



ZONING BY-LAW

BEING BY-LAW NO. 714/01 OF
THE TOWN OF CHURCHILL

Done and Passed in Council assembled this 16th day of January A.D. 2002.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

Received First Reading on this 23rd day of October A.D. 2001.

Received Second Reading on this 16th day of January A.D. 2002.

Received Third Reading on this 16th day of January A.D. 2002.

THE TOWN OF CHURCHILL

BY-LAW NO.

BEING A BY-LAW to regulate the use and development of the land within the Town of Churchill.

WHEREAS Section 42(1) of The Planning Act, Chapter P80, R.S.M., 1987 provides that Zoning By-law may be enacted by the Council of a municipality;

AND WHEREAS pursuant to Section 24(4) of the said Planning Act, the Town of Churchill has by By-law adopted a Development Plan;

AND WHEREAS, Section 32(3) of the same Act provides that a Zoning By-law shall be amended to bring it into conformity with the Development Plan;

NOW THEREFORE, the Council of the Town of Churchill, in meeting duly assembled, enacts as follows:

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PART ONE - SCOPE

1. THE BY-LAW

- a) This By-law shall be known and may be cited as "The Town of Churchill Zoning By-law."
- b) This By-law shall be in full force and effect on the day it is given Third Reading by the Council of the Town of Churchill.
- c) This By-law shall apply to all of the Town of Churchill.

2. INTENT

- a) The regulations and provisions established by this By-law are deemed necessary in order to:
- b) Implement the objectives and policies of the Town of Churchill Development Plan , By-law No. 691/99;
- c) To define and limit the powers and duties of the Council and the Development Officer; and
- a) To regulate the following:
 - i) All buildings and structures erected hereafter;
 - ii) Uses of buildings, structures and land established hereafter;
 - iii) All alterations, demolitions or relocations of existing buildings and structures occurring hereafter;
 - iv) All enlargements of existing buildings, structures or uses; and
 - v) All changes in the use or intensity of use of buildings, structures and land occurring hereafter.

3. RESPONSIBLE AUTHORITY

- a) The authority responsible for the enactment of this By-law shall be the Council, in accordance with the provisions of The Act; and
- b) Subject to the provisions of The Act, the regulations, restrictions and boundaries set forth in this By-law may from time to time be amended or repealed.

4. INTERPRETATION AND APPLICATION

In their interpretation and application, the provisions of this By-law shall be held to be the minimum requirements to satisfy the intent and purpose as set forth herein.

5. RELATION TO OTHER BY-LAWS

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

6. ENFORCEMENT

The enforcement of this By-law, or any resolution or Order enacted by the Council under The Act or any regulation made thereunder shall be in accordance with PART VII of The Act.

7. RULES OF INTERPRETATION

The following rules of interpretation shall apply to the text of this By-law:

- a) Words, phrases and terms defined herein shall be given the defined meaning.
- b) Words, phrases and terms not defined herein but defined in The Act and in the Building, Electrical or Plumbing By-laws of the Town of Churchill shall be construed as defined in such Act and By-laws.
- c) Words, phrases and terms neither defined herein nor in The Act, the Building, Electrical or Plumbing By-laws of the Town of Churchill shall be given their usual and customary meaning except where the context clearly indicates a different meaning.
- d) Where any requirement of this By-law results in a fraction of a unit, a fraction of five tenths (5/10) or more shall be considered a whole unit and a fraction of less than five tenths (5/10) shall be disregarded.
- e) The term "shall" is mandatory and not permissive; the word "may" is permissive and not mandatory.
- f) Words used in the singular include the plural and words used in the plural include the singular.
- g) Words used in the present tense include the future tense and words used in the future tense include the present tense.
- h) The phrase "used for" includes "arranged for", "designed for", "maintained for" or "occupied for".

- i) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- j) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and", "or", "either-or", the conjunction shall be interpreted as follows:
 - i) "And" indicates that all the connected items, conditions, provisions or events shall apply in any combination.
 - ii) "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - iii) "Either-or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
 - iv) The words "include" "includes" or "including" shall not limit a term to the specified examples, but is intended to extend the meaning to all other instances or circumstances of like kind or character.

8. DIVISIONS OF BY-LAW

This By-law is divided into PARTS. A number-lettering system has been used throughout the By-law as follows:

- a) Each Part is designated by the written word "PART" in capitals followed by a written number in upper case, a hyphen and a title all in upper case letters.
- b) Each Section is designated by a number followed by a period and has a heading in upper case letters that is underlined.
- c) Each Subsection is designated by a lower case letter that is bracketed on the right side.
- d) Each Paragraph is designated by Roman Numeral in lower case bracketed on the right side.
- e) Each Clause is designated by a number that is bracketed on the right side.
- f) This number-lettering system is illustrated as follows:

PART ONE

Part

1.	Section
1. a)	Subsection
1. a) i)	Paragraph
1. a) i) 1)	Clause
1. a) i) 1) A	Subclause

PART TWO - DEFINITIONS

1. **ACCESSORY BUILDING STRUCTURE OR USE:** Means a building, structure or use which is subordinate to, and incidental to the permitted or approved principal building or use; and is located on the same site as the principal building, or use.
2. **ACT, THE PLANNING:** Means The Planning Act, being Chapter P80, R.S.M. 1987 and all amendments and regulations thereto.
3. **AGRICULTURAL INDUSTRIES:** Means industries that support agricultural activities including: seed cleaning plants, grain elevators, fertilizer plants, feed mills, abattoirs, auction marts and bulk fertilizer, but not anhydrous ammonia or bulk propane.
4. **AIRCRAFT LANDING AREA:** Means any area of land or water which is used or intended for use for the landing or take-off of aircraft and any appurtenant areas which are used or intended for use for buildings or other facilities or rights-of-way, including taxi-ways aircraft storage and tie-down areas, hangars and other related buildings and open spaces.
5. **ALTER OR ALTERATION:** Means a non-structural change or modification to an existing building, structure or use which does not increase the exterior dimensions of height and area.
6. **ALTERATIONS, STRUCTURAL:** Means the construction or reconstruction of supporting elements of a building or other structure.
7. **AUTOMOBILE SERVICES:** Means premises used for autobody repair, gas bars, car washes and service stations.
8. **AUTOMOBILE WRECKING:** Means the dismantling or wrecking of used motor vehicles, trucks, heavy machinery or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, machinery or their parts.
9. **BED AND BREAKFAST:** Means a single detached dwelling that is owner occupied where, as an accessory use, 4 or fewer rooms are used to provide sleeping accommodation with breakfast to members of the travelling public for remuneration.
10. **BUILDING:** Means a building as defined in The Act.
11. **BUILDING, HEIGHT OF:** Means the total number of storeys in a building or the vertical distance measured from grade to the highest point of the roof surface if a flat roof, to the deck

of a mansard roof, and to the mean height level between eaves and ridge for gable, hip or gambrel roof.

12. **BULK:** Means the following:

- a) The size (including height and floor area), of buildings or structures; and
- b) The area of the site upon which a building is located, and the number of dwelling units or rooms within such building in relation to the area of the site; and
- c) The location of exterior walls of buildings in relation to site lines; to other walls of the same building; to legally required windows; or to other buildings; and
- d) All open areas relating to buildings or structures and their relationship thereto.

13. **CAMPING AND TENTING GROUNDS:** Means a parcel of land planned and improved to accommodate recreational vehicles, tents, tent trailers or other camping accommodations used as temporary dwellings for travel, recreational and vacation uses.

14. **CEMETERY:** Means land used or intended to be used for the burial of the dead, and may include columbaria, crematoria, mausoleums, and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

15. **CHILD CARE SERVICES:** Means the provision of care for remuneration or rewards to a child apart from his or her parents or guardians for a period in any one day exceeding three (3) hours but not exceeding fourteen (14) hours:

- a) **Drop-in Babysitting Service:** Means the provision of babysitting service accessory to a commercial or institutional building while the parents or guardians of the children undertake some form of short term activity such as shopping, entertainment, education or similar activities in close proximity to the place where the child is under supervision on a temporary basis.
- b) **Home Day Care:** Means the provision of child care services in a family dwelling unit in which the owner or tenant resides, or the provision of child care services in a place of worship or religious institution. The children being cared for shall not be over twelve (12) years of age and the number of children shall not exceed eight (8). Access to an outdoor recreation area is required. Home day care may include a nursery school of less than eight (8) children.
- c) **Group Day Care:** Means the provision of child care service to nine (9) or more children not over the age of twelve

(12) in a provincially licensed facility with access to an outdoor recreation area. Group day care may include a nursery school.

16. **CHURCH:** Means a building or premises dedicated to religious worship and incidentally includes a church hall, church auditorium, Sunday School, parish hall, and day nursery operated by the church.
17. **CONDITIONAL USE:** Means the use of land or building as defined in The Act.
18. **CONDOMINIUM:** Means a development established under the provisions of The Condominium Act.
19. **CONDOMINIUM BARE LAND UNIT:** Means a unit defined by delineation of its horizontal boundaries without reference to any buildings on a condominium plan.
20. **CONDOMINIUM UNIT:** Means a part of the land or building and is designated as a unit by the condominium plan as established under the Condominium Act and is comprised of the space enclosed by its boundaries and all the material parts of the land within this space at the time the condominium declaration and plan are registered.
21. **DEVELOPMENT:** Means development as defined in The Act.
22. **DEVELOPMENT OFFICER:** Means the officer appointed by the Municipality in accordance with the provisions of The Act.
23. **DEVELOPMENT PERMIT:** Means a permit issued under the zoning by-law authorizing development.
24. **DRIVE-IN ESTABLISHMENT:** Means an establishment with facilities for attracting and servicing prospective customers travelling in motor vehicles, which are driven onto the site where the customer may or may not receive service in the vehicle.
25. **DWELLING:** Means a building or portion thereof designed for residential occupancy, including:
 - a) **Single-Family Dwelling:** Means a detached building designed for and used by not more than one (1) family.
 - b) **Two-Family Dwelling:** Means a detached or semi-detached building designed for and used by no more than two (2) families, each having exclusive occupancy of a dwelling unit.
 - c) **Multiple-Family Dwelling:** Means a building containing three (3) or more dwelling units, each unit designed for and used by not more than one (1) family, each having exclusive occupancy of a dwelling unit.

26. **DWELLING UNIT:** Means two (2) or more rooms in a building used or intended to be used by one (1) family for living purposes with cooking, eating, sleeping and sanitary facilities.
27. **FAMILY:** Means one or more persons related by blood, marriage, common-law relationship, or legal adoption, or a group of not more than three (3) persons occupying a dwelling unit and living as a single housekeeping unit.
28. **FINANCIAL SERVICES:** Means a building or part of a building in which people are employed to provide financial services such as banks and trust companies, credit agencies, investment companies, brokers and dealers of securities and accountants.
29. **FITNESS CENTRE:** Means a building or part of a building in which a person's physical well-being is enhanced including health clubs, personal gyms and aerobic and martial arts studios.
30. **FLOOR AREA:** Means the total area of all of the floors of all buildings and structures on a site, measured from the exterior faces of the exterior walls or from the center-line of party walls. The floor area shall include basements when used for residential, commercial or industrial purposes. Space used for storage or the housing of mechanical or central heating equipment and accessory off-street parking and loading spaces are not included.
31. **GARAGE, PRIVATE:** Means an accessory building or portion of a principal building used by the occupants of the premises upon which it is located for the parking or temporary storage of private passenger motor vehicles.
32. **GRADE:** (as applying to the determination of building or structure height) Means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Development Officer.
33. **HOME OCCUPATION:** Means a use which:
- a) Is carried on in a dwelling unit or mobile home or its permitted accessory building;
 - b) Is carried on solely by the members of the family residing at the same dwelling unit or mobile home (no employees are allowed);
 - c) Is accessory to the use of the dwelling unit or mobile home and does not exceed a maximum of 37 square meters (398 sq. ft.);
 - d) Has no exterior display (such as signs of advertising), no exterior storage of materials, and no other exterior indication of the home occupation or variation of the

residential character of the principal or accessory building except as provided for herein;

- e) Is not offensive or obnoxious or creates a nuisance and cause the emission of odour, dust, smoke, noise, gas fumes, cinders, vibrations, refuse matter or water carried waste at or beyond any site line; and
 - f) Does not cause the generation of undue traffic and congestion in the neighbourhood.
34. **HOTEL OR MOTEL:** Means a building or part thereof wherein accommodation is provided for transient lodgers, in any individual room or apartment, with or without cooking facilities. Permitted accessory uses include but are not limited to, restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.
35. **INDUSTRIAL SERVICE SHOP:** Means a use where heavy equipment and machinery, such as tractors, graders and farm machinery, are repaired and serviced and includes uses providing services to mineral and forest extraction operations.
36. **JUNK YARD:** Means a premises where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, metals, paper, rags, rubber tires and bottles. A junk yard includes an automobile wrecking or dismantling yard but does not include uses established entirely within enclosed buildings.
37. **KENNEL:** Means any premises on which more than two (2) dogs and cats at least four (4) months of age are maintained, boarded, bred, trained, or cared for, in return for remuneration, or are kept for the purpose of sale.
38. **LANE:** Means a street not over thirty-three (33) feet in width.
39. **LOADING SPACE:** Means an off-street space or berth on the same site with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which has access to a street, lane, or other appropriate means of access.
40. **MANUFACTURING, GENERAL:** Means a use which mechanically transforms materials or substances into new products, including the assembly of component parts but does not include chemical manufacturing.
41. **MOBILE HOME:** Means a structure transportable in one or more sections, designed to be used as a dwelling unit.

42. **MOBILE HOME PARK:** Means any premises which provides serviced spaces for residential use and designed for the accommodation of two or more mobile homes for lease or rent.
43. **MOBILE HOME SUBDIVISION:** Means a parcel of land subdivided to provide individual sites in accordance with the subdivision approval procedure under the Planning Act.
44. **NON-CONFORMITY:** Means a parcel of land or site, a building or structure, or a use which lawfully existed prior to the effective date of this By-law or amendments thereto, but does not conform to the provisions contained within this By-law or amendments thereto.
45. **PARCEL OF LAND:** Means a parcel as defined in The Act.
46. **PARKING SPACE:** Means an open area of land other than a street or lane or an area within a structure used for the parking of vehicles.
47. **PERSONAL SERVICES:** Means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual (one on one) and personal needs of persons and includes such establishments as barber shops, janitorial, catering, cleaning and garment services, photographic, and clothing rental.
48. **PUBLIC UTILITIES:** Means any system, works, plant, equipment or service which furnishes services and facilities available at approved rates to or for the use of the general public, including:
- a) Communication, by way of telephone, telegraph, wireless or television;
 - b) Public transportation, by bus or other vehicles;
 - c) Production, transmission, delivery, or furnishings of water, gas and electricity to the public at large; and
 - d) Collection and disposal of sewage, garbage and other waste.
49. **PREMISES:** Means an area of land, including a site, with or without buildings or structures.
50. **PROFESSIONAL SERVICES:** Means a building or part of a building in which persons are employed for the provision of professional services such as medical services (including clinics), dental, legal, real estate agents, insurance brokers and consultants.
51. **PLANNED UNIT DEVELOPMENT:** Means a planned unit development as defined in The Act.

52. **RESIDENTIAL CARE FACILITY:** Means the use of a building or structure or portion thereof maintained for the express or implied purpose of providing residential care or transitional services to persons not related by blood or marriage to the operator, but does not include a facility which is licensed or designated by the Manitoba Health Services Commission. The facility shall comply with the Provincial Governments licensing requirements set out in the Social Services Administration Act Regulation 484/88R. It shall include:
- a) **Care Home:** Means a premises where care or treatment of not more than four (4) persons is provide, not including the operators;
 - b) **Neighbourhood Care Home:** Means a premises where care or treatment of more than four (4) but not more than eight (8) persons is provided, not including the operators;
 - c) **District Care Home:** Means a premises where care or treatment of more than eight (8) but not more than twelve (12) persons is provided, not including the operators.
53. **RETAIL SERVICES:** Means a building or part of a building in which persons are employed in the sale of goods to customers and includes uses such as hardware, mail order, Restaurants, bakeries, clothing, groceries, office equipment, drug stores, convenience stores, appliances, electronics, books, gifts, second hand goods and may include incidental repairs.
54. **SIGN:** Means any writing or picture that is a structure or any part thereof, or is attached to, painted on or in any other manner represented on or in a building or structure but shall not include show windows, including:
- a) **Advertising Signs:** Means a sign directing attention to a business, commodity, service or entertainment undertaken elsewhere on the site where the sign is maintained.
 - b) **Bulletin Board:** Means a permanent sign with movable letters and numbers not associated with a commercial enterprise but giving information relating to the activities of and on the same site as a church, community centre, school or other public uses.
 - c) **Business Sign:** Means a sign directing attention to a business, conducted on the site where the sign is maintained.
 - d) **Identification Sign:** Means a sign that identifies the owner, resident, business or the street address and which set forth no other advertisement or business information.
 - e) **Mobile Sign:** Means a sign structure mounted on a trailer, vehicle, stand or similar support structure which is designed in such a manner that the sign can be readily

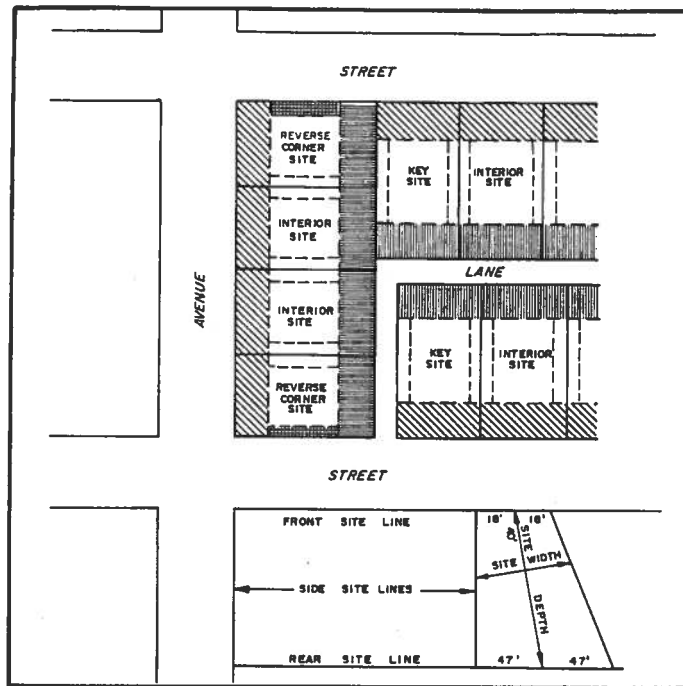
relocated to another location, and which may include copy that can be changed through the use of removable characters or panels.

- f) **Temporary Sign:** Means a sign identifying temporary activities including construction project signs and real estate signs advertising and located on a specific premises.
55. **SIGN SURFACE AREA:** Means the area enclosing the limits of writing and picture excluding the necessary supports or uprights on which it is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign unless the faces are less than three (3) feet apart in which case only the area of the larger face shall be used.
56. **SITE:** Means a parcel of land or a part thereof and, unless provided for elsewhere herein, that has frontage on a street and is of at least sufficient size to fulfil the minimum requirements for area, dimensions and yards.
57. **SITE COVERAGE:** Means that part of a site occupied by buildings, including accessory buildings, expressed as a percentage of the site area.
58. **SITE DIMENSIONS:** Means as follows:
- a) **Site Depth:** Means the horizontal distance between the centre points in the front and rear site lines.
 - b) **Site Width:** Means the horizontal distance between the side site lines, measured at right angles to the site depth at a point halfway between the front and rear site lines, or forty (40) feet from the front site line, whichever is the lesser.
59. **SITE LINES:** Means as follows:
- a) **Front Site Line:** Means that boundary of a site which is along an existing or designated street.
 - b) **Rear Site Line:** Means that boundary of a site which is most nearly parallel to the front site line.
 - c) **Side Site Line:** Means any boundary of a site which is not a front or rear site line.
 - d) Where an irregular shaped site cannot have its site lines defined by the foregoing definitions, the front, rear and side site lines shall be determined by the Development Officer.
60. **SITE TYPES:** Means as follows:

- a) **Corner Site:** Means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.
- b) **Reverse Corner Site:** Means a corner site where the side site line adjacent to the street is a continuation of the front site line of the first site to its rear.
- c) **Through Site:** Means a site having a pair of opposite site lines along two more or less parallel streets. The front site line shall be determined by the Development Officer.
61. **STOREY:** Means the portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling above it.
62. **STREET:** Means a street as defined in The Act.
63. **STRUCTURE:** Means anything constructed or erected which requires location on the ground or is attached to something having a location on the ground.
64. **TOWNHOUSE:** Means a one-family dwelling unit in a row of at least 3 such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls. It shall include:
- a) **Lotted Townhouses:** Means each dwelling unit is situated on an individual site, the limits of which are designated on a plan of subdivision registered in the Land Titles Office;
- b) **Unlotted Townhouses:** Means a number of dwelling units situated on an individual site, where the buildings are part of a planned unit development or a planned building group and site lines are not designated for each dwelling unit or building group.
65. **USE:** Means:
- a) Any purpose for which a building or other structure or a parcel of land may be designed, arranged, intended, maintained, or occupied; or
- b) Any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a parcel of land.
66. **VARIANCE OR VARIATION:** Means a modification of the literal provisions of the By-law granted when strict enforcement of the By-law will cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

67. **VETERINARY CLINIC:** Means a facility designed for the care and treatment of domestic animals, not including cows, horses and the like, under the supervision of a doctor of veterinary medicine. The boarding of animals is limited to short-term care incidental to the treatment of the animals.
68. **YARD, REQUIRED:** Means an open area, on the same site as a building or structure, which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein. A required yard extends along a site line to a depth or width (measured from the site line) specified in the yard requirement for the zone in which it is located.
- a) **Yard Required, Front:** Means a yard extending along the full length of the front site line between the side site lines.
 - b) **Yard Required, Rear:** Means a yard extending along the full length of the rear site line between the side site lines.
 - c) **Yard Required, Side:** Means a yard extending along the side site line from the required front yard to the required rear yard.

SITE TYPE, SITE DIMENSIONS, YARDS



-  — FRONT YARDS
-  — REAR YARDS
-  — CORNER SIDE YARDS
-  — INTERIOR SIDE YARDS

PART THREE - ADMINISTRATION

1. RESPONSIBILITIES OF COUNCIL

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

- a) Enacting this By-law;
- b) Appointing a Development Officer;
- c) Considering the adoption or rejection of proposed amendments or the repeal of this By-law;
- d) Approving or rejecting applications for conditional uses and variations, and revoking approved applications as provided for in The Act; and
- e) Establishing a schedule of fees as provided for in Section 28 of this PART.

2. RESPONSIBILITIES OF THE OWNER

- a) The granting of a development permit, the approval of the drawing and specifications or the inspections made by the Development Officer or Building Inspector do not relieve the owner of the responsibility of complying with the requirements of this By-law or of any relevant By-laws of the Town of Churchill.
- b) Every owner shall be responsible for obtaining, where applicable from the appropriate authorities, permits or licenses relating to the buildings, grades, sewer or water supply systems, plumbing, signs, blasting, street, occupancy, electrical, highways, and all other permits required in connection with the proposed work.
 - i) Every owner shall obtain the written approval of the Development Officer before doing any work at variance with the approved development permit.
 - ii) Every owner shall permit the Development Officer or Building Inspector to enter any building or premises at any reasonable time for the purpose of administering or enforcing this By-Law and shall not molest, obstruct or interfere with the Development Officer or Building Inspector in the discharge of duties under this By-Law.

3. RESPONSIBILITIES OF THE DEVELOPMENT OFFICER

a) **Duties**

- i) issue development permits in accordance with the provisions of this By-law; and
- ii) allow or refuse such minor variations to the requirements of this By-law as authorized by and in accordance with the provisions of The Act.

b) **Responsibilities**

Subject to the provisions of The Act, the Development Officer is responsible for:

- i) Administering and enforcing the provisions of this By-law;
- ii) Administering and enforcing the applicable provisions of The Act; and
- iii) Taking no action on any application until all applicable fees and charges have been paid in full.

c) **Powers**

The Development Officer may:

- i) Issue a development permit where the development of land, buildings or structures conforms to the adopted Development Plan, and the requirements of this By-Law and amendments thereto, subject to this section;
- ii) Enter any buildings or premises at all reasonable hours in the performance of his duties with respect to this By-Law;
- iii) Issue development permits for the temporary use of buildings, structures or land pursuant to the provisions of this By-law; and
- iv) Issue zoning memoranda or such other documents necessary for the administration and enforcement of this By-Law.

d) **Approval of Permits**

At the request of Council the Development Officer shall withhold approving or reject an application for a development permit:

- i) as provided for in The Act;
- ii) which would result in a violation of this By-law or any other By-law of the Town of Churchill; or

- iii) for any person who has failed to pay any fees due and owing to the Town of Churchill under this or any other By-law.

4. DEVELOPMENT PERMIT

- a) No person shall erect, locate, relocate, repair, use or occupy any land, building or structure contrary to any development permit or the material furnished in support of the application.
- b) An application for a development permit is required for the following:
 - i) The erection, construction, placement, relocation or demolition of any building, structure or mobile home, with the exception of those structures described in subsection c);
 - ii) The enlargement, structural alteration or conversion of any building, structure or use;
 - iii) The use or change of use of any premises, buildings or structures;
 - iv) The construction of accessory detached buildings and structures greater than one hundred (100) square feet in floor area;
 - v) The construction of exterior decks and patios;
 - vi) The installation of specialized machinery and equipment, such as air conditioning systems; and
 - vii) Sand, gravel or mineral extraction operations.
- c) An application for a development permit is not required for the following:
 - i) The maintenance and restoration of building components, including repainting and similar operations;
 - ii) Incidental alterations of buildings and structures;
 - iii) The construction of sidewalks, exterior steps, fences, and similar features;
 - iv) The installation of trees, hedges, shrubs, planters, fountains, flagpoles, railing, trellises, and similar landscaping features;
 - v) The erection of one identification sign not exceeding two (2) square feet in surface area per site; and

- vi) Temporary signs such as posters, legal notices and real estate or construction signs not exceeding sixteen (16) square feet in surface area.
- vii) The construction of accessory detached buildings and structures less than or equal to one hundred (100) square feet in floor area.
- d) A development permit shall not be required for those items specified in subsection c). This does not relieve the owner of the responsibility of ensuring that such items are installed in accordance with the provisions of this By-law and any other by-law of the Town of Churchill.
- e) In addition to the requirements of any By-law of the Town of Churchill or any other provincial regulations, all applications for development permits shall:
 - i) Be accompanied by a plan drawn to scale, showing the actual dimensions and shape of the site to be built upon; the exact size and location on the site of buildings already existing, if any, and the location and dimensions of the proposed building, enlargement or structural alteration.
 - ii) Include such other information as may be required by the Council including:
 - 1) existing or proposed building or structural alteration existing or proposed use of the building and land;
 - 2) the number of families, dwelling units or rental units the building is designed to accommodate;
 - 3) conditions existing on the site;
 - 4) current copies of relevant titles, easements, and caveats;
 - 5) a surveyor's certificate prepared by a Manitoba Land Surveyor; and
 - 6) such other matters as may be necessary to determine conformance with and provide for the enforcement of this By-Law.
- f) No person shall erect, locate, repair, use, or occupy any building, land or structure contrary to any development permit or the material furnished in support of the application.

5. AMENDMENTS

Subject to the procedure required under The Act, an amendment may be initiated by a resolution of intention by the Council, or by application of one or more owners of the property or their agents within the area proposed to be changed. An application to amend this by-law and all required information and fees as determined by Council shall be made to the Council.

6. DEVELOPMENT AGREEMENTS

Where an application is made for the amendment of this By-law, the Council may require the owner or the person entitled to be registered as owner of the land, building or structure to which the amendment shall apply, as a condition to its enactment, to enter into a development agreement with the Town of Churchill in respect of that land as well as contiguous land owned or leased by the applicant. The provisions of said agreement shall be in accordance with The Act.

7. CONDITIONAL USE

- a) This By-law is based upon the division of the Town into zones where the use of land, buildings and structures is compatible. There are, however, certain uses, designated Conditional Uses, which cannot properly be permitted in any zone without consideration, in each case, of the impact of those uses upon neighbouring land.
- b) Any owner may apply for a Conditional Use in accordance with this Section and with the provisions of The Act.
- c) Where a use is classified as a Conditional Use under this By-law or amendments thereto, and exists as a legal use at the date of the adoption of an amendment to this By-law it shall be considered as a legally existing Conditional Use.
- d) Any change in a Conditional Use shall be subject to the provisions of this Section and the appropriate provisions of The Act.

8. VARIATIONS

- a) Any person may apply for a variation order, in accordance with the provisions of The Act.
- b) An application for a variation order and all required information and fees, as determined by the Variation Board, shall be made to the Development Officer.

9. NON-CONFORMITY

- a) Non-conforming use: means any lawful use of a building, structure or a parcel of land, or portion thereof, which does not conform to one or more of the applicable use

regulations of the zone in which it is located, on the effective date of this By-law or amendments thereto.

- b) Non-conforming uses, buildings and structures shall be regulated in accordance with and subject to the provisions of The Act, unless otherwise provided for herein.
- c) A non-conformity may be altered by variation upon application of the owner and council may, in its discretion, allow by variation order:
 - i) the structural alteration of a building containing a non-conforming use;
 - ii) the structural alteration of a non-conforming building or structure beyond that permitted under subsection 50(4); c) the increase in size or intensity of use of an existing non-conforming use; (d) the rebuilding of a structure that has been more than 50% destroyed as referred to in subsection 50(3); or
 - iii) the extension of the 12 month time limit under subsection (1) for a period not exceeding 12 additional months.
- d) Non-conforming site or parcel of land: means any lawful site or parcel of land which does not comply with the site area, site width or site depth requirements on the effective date of this By-law, or amendments thereto, and was on record in the Land Titles Office and in separate ownership prior to the effective date of this By-law, or amendments thereto, and did not form part of a larger contiguous holding in the same ownership; and

A building or structure may be erected on a non-conforming site or parcel of land provided that:

- i) The required yards are provided as set forth in the bulk requirements of the zone in which the site or parcel of land is located; or
- ii) A variation order for such yard requirements is granted.

- e) Any fees shall be paid to the Development Officer for the issuance of a certificate in accordance with Section 51(4) of The Act.

10. SITE REDUCED

A site area or site width or required yard reduced below the minimum requirements of this By-law by virtue of:

- a) a public works, street or public utility, as set out under PART VI SUBDIVISION CONTROL of the Planning Act or
- b) as approved by Council through the subdivision Approval process,

shall be deemed to conform to the requirements of this By-law.

11. AREA AND YARD REQUIREMENTS

Except as herein provided, the following provisions shall apply in all zones in ensure adequate site and yard requirements:

- a) Where a site is occupied for an approved or permitted use in a zone and has no buildings or structures thereon, the required yards for the zone within which it is located shall be provided and maintained.
- b) o building or structure shall be allowed on a corner site when such building or structure is to be oriented in such a manner as to reduce the front yard requirement on the street on which such corner site has its frontage at the time this zoning by-law become effective.
- c) It shall be a continuing obligation of the owner to maintain the minimum site requirements, yards and other open spaces required herein for any use so long as it remains in existence.
- d) No building or structure shall be enlarged or reconstructed and no site shall be reduced in area or created, if such enlargement, reconstruction, reduction or creation will result in the violation of any provisions of this By-law.
- e) Yards and site dimensions provided for a building, structure or use existing on the effective date of this By-law or amendments thereto shall not be reduced if already equal to or less than the minimum requirements of this By-law.

- f) No yard or other open space surrounding a building, structure or use in existence, or provided under the provisions of this By-law, shall be considered as providing a yard or open space for any other building, structure, use or site.

12. PLANNED UNIT DEVELOPMENT

The "Planned Unit Development" designation is intended to permit greater flexibility of building locations on a given parcel than that permitted by the applicable bulk requirements.

- a) Planned Unit Developments shall be Conditional Uses in the Zones in which they are listed uses.
- b) Required yards shall be maintained on the periphery of the parcel in accordance with the applicable minimum yard requirements.
- c) Densities may be increased and the yards between buildings may be reduced below the required minimum provided that common spaces, landscaping and other features produce an overall development equal to developments existing in the Zone in which it is located.
- d) Council shall consider the application for Conditional Use in light of the site plan submitted and features proposed to ensure a high standard of development.

13. ACCESSORY USES, BUILDINGS AND STRUCTURES

- a) Any use or building that is permitted or may be approved by virtue of this By-law includes any building, structure or use accessory thereto subject to the fulfilment of all requirements contained herein.
- b) Where the accessory building is attached to a principal building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the principal building;
- c) No detached accessory building shall be located closer than ten (10) feet to any principal building or any other detached accessory building on the same site or any adjoining site.
- d) In no instance shall an accessory building be located within a dedicated easement right-of-way.
- e) No accessory building shall be erected prior to erection of the principal building except where it is necessary for the storage of the tools and materials for use during construction of the principal building.

14. ACCESSORY OFF-STREET PARKING AND LOADING

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- a) All accessory off-street parking and loading areas and space shall be on the same site as the use served.
- b) If the calculation of the required parking spaces result in a fraction, the required parking spaces shall be the next higher whole number.
- c) The surface of the accessory off-street parking and loading areas and spaces and the access driveways thereto, in all RESIDENTIAL ZONES, shall be surfaced with gravel, asphalt or concrete and designed in such a manner that there will be no free flow of water onto either adjacent properties or public sidewalks.
- d) When a building is enlarged or a use extended or changed, the accessory parking and loading requirements for the enlargement, extension, or new use shall be provided in accordance with the requirements of this section and those of the zone in which the building or use is located.
- e) Each parking space have a vertical clearance of at least seven (7) feet from the floor or grade.
- f) An accessory off-street parking space shall be ten (10) feet wide and twenty (20) feet long.

15. SIGNS

- a) No signs or sign structures shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or any high-way or street intersection or railroad grade crossing.
- b) No rotating beam or beam shall be used in connection with any sign display; nor shall any flashing illumination resembling an emergency light be used for such purposes.
- c) No flashing signs shall be permitted in any zone without the approval of the Council. In any event, no flashing sign shall be permitted within three hundred (300) feet on any residential zone or Provincial Roads and Provincial Trunk Highway.
- d) All signs that:
 - i) Are not affixed parallel to and adjoining a wall of a building or structure; or
 - ii) Are affixed to a structure attached to the ground (including a pole)

and that, in the opinion of Council, may create an unsafe or dangerous condition for the passage of vehicles or pedestrians shall have a minimum vertical clearance of nine (9) feet above grade.

- e) All signs and sign structures shall be kept in repair and in proper state of preservation. Signs that have become obsolete because of discontinuance of the business service or activity, and have not been removed or relocated within thirty (30) days following such condition, may be removed by the Town of Churchill at the owner's expense.
- f) No sign or portion thereof shall extend beyond the limits of the site on which it is located.
- g) The placing of advertising, business or identification signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate authority.
- h) Mobile business and advertising signs shall be permitted in Commercial, Industrial and Open Space/Recreation and Limited Development zones.
 - i) Mobile signs shall not be permitted on public property unless otherwise approved by the Town of Churchill or its agents.
 - ii) A mobile sign shall be allowed on a site for a period not exceeding ninety (90) consecutive days. No mobile sign shall be permitted thereafter until thirty (30) consecutive days has expired.
 - iii) One (1) mobile sign shall be permitted per site, except where a site is occupied by more than one use, then one mobile sign shall be permitted per each use up to a maximum of three (3) mobile signs provided the minimum distance between mobile signs is met.
 - iv) Mobile signs shall have a maximum sign surface area of 60 square feet.
 - v) A mobile sign shall not be located within ten (10) feet measured from the nearest part of any exit, entrance, driveway or corner of property site lines.
 - vi) A minimum distance of sixty-five (65) feet between mobile signs shall be maintained at all times.
 - vii) A mobile sign permit issued by the Town of Churchill is required before placing of any mobile sign.
- i) The following signs shall not be subject to the provisions of this By-law except as otherwise stated herein:
 - i) Signs posted by duly constituted public authorities in the performance of their public duties.

- ii) Flags or emblems of a political, civic, educational or religious organization.
- iii) Temporary signs as may be authorized by Council.
- iv) "No Trespassing" or identification signs not exceeding three (3) square feet.
- v) Construction signs when placed on construction sites and not exceeding twenty-five (25) square feet.
- vi) Signs required for direction and convenience of the public including signs which identify rest rooms or parking entrance or exit, not exceeding five (5) square feet in area.
- vii) Real estate signs not exceeding ten (10) square feet which advertise the sale, rental or lease of a building, structure, site, or part thereof.

16. HEIGHT EXCEPTIONS

The provisions of this By-law shall not apply to limit the height of any ornamental dome, chimney, tower, electrical or telephone transmission line, television or radio mast, steeple, water storage tank, electrical apparatus or the mechanical operation of a building provided that no roof structure or any space above the height limit shall be permitted for the purpose of providing usable floor space.

17. PUBLIC MONUMENTS

Nothing in this By-law be so interpreted as to interfere with the maintenance or erection of monuments, statuary, and similar structures.

18. PUBLIC UTILITIES AND SERVICES

Nothing in the By-law shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any public utility, as defined by this By-law. The requirements of such public utility or public service must of a standard compatible with the adjacent area as determined by the Development Officer, and that any building or structure erected in any zone complies with the yard and area requirements applicable to the zone.

19. BUILDING REMOVAL

- a) No building or structure shall be moved in whole or in part to any other location unless every portion of the building or structure is made to conform to, or where a variation order is granted pertaining to, the regulations

of this By-law applying to the zone in which it is located.

- b) Upon completion of removal or demolition of a building from a site, the old foundation shall be removed, any excavation shall be filled, the ground shall be levelled and the site shall be put in a safe and sanitary condition to the satisfaction of the Development Officer.

20. BUILDING GRADE AND SITE DRAINAGE

All new principal buildings shall have a grade and site drainage pattern as approved by the Development Officer.

21. STREET, LANE OR ROAD FRONTAGE

Where Council deems fit, it may permit a use of land and buildings to be constructed upon sites having frontage on a private lane or road provided that said lane or road intersects with a street.

22. FUTURE ROAD DEEMED EXISTING

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

23. MUNICIPAL SERVICE CONNECTION

All principal buildings constructed on a site serviced by sewer, water or hydro distribution shall be connected to such services.

24. PARTY WALLS

- a) A building divided into units of residential, commercial or industrial uses may be subdivided along vertical party walls to permit the sale of individual units.
- b) The applicable side yard bulk requirements shall be considered fulfilled for those side site lines contained within the party walls.
- c) The applicable site area and site width bulk requirements (including existing legal non-conforming sites) shall be considered fulfilled upon subdivision approval.

25. LAND SUBJECT TO PERIODIC FLOODING OR EROSION

- a) Development of those lands shall be subject to the approval of the Council, with or without conditions.
- b) Any building, structure or use including those:
 - i) Designed for human habitation;
 - ii) Associated with high flood damage potential;

- iii) Not connected with permitted open space uses;
- iv) Consistent with open space uses but that may materially affect flood stages; or
- v) Used for storage of hazardous materials that are buoyant, flammable, explosive or may be injurious to human, animal or plant life;

shall not be permitted by Council if they are potentially hazardous or may endanger life and property.

- c) No development shall be permitted within a horizontal distance of 100 feet (one hundred) of the ordinary high water mark of a waterway.
- d) The minimum setback requirement from waterways for activities which may have the effect of polluting the waters shall be determined by Council upon recommendation from the Water Resources Branch and the Environmental Operations Branch.
- e) The Council may request the comments from the Water Resources Branch or the Environmental Operations Branch where development or the use of land may have a detrimental effect on the water quality of the waterways or could alter, obstruct or increase flood velocities or stages.
- f) An applicant shall, upon the request of Council, submit evidence prepared by a licensed professional engineer of the Province of Manitoba to support the application for development. Such evidence may include bank stability, design of flood prevention works and evaluation of effects on flood stages and velocities.
- g) Incidental alterations, enlargements, extensions to existing structures and uses may be permitted in compliance with this section.

26. FEE SCHEDULE

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

27. ZONING MAP

- a) Abbreviations mean the following:

- "Blk." means Block.
- "Pcl." means Parcel
- "Pt." means Part
- "Sec." means Section
- "Tp." and "Twp." mean Township
- "R" and "Rge." mean Range
- "W" and "W.P.M." means West of the Principle Meridian

"P.R." means Provincial Road

"P.T.H." means Provincial Trunk Highway

- b) Boundaries indicated as approximately following:
- i) the centre lines of railways or railway or public utility rights-of-way;
 - ii) the centre lines of streets, highways or lanes;
 - iii) lot or ownership lines;
 - iv) municipal limits;
 - v) the shorelines or centre-lines of creeks.
- shall be construed as following those lines or limits.
- c) If a street or lane or railway or public utility right-of-way shown on the Zoning Map is lawfully closed, the land formerly comprising the feature shall be included within the Zone of the land which surrounds it.
- d) If the said feature included a Zone boundary on its centre line, then the new zone boundary shall be the former centre line except in the case where a landowner acquires all of the closed feature adjacent to other property where the designation that applied to the other property shall apply to all that portion of the acquired feature.

PART FOUR - RESIDENTIAL ZONES

1. INTENTS OF ZONES

a) "RL" - Residential Low Density Zone

This zone provides for development of a range of low-density residential dwellings including detached houses, duplexes and three to five-unit dwellings.

b) "RH" - Residential High Density Zone

This zone provides for the development of high-density residential multiple-unit buildings of over 5 units.

c) "RMH" - Residential Mobile Home Zone

This zone provides for the development of sites in a mobile home subdivision or park.

2. ACCESSORY BUILDINGS, STRUCTURES AND USES

In the Residential Zones the following buildings, structures, and uses are deemed to be accessory:

- a) A children's playhouse, a garden house, private greenhouse, summer house and private swimming pool.
- b) A private garage or carport, covered patio, toolhouse, shed and other similar buildings and structures for the storage of domestic equipment and supplies.
- c) Accessory off-street parking (Section 7. of this PART).
- d) Buildings and structures for the operation, maintenance and administration of park and recreation uses.
- e) Signs, including only the following:
 - i) One (1) identification sign per site with a maximum surface area of seven (7) square feet.
 - ii) One (1) bulletin board in conjunction with a church, school, community hall or park.
- f) Home occupations (see section 34. of PART TWO) where the occupancy permit application must be accompanied by a site plan indicating where materials and activities are to be located on the site.
- g) In a Mobile Home Park the following accessory buildings and structures in addition to those listed above:
 - i) Service building;
 - ii) Storage compound; and

- iii) Recreational facilities.

4. NUMBER OF PRINCIPAL BUILDINGS OR USES

- a) Not more than one (1) of the following principal buildings or uses shall be permitted on one (1) parcel:
 - i) single-family dwelling
 - ii) two-family dwelling
- b) Not more than one (1) mobile home shall be permitted on one (1) registered space.

5. PROJECTIONS INTO REQUIRED YARDS

- a) The following items may be located in a required yard, except that in no case may a wall, fence or planting create a wall-like effect higher than thirty (36) inches in the front yard or six (6) feet in any other yard:
 - i) trees, shrubs and gardens.
 - ii) fences, walls and retaining walls.
 - iii) flagpoles, signs and lighting fixtures.
 - iv) sidewalks, driveways and parking spaces.
- b) Air exchanges may be placed in any yard but must be located a minimum distance of ten (10) feet from any site line.
- c) The following items may project into a required yard, so long as a minimum set-back from any site line of three (3) feet in the case of principal buildings and structures and two (2) feet in the case of accessory buildings and structures is maintained at all times.
 - i) open, unenclosed and uncovered porches, decks with railings higher than one (1) foot above grade, terraces, balconies, fire escapes and stairways.
 - ii) architectural features including chimneys, bay windows, alcoves, canopies, awnings, eaves and gutters.
- d) Decks without continuous railings can project into a side yard up to the site line provided they are not higher than one (1) foot above grade.

6. MULTIPLE-FAMILY DEVELOPMENT

- a) A development application for a multiple-family dwelling shall be accompanied by plans drawn to scale showing the following:
- b) The location of entrance and loading points to existing and proposed structures;
- c) The location of all curb cuts, driveways, parking areas and loading areas, and the method of illumination;
- d) The location and type of landscaping, walls, fences and screening; and
- e) Typical floor plans and elevations for proposed buildings and structures.

7. MOBILE HOME PARK DEVELOPMENT

- a) All mobile homes shall meet structural standards as determined by "Canadian Standards Association (CSA) Mobile Home Structural Standards" contained within the Z240 Series and all revisions thereto.
- b) A mobile home park shall:
 - i) Contain a minimum of ten (10) mobile home spaces;
 - ii) Have a maximum density of ten (10) mobile home spaces per acre;
 - iii) Contain a common recreational area of 600 (six hundred) square feet for each ten (10) mobile home spaces or fraction thereof (buffers cannot be considered as part of the recreational area);
 - iv) Have internal roadways a minimum of forty (40) feet in width and surfaced with concrete or asphalt to a minimum roadway width of twenty-five (25) feet;
 - v) Maintain a landscaped buffer a minimum of twenty (20) feet in width free and clear of all buildings and structures around the entire perimeter of the mobile home;
 - vi) Provide, for each mobile home space:
 - 1) A sewer and water connection;
 - 2) An electrical service outlet; and
 - 3) A concrete base support for the mobile home.
 - vii) Provide street lighting to Council's specifications;
 - viii) Contain one administration/service building and secure storage compound; and
 - ix) Ensure that each mobile home is equipped with a durable skirting that screens the view of the undercarriage or foundation supports.

8. PARKING SPACES REQUIRED

USE	MINIMUM NUMBER OF PARKING SPACES REQUIRED
Boarding & Lodging Houses, including Medical Boarding Houses	1.5 per 2 dwelling units
Churches, Funeral Homes	1 per 5 seats in the principal seating area minimum 10 spaces
Libraries	1 per 1000 sq. ft. of floor area
Mobile Homes Single-Family Dwellings Two-Family Dwellings	1 per dwelling unit
Mobile Home Park	1 unassigned visitor parking space per 5 dwelling units
Multiple-Family Dwellings	1.5 per dwelling unit (25% unassigned visitor parking spaces)
Personal Care Home	1 per employee plus 1 unassigned visitor space per 7 residents
Residential Care Facility Group Child Care Facility	1 per employee
Schools	1 per classroom plus 3 additional spaces
Seniors Apartment	1 per 2 dwelling units

9. RESIDENTIAL USES AND BULK REQUIREMENTS TABLE ONE

- a) Lists all uses that are "P", Permitted or "C", Conditional in the RESIDENTIAL ZONES. All listed uses are subject to the provisions contained herein.
- b) The following explanations and exceptions apply to TABLE ONE "RESIDENTIAL USES AND BULK REQUIREMENTS":
 - a Corner side yards and side yards which accommodate a parking space shall be a minimum of ten (10) feet in width.
 - b Detached accessory buildings and structures shall be located to the rear of the front wall of the principal building on the site and of any adjacent principal buildings.
 - c Side yards for accessory buildings shall be 2 feet clear of all projections (i.e. eaves).
 - d Rear yards for garages located at the following angles to a public lane shall be as follows:
 - 1) 45° angle or less 5 ft.
 - 2) an angle greater than 45° 10 ft.

All other accessory buildings shall have a rear yard of 2 feet clear of all projections.

- e All bed and Breakfast establishments must have a valid licence from the Town of Churchill in order to operate.
- f The following development requirements apply:

BUILDING	MAXIMUM	MAXIMUM	MINIMUM DWELLING UNIT
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	SITE COVERAGE	HEIGHT	FLOOR AREA
Single-Family	60%	2 storeys	600 sq. ft.
Two-Family		2 storeys	
Multiple-Family		45 feet	
Mobile Home		N/A	

- g The minimum site area shall be ten thousand (10,000) square feet for the first four (4) units and an additional one thousand (1,000) square feet for each unit thereafter.
- h Site plans drawn to scale shall accompany development permit applications for Planned Unit Developments. Council may require additional information from the applicant as may be necessary for review of the proposal.
- i Bulk requirements do not apply to the transmission facilities (wires, pipes, poles, transformers and switching boxes) including Manitoba Hydro substations and Manitoba Telephone System transmission buildings. This does not apply to offices, equipment and vehicle storage and parking or workshops.

TABLE ONE RESIDENTIAL USES AND BULK REQUIREMENTS

PERMITTED = P CONDITIONAL USES = C		ZONES	SITE AREA sq.ft	SITE WIDTH ft	FRONT YARD ft	SIDE YARD ^a ft	REAR YARD ft
Accessory Buildings, Uses & Structures		P ALL	N/A	N/A	b	2 ^c	10 ^d
Bed and Breakfast ^e		C RL	5,000	50	25	5	25
Child Care Services	Home Day Care	P ALL	5,000	50	25	7	20
	Group Day Care	P RH	4,000	40	25	5	20
		C RL	7,500	100	25	7	20
Churches, Church Halls, Etc.		P ALL	20,000	100	20	10	10
Dwellings ^f	Single-Family	P RL	5,000	50	25	5	25
	Two-Family	P RL	6,600	75	25	6	25
	Three to Five Family	C RL	10,000 ^g	100	15	15	25
	Multiple-Family	P RH					
	Mobile Homes	P RMH	5,000	40	20	4	10
Parks, Playgrounds, Tot Lots		P ALL	3,000	20	10	10	10
Personal Care & Senior Citizen Homes		P RH	10,000 ^g	100	15	15	25
		C RL					
Planned Unit Development		C ALL	h				
Public Utilities		P ALL	i				
Residential Care Facilities	Care Homes	P ALL	5,000	50	25	7	20
	Neighbourhood Homes	C RL RH	7,500	75	25	7	20
	District Homes	C RH	10,000	100	15	15	20
Schools		P ALL	5 acres	N/A			

PART FIVE - COMMERCIAL AND INDUSTRIAL ZONES

1. INTENTS OF ZONES

a) "C" - COMMERCIAL ZONE

This zone provides for the development of a wide variety of commercial uses concentrated in the centre of the community.

b) "M" INDUSTRIAL ZONE

This zone provides for the development of a range of industrial uses including manufacturing, processing, distribution and transportation with a minimum nuisance factor.

2. ACCESSORY BUILDINGS, STRUCTURES AND USES

a) In the Commercial and Industrial Zones the following buildings, structures, and uses are deemed to be accessory:

b) An accessory dwelling unit (including those buildings and structures accessory to a residence as provided for in Part IV, Section 2.) as regulated in Section 6 of this PART.

c) The production, processing, cleaning, servicing, altering, testing, repair or storage of goods or a building or structure so used, normally incidental to and conducted by the same owner as the principal use.

d) A retail or commercial use which is incidental to a permitted or approved industrial use.

e) Accessory off-street parking spaces as required and regulated in Section 5. of this PART.

f) Signs, including:

i) Advertising, business and identification signs;

ii) A maximum of two (2) signs per business; and

iii) Maximum sign surface area per business of 64 square feet;

iv) One additional sign permitted for a multiple-tenant building with a maximum sign surface area of 32 square feet.

3. NUMBER OF PRINCIPAL BUILDINGS OR USES

- a) More than one (1) principal building may be located on one (1) parcel provided that the yard requirements for each building are fulfilled without overlap with other yards.
- b) A multiple-unit building shall be considered one (1) building for the purposes of establishing yard requirements.
- c) A Planned Building Group as approved by Council need not fulfil Section (1) above concerning yards.

4. DEVELOPMENT IN REQUIRED YARDS

The following developments are permitted in the required yards:

- a) Architectural features including chimneys, steps, eaves and decks;
- b) Landscape features including trees, fences, walls, lighting and signs;
- c) Parking and loading areas, sidewalks and driveways;
- d) Outside storage of materials, but not in any front yard, corner side yard or yard abutting a Residential or Open Space Recreational Zone; and
- e) The restrictions in (d) above do not apply to the display of automobiles, trucks or trailers, lawnmowers, snowmobiles, etc.

5. PARKING AND LOADING REQUIREMENTS

- a) All required permanent accessory off-street parking and loading spaces shall be located on the same site as the use served, unless a variation order is approved for parking spaces located elsewhere.
- b) When a building or structure is enlarged or a use is changed, the accessory off-street parking spaces shall be provided for the enlargement, change, or new use, in accordance with the provisions of this section.
- c) For all permitted or conditional uses in the Commercial and Industrial Zones, a minimum of one off-street loading space shall be provided for each site.
- d) Every parking or loading space shall be a minimum of nine (9) feet wide and twenty (20) feet long.

e) The following minimum requirements shall apply:

USE	MINIMUM NUMBER OF PARKING SPACES REQUIRED
Accessory Dwelling Unit	1 per dwelling unit
All other Uses in the "M" Industrial Zone	1 per 1,500 square feet of building or use floor area but not less than one (1) space
All other Uses in the "C" Commercial Zone	One (1) per 3,000 square feet of building or use floor area but not less than two (2) spaces

6. ACCESSORY DWELLING UNIT

An accessory dwelling units may be established as an accessory use to a principal commercial building and may be located:

- a) To the rear of the principal use, or;
- b) Above the principal use.

7. BULK FUEL AND PROPANE

Bulk propane and oil storage buildings and structures shall not locate within one hundred and twenty five (125) feet of an established dwelling unit (other than the owner's or operator's) or as recommended by the Department of Labour.

8. COMMERCIAL AND INDUSTRIAL USES AND BULK REQUIREMENTS TABLE

- a) Lists all uses that are "P", Permitted or "C", Conditional in the COMMERCIAL and INDUSTRIAL ZONES. All listed uses are subject to the provisions contained herein.
- b) The following explanations and exceptions apply to the COMMERCIAL/ INDUSTRIAL BULK REQUIREMENTS TABLE THREE:
 - a The maximum site area coverage including the principal and all accessory buildings and structures shall be seventy five percent (75%).
 - b Where a site line abuts a Residential or Public and Recreational Zone, the required side yard shall be increased to a minimum of ten (10) unless a solid fence or compact hedge or row of shrubbery five (5) feet in height is provided and maintained.
 - 1) See section 4. d) and e) of this PART re: Development in Required Yards.
 - 2) Buildings structures and hedges adjacent to Provincial Roads and Trunk Highways are subject to the Highway Protection and Highways Department Acts.

- 3) Gasoline pumps shall have a required front, side and rear yard of fifteen (15) feet. Bulk propane tanks shall have a required setback from all buildings and lot lines as regulated and required by the Department of Labour.
- c Detached accessory buildings and structures (with the exception of gasoline pumps) shall be located to the rear of the front wall of the principal building and to the rear of the front walls of any adjacent buildings.
- d Bulk requirements do not apply to the transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and Manitoba Telephone System transmission buildings since all of this apparatus may require only very small parcels or none at all (easements). This does not apply to offices, equipment or vehicle storage, parking or workshops.

**TABLE THREE
COMMERCIAL AND INDUSTRIAL USES AND BULK REQUIREMENTS**

Permitted Uses = Conditional Uses =	P C	ZONES	SITE ^a AREA sq.ft	SITE WIDTH ft	FRONT ^b YARD ft	SIDE ^b YARD ft	REAR ^b YARD ft	
Accessory buildings uses and structures	P	C M	N/A	N/A	^c	2	7	
Advertising signs	C	C M						
Agricultural industries	P	M	20,000	120	30	30	20	
Amusement Enterprises	P	C M	5,000	50		10		
Automobile, boat & trailer sales area	P	C M	20,000	120		30		
Automobile services	P	C M	15,000	100		20		
Automobile Wrecking	C	M	40,000	150				
Banquet halls	P	C	15,000	100		20		
Bulk fuel & propane	P	M	20,000					
Churches & Church Halls	P	C M	15,000					
Cleaning plants	P	M	5,000	50		10		
Drive-in Establishments	C	C M	15,000	100		20		
Financial Services	P	C	5,000	50		10		
Fire & police stations	P	C M						
Fitness Centre	C	C M	20,000	100		10		20
Food processing plants	C	M						
Hotels and Motels	P	C M						
Industrial service shops	P	M						
Junk yards	C	M						
Lodges & private clubs	C	C	5,000	50	10	10		
Lumber/contractors yards	P	M	20,000	200	30	20		
Maintenance yards	P	M						
Manufacturing, general	P	M	40,000	150				
Moving & storage	P	M						
Parks & playgrounds	P	C M	5,000	50	10	0		
Personal Services	P	C M						
Plumbing & sheet metal	P	M						
Professional Services	P	C						
Public utilities	P	C M	^d					
Radio & Television facilities	P	C	5,000	50	10	0		
Recreation facilities	C	C M						
Retail Services	P	C M						
Snowmobile, motorcycle, etc. Sales area	P	M	20,000	100	30	10	20	
Trucking terminals	P	M	80,000	200	30	20		
Veterinarian	C	M	20,000	100	20	10		
Warehouses	P	M						

PART SIX PUBLIC AND RECREATIONAL AND LIMITED DEVELOPMENT ZONES

1. INTENT OF ZONES

a) "PR" Public and Recreational Zone

This zone is intended to provide for the development of educational, institutional, public recreational and public open space uses.

b) "LD" Limited Development Zone

This zone is intended to preserve lands for future development by maintaining large parcel sizes and preventing land uses that would limit future development.

2. ACCESSORY BUILDINGS, STRUCTURES AND USES

In the Public and Recreational and Limited Development Zones the following buildings, structures, and uses are deemed to be accessory:

- a) Buildings and structures used for operations, maintenance and administration;
- b) Accessory off-street parking and loading area;
- c) Signs, including:
 - i) One (1) identification sign, not exceeding one hundred (100) square feet in sign surface area;
 - ii) One (1) bulletin board; and
 - iii) Directional signs, not exceeding thirty (30) square feet in sign surface area.

3. PARKING AND LOADING REQUIREMENTS

- a) All required permanent accessory off-street parking areas shall be located on the same site as the use served.
- b) Each parking and loading space shall be a minimum width of ten (10) feet and length of twenty (20) feet.
- c) When a building or structure is enlarged or a use changed, the accessory off-street parking spaces shall be provided for the enlargement, change or new use, in accordance with the provisions of this Section.
- d) For all permitted or conditional uses, in the Public and Recreational and Limited Development Zones, a minimum of one off-street loading space shall be provided for each site.

**TABLE FIVE
PUBLIC AND RECREATIONAL AND LIMITED DEVELOPMENT USES AND BULK REQUIREMENTS**

Permitted = Conditional Uses =	P C	ZONE	SITE AREA sq. ft	SITE WIDTH ft	FRONT YARD ft	SIDE YARD ft	REAR YARD ft
Accessory Buildings, Uses and Structures	P	PR LD	N/A	N/A	a	5	5
Aircraft Landing Areas and Airports	C	LD	10 acres	250	30	20	20
Waste Disposal Grounds							
Arenas and Recreation Centers	C	PR	40,000	150	30	20	20
Camping and Tenting Grounds	C	PR LD					
Cemeteries	C	LD					
Sport and Athletic Fields	P	PR LD					
Communication Facilities	C	PR LD	10,000	75	20	10	10
Exhibition and Fair Grounds	C	PR LD	2 acres	200	30	20	20
Kennels	C	LD					
Public Buildings	P	PR LD	10,000	75	20	10	10
Public Utilities	P	PR LD	b				
Sewage Lagoons	P	LD	5 acres	N/A			
Temporary Buildings and Uses (including staff accommodation)	P	PR LD	c				

e) The following minimum requirements shall apply:

USE	MINIMUM NUMBER OF PARKING SPACES REQUIRED
Arenas and Recreation Centers, Museums, Swimming Pools, Auditoriums, Banquet Halls, Church Halls	1 per 4 persons that can be accommodated at any one time.
Churches	1 per 5 seats

4. PUBLIC AND RECREATIONAL AND LIMITED DEVELOPMENT USES AND BULK REQUIREMENTS TABLE

a) Lists all uses that are "P", Permitted; or "C", Conditional in the PUBLIC AND RECREATIONAL AND LIMITED DEVELOPMENT ZONES. All listed uses are subject to the provisions contained herein.

b) The following explanations and exceptions apply:

- a Detached accessory buildings and structures shall be located to the rear of the front wall of the principal building and to the rear of the front walls of any adjacent principal buildings.
- b Bulk requirements do not apply to the transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and Manitoba Telephone System transmission buildings since all of this apparatus may require only very small parcels or none at all (easements). This does not apply to offices, equipment or vehicle storage, parking or workshops.
- c The temporary nature of the buildings and uses, along with bulk requirements, shall be determined by Council.