offer courses of study equivalent to those offered in a public school or private instruction as a home occupation. This includes dormitory and accessory buildings.

Education Service, Public 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 includes public schools, community colleges, and technical and vocational schools, and associated administrative offices.

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.

Government Service means a development providing Municipal, Provincial, or Federal government services directly to the public. Typical uses include government offices, taxation offices, courthouses, postal distribution offices, manual labour and employment offices, and social service offices.

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.

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, riding stables, and fitness trails.

Place of Worship means a building (ex: a church, chapel, mosque, synagogue, temple, or other similar facility) primarily used for religious purposes including incidental uses as determined by the Designated Officer.

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.

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.

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.

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. Typical uses include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, amphitheatres, and athletic fields.

Special Event Facility means a facility where events such as celebrations, ceremonies, weddings, receptions, corporate functions, or similar activities for the benefit of someone other than the property owner takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending the special event.

Wildlife and Conservation Reserve means land that has been designated by Provincial legislation for the protection and conservation of wildlife. This includes Wildlife Management Areas.

9.6 AGRICULTURAL USES

Abattoir means a building, structure, or part thereof, used for the slaughtering of animals and related activities.

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.

Agricultural Activities means a use of land for agricultural purposes. Typical uses include farming, agriculture, apiculture, aquaculture, floriculture, and horticulture. This does not include livestock operations or natural resource developments.

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 does not include Anhydrous Ammonia Facilities.

Apiary means any place where bees are kept.

Crop Production means establishments, such as farms, orchards, groves, greenhouses and nurseries, primarily engaged in growing crops, plants, vines, trees and their seeds (excluding those engaged in forestry operations).

Equestrian Establishment means a facility engaged in the training of horses or the operation of a horse-riding academy or horse riding stables.

Natural Resource Development means development for the on-site removal, extraction, and primary processing of raw materials found on or under the Site, or accessible from the Site. Typical Uses in this Use include gravel pits, sandpits, clay pits, oil and gas wells, coal mining, and stripping of topsoil.

Specialized Agriculture means an agricultural operation in which high value, lower volume, intensively managed agricultural products are produced on a smaller land holding than the minimum size required for general agriculture. Examples include floriculture, horticulture including market gardening, orchards and tree farming, and similar agricultural activities on a commercial basis.

Urban Farm means a site or building within a settlement centre where fruits, vegetables, and other plant products are grown, washed, or packaged for wholesale or retail sales. This use is distinct from animal keeping.

9.7 OTHER USES

Planned Unit Development means a land development project planned as an entity in accordance with an overall site plan which permits flexibility in siting of buildings, mix of uses and housing types, useable open spaces, and the preservation of significant natural features.

9.8 ACCESSORY USES

Bed & Breakfast means a principal dwelling where sleeping accommodation with or without light meals is provided to members of the travelling public for remuneration.

Boarding or Rooming House means a building or portion thereof, other than a hotel, motel or bed and breakfast home, that includes residential suites with shared cooking facilities, meant to provide lodging for compensation.

Canvas Building means a temporary structure intended to store goods or materials that may consist of metal or steel frame and is covered by such material as canvas, plastic, polyethylene, or similar materials.

Home Industry means a light manufacturing operation that is carried out as an accessory use on the same site as a dwelling.

Home-Based Business means any occupation carried on, in or from a dwelling unit or its accessory building, for remuneration and which is clearly incidental or accessory to the residential use of the dwelling unit.

Market Garden Stand means a relatively small-scale production of fruits, vegetables, and flowers as cash crops, frequently sold directly to consumers through sales at booths on-farms or within farmers markets.

Residential-Related Farm means a use where livestock or other animals (excluding pets) less than 10 animal units (cumulative across species) are sheltered, bred, raised, or sold. This includes, but is not limited to, stables and kennels.

Secondary Suite means a second dwelling unit detached from, attached to or within a principal building, that provides basic requirements for living, sleeping, cooking and sanitation. This use may include single-unit, two-unit, and row house dwellings.

Short-Term Rental means the use of all or part of a dwelling unit or a separate building on the same parcel to provide sleeping accommodations for a rental period that is less than 30 consecutive days in exchange for payment, but does not include bed and breakfasts, hotels or motels.

9.9 TEMPORARY USES

Emergency Residential Shelter means a facility where emergency temporary lodging is provided to persons who are homeless, due to indigence or disaster, operated by a public or non-profit agency, and where on-site supervision is provided whenever such shelter is occupied.

Entertainment Event means a transportable group or aggregation or combination of rides, shows, performances, games, or concessions (i.e. carnival, circus, fair, concert, or similar event).

Farmers' Market means an occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on-site.

Fundraising Event means an activity sponsored by a non-profit organization or public entity for the purpose of raising funds or providing information, other than an entertainment event as defined in this Part.

Seasonal Sales means the outside sale of seasonal merchandise, other than those sold at a farmer's market, such as Christmas trees, flags, kites, or arts and crafts.

Temporary Construction Trailer or Building means a movable, portable, or modular structure or trailer used for the storage of construction materials and/or the offices or workspaces for construction managers or workers during the time a principal or accessory building is being constructed.

9.10 SIGNAGE

3rd Party Advertising means permanent advertising signs, or sign directing attention to a business, commodity or message offered elsewhere than on the same lot on which that sign is located.

Sign means any writing, illustration, or emblem, which directs attention to a building, use, business, commodity, service, or entertainment.

Sign, Advertising means a sign directing attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the same site where the sign is located.

Sign, Fascia means a sign or individual letters attached to or inscribed on a wall or other surface and having the exposed face of the sign on a place approximately parallel to the plane of such wall or other surface. May include a sign attached to a marquee.

Sign, Projecting means a sign attached to a building, which extends perpendicularly beyond the surface of that portion of the building to which it is attached.

Sign, Free-Standing means a sign supported by one or more poles, braces or anchors that are placed permanently in the ground and that are independent from any building or other structure. Free-standing signs may include but are not limited to billboard signs.

Sign, Awning means a sign that is incorporated into the material of an awning.

Sign, Digital means a variable message sign that utilizes computer generated copies involving letters, words, symbols, graphics, animation, video, or dynamic text. These signs include incandescent lamps, LED's, LCD's, plasma, and other related technology, whereby the copy can be altered by digital means. The purpose of a Digital Sign is to identify a building or premise and its use to the general public and make aware the products and services provided.

Sign, Portable means a sign which is mounted on a trailer, stand, or other support structure which is designed in such a manner that the sign can be readily taken down or relocated, and which may include copy that can be changed through the use of removable characters, panels, or by electronic means.

Sign, Inflatable means a three-dimensional device that is designed to be filled with air or gas, which may or may not incorporate writing, illustrations, or emblems.

Sign, Real Estate means a physical sign placed on a property to indicate that a property is available for sale, rent or lease and typically displays information such as the real estate agency or broker’s name and contact details and sometimes the property details or features.

PART 10 - ZONING MAPS

The Zone Maps divide the City of Winkler into Zones and specify regulations applying to particular lands.

10.1 ZONE BOUNDARIES

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

1) Where a Zone boundary is shown as approximately following the centre of streets, lanes, or other public thoroughfares, it shall be deemed to follow the centre line thereof.
2) Where a Zone boundary is shown as approximately following the boundary of a site, the site boundary shall be deemed to be the boundary of the Zone for that portion of the Zone boundary which approximates the site boundary.
3) Where a Zone boundary is shown approximately following municipal limits, it shall be deemed to be following municipal limits.
4) Where a Zone boundary is shown as approximately following the centre of pipelines, railway lines, or utility easements, it shall be deemed to follow the centre line of the right-of-way thereof.
5) Where a Zone 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 Zone 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 Zone Map or in other circumstances not mentioned above, the Designated Officer shall interpret the Zone boundaries. Any such decision may be appealed to Council.
8) Where a Zone boundary is not located in conformity to the provisions of Subsection 10.2(1) to 10.2(7) of this By-law, and in effect divides or splits a registered parcel of land into more than one Zone:
    a. the disposition of the said boundaries shall be determined by dimensions indicated on the Zone Maps or by measurements directly scaled from the Zone Maps; and
    b. each such portion of the said parcel of land shall be used in accordance with the applicable Zone regulations of this By-law as if it were a separate site.

10.2 RIGHT-OF-WAY BOUNDARIES

1) Despite anything contained in this By-law, no Zone shall be deemed to apply to any public roadway and any public roadway may be designed, constructed, widened, altered, redesigned, and maintained in such manner as may be determined by Council.
2) Where any public roadway is closed pursuant to the provisions of *The Municipal Act*, as amended, the land contained therein shall there upon be deemed to carry the same Zone as the abutting land.

3) Despite Subsection 10.3(2), where such abutting lands are governed by different Zones, the centre line of the public right-of-way shall be deemed to be the Zone boundary.

LIST OF AMENDMENTS

Bylaw No.	Affected Sites/Provisions	Date Adopted
2271-23	City Of Winkler Zoning By-law	December 14, 2021
City Of Winkler Zoning By-Law No. 2271-23 amended by:		
2284-22	115 Main St S – R1 → R2	May 24, 2022
2286-22	All of Plan (Dep. 519/2020) – DR → R1, R2, R3, PI, PR, DR	August 9, 2022
2288-22	701 & 631 PTH 14 – DR, CG → CG, DR	August 23, 2022
2292-23	Lots 1-3, Plan No. (Dep. 1413/2018) – DR → RR	January 24, 2023
2298-23	1670 Northlands Pkwy – R1 → R3	March 28, 2023
2300-23	224 Victoria St – R1 → R2	May 9, 2023
2301-23	Parcels A, B, C, D, E, and F, Plan (Dep. 1597-22) – PI, SI → PI, SI	August 8, 2023
2305-23	Add Section 2.4(9) Add Section 2.13(7) Section 2.13.2(1) Update Use Table in Section 3.2 Update Bulk Table in Section 3.4.1 Add Section 3.4.2(3) Remove Section 3.5.1(c) Section 3.5.2(2) Delete 3.6.1(b) Section 3.6.2(3) Add Section 3.7.1(c) Update Bulk Table in Section 3.9.1 Section 3.13.1(b) Section 3.14.1(b) Section 3.15.1(b) Section 4.2.2(2) Section 4.7(2) Add Section 4.7(3) Section 4.11(2) Section 4.11.1(1) Section 4.11(5) Section 4.11.2(1) Section 4.16(2)(e) Add Section 4.24 Add Section 5.1(a) Add Section 5.1(5) – relocated and replaced from 2.7(4) Add Section 5.3.4 Update Minimum Parking Spaces Table in Section 5.6 Add Section 5.9(4) Update Parking Stall and Aisle Specifications Table in Section 5.9 Update Sign Requirements Table in Section 6.5 Section 8.3(2)(g) Multiple definitions in Section 9.1 Multiple definitions in Section 9.2 Section 9.3 Section 9.5 Section 9.8 Multiple definitions in Section 9.9	August 22, 2023

	419, 429, 439 & 499 Manitoba Rd – SI → M 275, 280 & 290 Hespler Ave – SI → M 585, 629, & 649 Pembina Ave E – SI → M 120 Eastview Dr – SI → M	
2306-23	1825 & 1885 Diamond Dr – CH → CG, PI, R3	June 27, 2023
2310-23	Section 2.18 Section 3.2 Section 3.4.1(d) Section 3.5.1(d) Section 3.5.2(1) Section 3.6.1 Section 3.8.1 Section 9.1 Section 9.4	January 23, 2024
2318-24	Section 2.7 Section 2.8(2) Section 3.2 Section 4.8.1(1) Section 4.11(2) Section4.11.4(1) Section 5.5(3) Section 5.5(4) Section 5.5(5) Section 5.5(8) Section 5.11(2)(a) Section 6.2 Section 6.3.1(3) Section 9.1 Section 9.3 Section 9.5 Lot 1, Plan 71021 MLTO – I → CG Lot 2, Plan 71021 MLTO – I → PI Lots 1 & 4, Plan 46397 – PI & M → PI	August 13, 2024
2341-25	Section 2.3(5) Section 2.7 Section 3.2 Section 3.5.2(1) Section 3.6.2(2) Section 3.7.2(4) Section 4.8.1(3) Section 5.1(1a) Section 6.1(1)(2) Section 6.3.1(3) Section 6.4(4) Section 6.5 Section 6.6	May 13, 2025

	Section 6.7 Section 6.8 Section 6.9 Section 6.10 Section 9.1 Section 9.8 Section 9.10	