

Notice: All persons making use of this Consolidation are reminded that it has no legislative sanction; that the Amendments have been embodied only for the convenience of reference; and that the original By-law and Amendments should be consulted for all purposes of interpreting and applying the law.

An Office Consolidation of

The R.M. of St. Clements

Zoning By-law

By-law No. 5-2002

Adopting By-law	Changes and Amendments	Content Affected		Remarks
		Text	Map	
1-2003	Various amendments to Parts 3 & 5 to 10	X		Part amended by B/L 15-2005
	Redesignated from “RM” to “RA” & “CH”		X	
18-2003	Redesignated from “RA” to “CH”		X	
22-2003	Amend Part 6 – Residential Use Table 13 & Residential Bulk Table 14	X		
4-2005	Amend Table 11 (max. unit size	X		3 rd Read Appr. Mar. 8, 2005
15-2005	Amend Parts 3, 4 & 8 in regards to adding new zone “ML” Light Industrial	X		3 rd Read Appr. Sep. 13, 2005
18-2005	Amend Part 8	X		3 rd Read Appr. Apr. 11, 2006
	Redesignated from “M” to “ML”		X	3 rd Read Appr. Apr. 11, 2006
8-2006	Amend Part 2 Section 3.29	X		3 rd Read Appr. July 25, 2006
13-2006	Redesignated from “PR” to “RA”		X	3 rd Read Appr. July 25, 2006
2-2007	Gen. Prov. 3.8.9, 3.27.2, 3.29.3 & 3.30.2.1	X		3 rd Read. Apr. 24/07
3-2007	Gen. Prov. 3.25 “Pools, Hot Tubs & Ponds”	X		3 rd Read. Appr. 7/24/07
15-2007	Gen. Prov. 3.2”Accessory Uses, Buildings & Structures” “RR”Rural Residential Use Table 14 “Accessory”	X		3 rd Reading Jan. 29/08
8/2008	Gen. Prov. 3.12 Flood Prone, Hazard Prone Lands	X		3 rd Reading Sept. 9/2008
9-2009	Redesignation from “RT” to “SR”		X	3 rd Reading July 27, 210
8-2013	Addition of the RS zone and redesignaton from RA to RS and CH	X	X	3 rd Reading December 10/13
13-2016	Various text amendments	X		3 rd Reading June 28 th , 2016

**Rural Municipality
of
St. Clements**

**Zoning By-law
No. 5-2002**

THE R.M. OF ST. CLEMENTS
In the Province of Manitoba
By - Law Number 5/2002

Being a By – Law to regulate the use and development of land within The Rural Municipality of St. Clements.

WHEREAS Section 39 (1) of the Planning Act, Chapter P80, January 2, 1999, provides that a Zoning By – Law may be enacted by the Council of a municipality;

AND WHEREAS, it is deemed desirable and expedient to repeal By – Law number 2370, and all amendments thereto and substitute therewith a new Zoning By – Law;

RESOLVED that the Council of The Rural Municipality of St. Clements, in meeting duly assembled, enacts as follows:

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1. INTRODUCTION

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1.1. TITLE

- 1.1.1 This By-law may be cited as "The Rural Municipality of St. Clements Zoning By-law".

1.2. AREA

- 1.2.1 The provisions of this zoning by-law shall apply to all lands within the limits of The Rural Municipality of St. Clements in the province of Manitoba, as shown on the Zoning Map in Appendix A to this by-law.

1.3. INTENT AND PURPOSE

- 1.3.1 The provisions established by this zoning by-law, which have been adopted by The Council of The Rural Municipality of St. Clements, are deemed necessary in order to:
- 1.3.1.1. implement the objectives and policies as outlined in Selkirk and District Planning Area Board Development Plan;
 - 1.3.1.2. define and limit the powers and duties of the Board, Council and Development Officers; and
 - 1.3.1.3. define and prescribe development standards including, but not limited to the following:
 - buildings and structures constructed and located hereafter, in accordance with the Buildings and Mobile Homes Act;
 - existing buildings and structures structurally altered and/or relocated hereafter;
 - uses of buildings, structures and land established hereafter; and

- changes of use of buildings, structures and land hereafter.

1.4. INTERPRETATION

- 1.4.1. The provisions of this zoning by-law shall be interpreted to be the minimum requirements except where the abbreviation for or word "maximum" is used, in which case the maximum requirement shall apply.
- 1.4.2. Reference to the "Board" shall refer to the Selkirk & District Planning Area Board.
- 1.4.3. "Shall" is mandatory.
- 1.4.4. Units of measure are imperial.

1.5. RELATION TO OTHER BY-LAWS AND REGULATIONS

- 1.5.1. In the event of conflict between this zoning by-law and amendments thereto, and any restrictions imposed by a government authority having jurisdiction to make such restrictions, the most restrictive shall apply.

1.6. REFERENCES TO STATUTES

- 1.6.1. References to statutes within this zoning by-law, unless otherwise specified, are Statutes of the Province of Manitoba and amendments thereto.

1.7. VALIDITY

- 1.7.1. Should any section or part of a section of this zoning by-law or appendix attached hereto be declared invalid by a court of competent jurisdiction, the same shall not affect provisions of the zoning by-law as a whole or any part thereof beyond that which was declared invalid.

2. ADMINISTRATION

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2.1. SELKIRK & DISTRICT PLANNING AREA BOARD RESPONSIBILITIES

The Selkirk & District Planning Area Board is responsible for the following:

- 2.1.1. administration and enforcement of this by-law;
- 2.1.2. acting as an appeal board as per the Planning Act;
- 2.1.3. administration and enforcement of the Planning Act, where applicable;
- 2.1.4. establishment of planning advisory committees in accordance with the Planning Act; and
- 2.1.5. establishment of a schedule of application fees and permit charges for the following:
 - conditional use orders;
 - development plan amendments;
 - subdivisions;
 - variation orders;
 - zoning by-law amendments;
 - zoning confirmation letters;
 - zoning compliance certificate;
 - zoning memoranda; and
 - other appropriate documents.

2.2. THE R.M. OF ST. CLEMENTS COUNCIL RESPONSIBILITIES

Subject to the provisions of the Planning Act, the Council of The Rural Municipality of St. Clements is responsible for the following:

- 2.2.1. enactment of this By-law;

- 2.2.2. administration and enforcement of the Planning Act, where applicable;
- 2.2.3. adoption or rejection of proposed amendments or the repeal of this by-law;
- 2.2.4. approval or rejection of conditional uses and variation orders, and/or revocation of existing conditional uses and variation orders.

2.3. DEVELOPMENT OFFICERS' RESPONSIBILITIES

- 2.3.1. The Board shall appoint development officers, who on behalf of The Rural Municipality of St. Clements, shall carry out the administration and enforcement of this by-law. Duties of the development officers shall include items listed in 2.1.5.

3. GENERAL PROVISIONS

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3.1. INTENT

- 3.1.1. The general provisions contained herein apply to all zones, except as otherwise specified herein.

3.2. ACCESSORY USES, BUILDINGS AND STRUCTURES

3.2.1. Attached Accessory Structures

Where an accessory structure is attached to the main / principal building on a site by a roof, an open or enclosed structure, a floor; except a slab on grade or a foundation, it is to be considered as part of the main / principal building and shall be subject to the bulk regulations for main / principal buildings.

3.2.2. Construction Prior to Principal Building

Accessory buildings or structures may not be constructed prior to obtaining a development permit for the principal building, notwithstanding 3.31(*BL 13-2016*).

3.2.3. Location

3.2.3.1. Building Separation from Principal Building

Detached accessory buildings, excluding detached decks, above ground pools and hot tubs, shall be located a minimum of 3.048 metres (10 ft.) clear of all projections from the principal building, except buildings or structures located within a mobile home park may be located a minimum of 2.134 meters (7 ft.) clear of all projections (*BL 13-2016*).

3.2.3.2. Building Separation between Accessory Buildings

Detached accessory buildings shall be located a minimum of 3 ft. from other detached accessory buildings in all Residential and Mobile Home zones.

3.2.3.3. Common Walls

Buildings containing more than one unit with common party walls shall be considered as 1 building occupying 1 site for the purpose of side yard regulations. eg. duplexes or row housing.

3.2.3.4. Easement or Right-of-way

Detached accessory buildings and structures shall not be located within a dedicated easement or right-of-way.

3.2.3.5. Front Yards

Detached accessory buildings and structures shall be located in accordance with the Bulk tables for each zoning district.

3.2.4. Number

The number of accessory buildings will be limited to a maximum of two (2) per certificate of title in all Residential zones and the “AR” Agricultural Restricted zone. Please note that in the mobile home park this shall be interpreted as two accessory structures per rental pad (*BL 13-2016*).

3.2.5. Uses

Accessory uses, buildings and structures may be permitted when on the same site as a permitted or conditional use as per Table 1.

Table 1 (B/L 15-2005)
Accessory Uses, Buildings and Structures

A = Agricultural R= Residential C = Commercial M = General Industrial **ML= Light Industrial**
PR= Parks and Recreation HL = Hazard Lands

P = Permitted

C = Conditional

- = Use is NOT Permitted

Accessory Uses, Buildings and Structures	ZONES						
	A	R	C	M	ML (BL 15- 2005)	PR	HL
Aircraft landing strips and related storage facilities	C	C	-	C	-	-	-
Buildings or structures necessary for the operation and maintenance of primary use e.g. garage, carport	P	P	P	P	P	P	C
Greenhouse – private	P	P	-	-	-	P	-
Off-street parking and/or loading	P	P	P	P	P	P	P
Patio - detached, covered	P	P	P	C	C	P	-
Ponds and Fountains	P	P	P	P	P	P	P
Production, processing, cleaning, servicing, sales, altering, testing or storage buildings or structures incidental to general agricultural or industrial use	P	C	P	P	P	-	-
Recreation building or structure e.g. playhouses, swings, gazebo, picnic shelter	P	P	P	C	C	P	C
Signs	P	P	P	P	P	P	P
Single family dwelling - accessory to primary use; may include one staff dwelling (B/L 1-2003)	P	-	P	P	P	P	-
Single family dwelling - accessory to primary use; may include additional staff dwellings (B/L 1-2003)	C	-	C	C	C	C	-
Storage - exterior:							
- domestic equipment and supplies	P	P	P	P	P	P	P
- goods used in or produced by primary use	P	C	P	P	P	P	P
- machinery and equipment used by primary use	P	C	P	P	P	-	P
Swimming pools – private	P	P	P	-	-	-	-
Other accessory uses not listed	C	C	C	C	C	C	C

3.3. AMENDMENTS

- 3.3.1. Amendments to this zoning by-law may be initiated by Council or by the owner of the area proposed to be changed or owner's agent(s).
- 3.3.2. Applications to amend the zoning by-law, including required information and fees, shall be filed with the Board.
- 3.3.3. Applications to amend the zoning by-law shall be processed, and if approved, enacted as per the Planning Act.
- 3.3.4. Approved amendments to the zoning by-law may, at Council's discretion, require that the owner enter into a development agreement as per the Planning Act.

3.4. BED & BREAKFAST

- 3.4.1. Business Licenses and Development Permits
Bed & breakfast establishments shall be registered with the Municipality
- 3.4.2. Character – Secondary Use
The bed and breakfast 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.
- 3.4.3. Guest Bedroom Number
Bed & breakfast establishments shall be limited to 2 guest bedrooms per dwelling.
- 3.4.4. Parking
In addition to the parking requirements for the primary use, one additional space must be provided for each guest bedroom.
- 3.4.5. Signs
Signs shall be limited to 1 identification sign, with the following criteria:
- A maximum of 6.0 ft.²
 - Non-illuminated; and
 - Compatible with the character of the area.

3.5. BULK REGULATIONS

3.5.1. Separation Distances

Separation distances shall be measured from building face to building face notwithstanding 3.2.3.1.

3.5.2. Site Coverage

Site coverage shall be the percentage of the lot area covered by the ground floor area of all buildings located thereon. For the purpose of site coverage calculations, a building shall mean any structure consisting of a wall, roof and floor, or a structural system serving the same purpose, excluding concrete slabs or driveways.

3.5.3. Yard Requirements

3.5.3.1. Zone Requirements

In order to provide buffers between land uses for environmental, safety and aesthetics reasons, open space must be provided between buildings and lot lines. The open space requirements vary depending on the type of use and the zone in which the use is located. The yard requirements have been outlined in the Bulk Tables for each zone.

3.5.3.2. Distance Measure

Yard measurements within the bulk tables shall be measured from the building face to the property line.

3.5.3.3. Yard Reductions

For some uses, such as bus shelters, and signs, yard requirements less than those outlined in the Bulk Tables may be permitted. Also refer to Section 3.27.2. for bulk requirements reduced by public utilities and Section 3.29.1. for additional subdivision bulk regulations.

3.6. BUS SHELTERS

3.6.1. Bus shelters are considered an accessory use and will be regulated as per Table 1.

3.6.2. Bus shelters may be permitted in any required front and side yard, however, they must not be located in any area that would hinder traffic visibility.

3.6.3. Shelters must be designed and maintained in an attractive and neat fashion.

3.6.4. For safety reasons only electrical heating will be permitted.

3.7. CONDITIONAL USES

- 3.7.1. Application to use land for a use listed as a conditional use in this zoning by-law may be filed by the owner or owner's agent subject to owner's signature.
- 3.7.2. Application for approval of a conditional use, including required information and fees, shall be filed with the Board.
- 3.7.3. Applications for conditional use shall be processed, approved or rejected, and may be revoked as per the Planning Act.
- 3.7.4. When approving a conditional use as provided herein, Council may prescribe such additional conditions, beyond those specified in the zoning by-law and development plan, as are in its opinion necessary to secure the objectives of the zoning by-law and development plan; and the Council may revoke the conditional use authorized for violation of any conditions imposed by it, as per the Planning Act.
- 3.7.5. Applications for uses that require a license or permit from another level of government including any technical review committee reports must either obtain the necessary permits or confirmation from the licensing authority, that the permit will be issued, subject to the approval of the conditional use permit, before proceeding with the application.

3.8. DEVELOPMENT PERMITS

3.8.1. Application Requirements

- 3.8.1.1 The applicant shall provide the complete legal description of the subject property.
- 3.8.1.2 The applicant may be required to provide the following:
- the proposed use of each building and structure;
 - current copies of relevant titles, easements and caveats;
 - surveyor's certificate prepared by a Manitoba Land Surveyor;
 - existing conditions of the site;
 - number of dwelling units or rental units within the proposed building; and
 - other information as required.
- 3.8.1.3 The applicant shall provide 3 complete sets of blueprints of proposed construction illustrating:
- site plan including:

- proposed setbacks from property lines of new construction and all existing buildings or structures on the site
- proposed parking and loading spaces
- proposed open space;
- foundation - dimensioned and fully detailed;
- building section - indicating all building materials;
- floor plans - all levels;
- elevations of completed structure.

3.8.1.4. Proposals on flood prone or hazard prone land shall not be issued permits prior to submission as per 3.8.1.1., 3.8.1.2., 3.12., and the following:

- cross section through proposed building or structure or fill area;
- cross section through riverbank or the like, indicating geodetic elevations; and
- geotechnical engineering report as per 3.14.1., stating that proposed development will not:
 - impede surface or subsurface water flow;
 - de-stabilize land including waterway bed; or
 - adversely alter waterway channels.

3.8.1.5. At the discretion of the designated officer or Council, a staking certificate may be requested prior to foundation being poured (*BL 13-2016*).

3.8.2. Combined Permit

A development permit may include a building permit and an occupancy permit.

3.8.3. Development Permits Required

No person shall construct, locate, relocate or structurally alter a building or structure unless in conformity with an approved development permit. No person shall alter land levels where it may affect surface drainage or bank stabilization. No person shall use nor change or intensify a use, unless in conformity with an approved development permit.

Development Permits are required for the following:

- 3.8.3.1. addition, extension, structural alteration or conversion of any building or structure; with the exception of 3.8.4.;
- 3.8.3.2. change of use of land, buildings, or structures, except when a change is from one agricultural cropping activity to another;
- 3.8.3.3. relocation, removal or demolition of any building or structure;

- 3.8.3.4. signs as per 3.28.4.;
- 3.8.3.5. temporary uses, buildings or structures;
- 3.8.3.6. works done on or within floodprone or hazard prone lands such as:

- building construction or demolition;
- deposit, removal, alteration or disturbance of any material;
- drainage alteration - surface or subsurface; and
- diversion of waterway or waterway channels.

- 3.8.3.7 Temporary tents that are over 900 square feet, used for special events only, and erected for not more than 14 consecutive days or 45 days per calendar year per site will require engineered stamped drawings. Please note temporary tents are exempt from all zoning requirements (e.g. site coverage, height, setbacks, etc.) (*BL 13-2016*).

3.8.4. Development Permits Not Required

Development Permits are not required for the following, when in compliance with this zoning by-law:

- 3.8.4.1. accessory uses, buildings or structures not exceeding 120 ft.²;
- 3.8.4.2. driveways which are private and accessory to the principal use, building or structure;
- 3.8.4.3. landscaping where the existing grade and natural surface drainage pattern is not materially altered;
- 3.8.4.4. patios and decks that are accessory to a development and detached from the main or principal dwelling, provided that they are less than 2 ft. above normal grade;
- 3.8.4.5. regular building maintenance and repair that does not include structural alterations;
- 3.8.4.6. signs as per 3.28.5; and
- 3.8.4.7. fencing.
- 3.8.4.8. Temporary tents that are under 900 square feet, used for special events only, and erected for not more than 14 consecutive days or 45 days per calendar year per site. Please note temporary tents are exempt from all zoning requirements (e.g. site coverage, height, setbacks, etc.) (*BL 13-2016*).

3.8.5. Development Permits Issued "Prior to"

Development permits for buildings or structures that were in compliance with the zoning by-law prior to the effective date of this zoning by-law shall be permitted if acted upon within 12 months of issuance.

3.8.6. Expiration of Development Permit

Development permits shall expire 12 months from the date of issuance if:

- work has not commenced within that time period; and / or
- work has not continued at a reasonable pace thereafter.

3.8.7. Inspection of Premises

Development officers may at all reasonable times and with the consent of the owner or occupier, but subject to the requirements of the Planning Act, enter upon any land, building or structure within the jurisdiction of the Board for the purpose of implementing this zoning by-law.

3.8.8. Owner's Duties

3.8.8.1. Compliance with Zoning By-law

Neither the granting of a development permit nor the approval of the blue prints, specifications or inspections made by development officers shall relieve the owner of the responsibility of complying with the requirements of this zoning by-law or with any relevant by-laws of the Municipality.

3.8.8.2. Inspection by Development Officer

Owners shall not obstruct the development officer in his discharge of duties as per 3.8.8.1.

3.8.8.3. Other Licenses and Permits

Every owner shall be responsible for obtaining required permits or licenses for, but not limited to the following:

- blasting;
- buildings;
- electrical;
- environmental approvals;
- grades;
- highways;
- occupancy;
- plumbing;
- sewers or water supply systems;
- signs;
- streets;

- water rights for wells; and
- other government department approvals as required.

3.8.8.4. Work at Variance

Every owner shall notify the development officer and obtain approval prior to doing any work at variance with that for which a development permit was issued.

3.8.9. Streets and Roads

All development shall be on sites that have direct frontage on a street. This provision will also affect the following:

3.8.9.1 No development or building permit shall be issued for a residence that does not have frontage on an approved all weather road or road for which a road construction development agreement has not been entered into. (B/L 2-2007)

3.8.10. Suspension or Revocation of Permit

The development officer may suspend or revoke a development permit if:

- the applicant fails to comply with the terms and conditions of the permit issued; or
- any person undertakes, causes or permits development on the site which is contrary to the terms and conditions of the permit issued.

Development shall be discontinued forthwith upon receiving written notice from the development officer and shall not resume until a permit has been issued or reinstated.

3.9. DEVELOPMENT STANDARDS

3.9.1. Developments within all zones shall comply with the development standards outlined in this by-law or as established by Council through the conditional use process or through the use of development agreements arising through a rezoning or subdivision application.

3.9.2. Local heritage buildings shall comply with any municipal or provincial heritage regulations.

3.10. ENFORCEMENT

3.10.1. Enforcement

Enforcement of this by-law shall be as per the Planning Act.

3.10.2. Existing Violations

The adoption of this by-law shall not prevent any actions to abate, nor pending or future prosecution of, violations under the former zoning by-law, provided said violations are also violations of this zoning by-law.

3.11. EXTERIOR STORAGE

3.11.1. Exterior Storage Fencing and Landscaped Buffer Requirements

Fencing or buffers requirements for exterior storage resulting from permitted or conditional uses within the commercial, residential and “M” – General Industrial zones shall be as per 3.11.2. (B/L 15-2005)

3.11.1.1. Agricultural Zone Exemptions

Agricultural activities and associated exterior storage of materials, equipment and machinery shall be exempt from the fencing requirements under 3.11.2.

3.11.2. Fencing or Landscaped Buffer

3.11.2.1. Design

Any permitted or conditional use requiring outside storage shall be enclosed on all sides, with a minimum 6 ft. to maximum 8 ft. high. Where the use is aesthetically unpleasing to adjacent landowners a solid or opaque fence may be required.

Materials and maintenance shall be as per 3.11.2.2. and 3.11.2.3.

3.11.2.2. Maintenance

A caveat may be filed against the title in order to ensure that the fence is maintained to municipal standards. The maintenance plan may require the posting of a performance bond.

3.11.2.3. Materials - Permitted

Permitted fencing materials include the following:

- painted or pressure wood;
- concrete;
- ornamental block;
- brick;
- metal;
- dense evergreen plants;
- combination thereof; or
- any other material, subject to:
 - illustration by a certified professional engineer or architect,
 - approval by the Development Officer of the Selkirk & District Planning Area Board.

The above fencing shall be uniformly painted and maintained.

3.12. FLOOD PRONE, HAZARD PRONE LANDS OR ENVIRONMENTALLY SENSITIVE AREAS (B/L 8-2008)

Flood prone lands are those lands which are subject to flooding at the 100 year flood level as specified by the Water Resources Branch, with exceptions as listed below.

- Where levels exceed the 100 year flood level, the record flood level shall apply.
- Where lands are adjacent to the Red River or Lake Winnipeg, the 160 year flood level or 1997 flood levels as specified by the Water Resources Branch, whichever is the higher, shall apply.
- Where land is protected by flood control works, the flood level specified by the Water Resources Branch shall apply.
- The flood protection levels for lands adjacent Lake Winnipeg is elevation 722 ft, Geodetic Survey of Canada.

Hazard prone lands shall include lands:

- within a horizontal distance of 350 ft. of the normal high water mark of the Red River or Lake Winnipeg and their tributaries.
- that are subject to subsidence or are low-lying, marshy or unstable, or are otherwise unsuitable or hazardous for a proposed purpose by virtue of its soil or topography.

Environmentally sensitive areas will be considered to be those within 150 ft. of the ordinary high water mark in the areas of Grand Marais and Gull Lake.

3.12.1. Application Requirements

3.12.1.1. Permanent Buildings or Structures

Permanent buildings or structures shall not be located on flood prone or hazard prone lands unless in accordance with 3.8.1.4.

3.12.1.2. Temporary Buildings or Structures

Temporary or movable buildings or structures may be located on or within flood prone or hazard prone lands subject to 3.8.1.4. and the developer entering into a development agreement with the Municipality.

3.12.1.3 Development in Environmentally Sensitive areas will not be permitted unless in accordance with Section 3.8. In addition, review and approval will be required by Manitoba Conservation, Natural Resources, Wildlife and Ecosystem Protection Branch Fisheries and the Department of Fisheries and Oceans, and any other interested Provincial or Federal government agencies. Applications for

development within Environmentally Sensitive areas may require detailed plans which provide information on addressing and mitigating habitat, species and shoreline impacts, and be subject to any Secondary Plans for such areas. New subdivisions in these areas will also require public reserve dedication along water ways and bodies.

3.12.2. Bank Stabilization

Bank stabilization works shall not be permitted, unless in accordance with 3.8.

3.12.3. Clearing and Cultivation

Clearing of natural vegetation and cultivation of land shall not be permitted within a horizontal distance of 50 ft. of the normal high water mark of the Red River or Lake Winnipeg, unless in accordance with 3.8.

3.12.4. Deposition of Material

Deposition of material shall not be permitted within a horizontal distance of 350 ft. of the normal high water mark of the Red River or Lake Winnipeg, unless in accordance with 3.8.

3.12.5. Permanent Buildings or Structures - Construction

3.12.5.1. Basements

Basements in flood prone lands shall:

- not contain habitable space unless flood protection has been provided;
- not be used for storage of immovable materials or hazardous materials that are buoyant, flammable, explosive or toxic;
- not contain electrical circuit breaker panels;
- be provided with a sump pit; and
- have back-up valves in the sewer pipes or pipes leading to the holding tank, or disposal field.

3.12.5.2. Basement Floor Elevations

Basement floor elevations in flood prone lands shall:

- not be lower than 2 ft. below flood protection level if the fill material is pervious such as sand; or
- not be lower than 5.5 ft. below flood protection level if the fill material is impervious such as clay.

3.12.5.3. Flood Protection

Permanent buildings or structures shall be protected from flooding by raising the building site to the flood protection level. Flood protection levels shall be as listed below and as applicable.

- 100 year flood level plus 2 ft.; or

- 160 year flood level or 1997 flood levels plus 2 ft. or as specified by the Water Resources Branch.

3.12.5.4. Flood Protection - Exemptions

The following may be exempt from flood protection requirements subject to the developer entering into a development agreement with the Municipality:

- structural alterations to legally existing buildings or structures; and
- buildings or structures accessory to legally existing buildings or structures.

3.12.5.5. Surrounding Fill

The level of surrounding fill at the building line shall not be less than the flood protection level and shall be included in the Geotechnical Reports in accordance with 3.14

3.12.6. Liability waiver

Where development is permitted in flood prone areas, Council shall require a waiver agreement be signed as a condition of approval, releasing the Municipality of any liability of damages due to flooding.

3.13. GARDEN SUITE

- 3.13.1. One additional temporary, detached, removable, self-contained single family dwelling unit may be placed on the same site as a permanent principal single family dwelling, provided it is in compliance with the regulations listed hereunder.

3.13.1.1. Occupancy

Occupancy shall be for an elderly parent(s) or other family member(s) who require or provide care and assistance from or for the occupants of the principal dwelling.

3.13.1.2. Applicants

Only owner(s) or occupiers of the principal dwelling, with consent of owner(s), are permitted to place a temporary additional dwelling.

3.13.1.3. Area - minimum

Garden suites will not be permitted on properties smaller than 512 m.². (5,500 ft.²).

3.13.1.4. Foundation

As the additional dwelling is temporary in nature it shall be placed on pad and post foundation only.

3.13.1.5. Separation

Minimum separation distance between detached buildings and the principal dwelling or temporary additional dwelling shall be 10 ft.

3.13.1.6. Size

Temporary additional dwellings shall have a maximum size of 1,200 ft.²

3.13.1.7. Yard Requirements

Temporary additional dwellings shall comply with front, side and rear yard requirements for the principal dwelling.

3.13.1.8. Access

Access to the temporary dwelling unit shall be provided by an existing driveway(s).

3.13.1.9. Restriction by Caveat

A caveat is to be placed on the subject property by the Municipality at the expense of the applicant, advising that the additional dwelling is temporary in nature and that it must be removed within 6 months upon cessation of occupancy for which it was intended.

3.14. GEOTECHNICAL REPORTS

3.14.1. Required geotechnical reports shall be prepared by a certified professional geotechnical engineer. Depending on the requirements of the study, the information contained in the report may include:

- test borings
- ground water tests
- Topographic condition
- bank erosion and stability;
- soil conditions
- surface erosion

3.14.2. Geotechnical reports may be requested at the discretion of a designated officer or Council for any structure within 350 feet from a waterway (*BL 13-2016*).

3.15. HEIGHT EXCEPTIONS

3.15.1. Height restrictions within the Bulk Tables do not apply to the following:

- antennae;
- chimneys;
- communication towers eg. television or radio towers;

- electrical apparatus or the mechanical operations of the building provided that no roof structure or space is usable floor space;
- electrical or telephone transmission lines;
- elevator shafts or stairway enclosures;
- flag poles;
- gravel piles or the like;
- lightning rods;
- lighting standards;
- mechanical equipment enclosures;
- ornamental domes;
- satellite dishes;
- silos;
- signs;
- skylights;
- solar collectors;
- steeples;
- ventilators;
- water storage tanks; and
- windmills.

3.15.2. Notwithstanding 3.15.1. above, limitations prescribed or practices recommended by Transport Canada with respect to height limitations and appropriate lighting in the vicinity of airfields shall prevail.

3.16. HOME OCCUPATIONS AND HOME INDUSTRIES

3.16.1. General Characteristics

Certain uses carried out within the confines of a residential dwelling unit or within an accessory building on a property zoned as Agricultural or Residential, may be permitted as a temporary use if such uses are incidental to the primary use of the property, subject to the following criteria.

3.16.2. Classification of Home Occupations and Home Industries

Because of their diversity it is not possible to list all businesses that would be classified as either a Home Occupation or a Home Industry. The following list provides examples of Home Occupations and Home Industries. This list should be used only as a guide to judge the suitability of occupations not on the list. Uses of a similar nature would be considered as well.

3.16.2.1 Home Occupations

- Car brokerages – vehicles not on premises (*B/L 1-2003*)
- Computer sales and programming
- Consulting service (engineering, computer, planning)
- Bookkeeping, accounting, investment counseling
- Business office associated with a permitted Home Industry

- Craft manufacturing & sales (paintings, stained glass, pottery, ceramics, jewelry)
- Drafting, computer graphics, interior design
- Dress making, sewing
- Electronics, and small household appliance sales and repair
- Photography
- Real estate and insurance
- Tutoring, music, dance and singing training
- Personal Services (hair dressing and barbering, licensed massage therapists, reflexology).

3.16.2.2. Home Industries

In addition to all businesses classified as Home Occupations, the following examples are types of business that would also be classified as Home Industries.

- Automobile repairs
- Agricultural commercial
- Car brokerages – vehicles on premises (*B/L 1-2003*)
- Commercial printing
- Building trades (carpentry, electricians, plumbing)
- Small engine and equipment sales and repair
- Large household appliances (stoves, dryers, etc.)
- Printing services
- Upholstery (household & auto)
- Mobile signs

3.16.3. Required Conditions:

Home Occupations:

- 3.16.3.1. Home Occupations must be carried out within the confines of the occupant's residential dwelling unit and accessory buildings.
- 3.16.3.2. There shall be no exterior storage of business equipment, materials, merchandise or inventory.
- 3.16.3.3. The area set aside for home occupations shall not exceed 20% of the total floor area of such residence.
- 3.16.3.4. Employment is restricted to a maximum of two residents of the premises.
- 3.16.3.5. Signs shall be non-illuminated and non-flashing, and limited to one – maximum of 6 ft.² attached to the building face. Exterior signs are not permitted in any multi-family dwelling unit.

- 3.16.3.6. Parking for business vehicles shall be limited to two, and will be restricted to existing driveways.
- 3.16.3.7. No toxic matter, explosive, flammable, combustible, corrosive, radioactive, or other restricted material may be used, stored, or produced.
- 3.16.3.8. No alterations of the residential appearance are permitted. This includes the installation of separate entrances.
- 3.16.3.9. In no case shall the home occupation be open to the public at times earlier than 8:00 a.m. nor later than 10:00 p.m. unless agreed to by Council.

Home Industries:

- 3.16.3.10. Home Industries will only be permitted within Agricultural and Residential zones. (*B/L 1-2003*)
- 3.16.3.11. Home Industries must be carried out within the confines of an accessory building, except for a business office which may be permitted in the residential dwelling.
- 3.16.3.12. There shall be no exterior storage of business equipment, materials, merchandise or inventory, notwithstanding Section 3.11.
- 3.16.3.13. Employment is restricted to a maximum of two residents of the premises.
- 3.16.3.14. Unless otherwise approved by Council, signs shall be non-illuminated and non-flashing and limited to one - maximum size shall be 6 ft.²
- 3.16.3.15. Additional parking requirements for customers may be provided in the rear yard. No additional parking spaces will be permitted in any front yard or side yard.
- 3.16.3.15. No toxic matter, explosive, flammable, combustible, corrosive, radioactive, or other restricted material may be used, stored, or produced.
- 3.16.3.16. In no case shall the Home Industry be open to the public at times earlier than 8:00 a.m. nor later than 10:00 p.m. unless agreed to by Council.

- 3.16.3.17. The home industry shall not generate pedestrian or vehicular traffic in excess of that which is characteristic of the zone in which it is located. *(B/L 1-2003)*
- 3.16.3.18. The home industry shall have all outdoor lighting located and arranged on the property so that no rays of light are directed at any adjacent property. *(B/L 1-2003)*
- 3.16.4. Zoning Use Tables
The individual Zone Use Tables in Section 5 to 10 outlines which uses will be allowed as a permitted use or a conditional use. Permitted uses will not require Council approval, while Conditional uses must follow the procedure outlined in Section 3.7. of this By-law.
- 3.16.5. Business License
Permits for Home Occupations and Home Industries must be obtained from the Municipality prior to the commencement of the business.

3.17. INGRESS AND EGRESS REGULATIONS

- 3.17.1. Ingress and egress to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways at least 15 ft. but not more than 26.2 ft. in perpendicular width.
- 3.17.2. The maximum width of any joint ingress and egress driveway measured along the street line shall be 35 ft.
- 3.17.3. The minimum distance between any two driveways on one lot, or, between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 30 ft.
- 3.17.4. The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- 3.17.5. Every lot shall be limited to the following number of driveways as per Table 2.

Table 2
Number of Permitted Driveways

Lot Frontage	Maximum Number of Driveways
<50 ft.	1
50 ft. to 100 ft.	2
Each additional 100 ft.	1

3.18. LANDSCAPE FEATURES

3.18.1. Hedges and Fencing

Fences and hedges shall be permitted in all yards and shall be limited in height as per Table 3.

Table 3
Fence / Hedge Height

A = Agricultural (all) R = Residential (all) C = Commercial (all) M = Industrial (all) PR = Parks & Recreation

Zone	Front Yd. Max. or Range	Side Yd. Max. or Range	Rear Yd.. Max
A	Unlimited	Unlimited	Unlimited
R	4 ft.	6.5 ft.	6.5 ft.
C	4 ft.	6.5 ft. to 8 ft.	6.5 ft. to 8 ft.
M	6 ft. to 8 ft.	6.5 ft. to 8 ft.	6.5 ft. to 8 ft.
PR	4 ft.	6.5 ft. to 8 ft.	6.5 ft. to 8 ft.

3.18.2. Required Yard Exemptions

Fences and hedges may be constructed in any required yard.

3.18.3. Highway Allowance

Landscape features shall be set back in accordance with the Highway Protection Act.

3.19. LIVESTOCK OPERATIONS

3.19.1. Procedures and Restrictions

All livestock operations, or anyone keeping livestock, including horses, in all land use zones must comply with the requirements as outlined in the Agricultural Section 5.5. of this By-law.

3.20. LOADING SPACES

3.20.1. Access

Accessory off-street loading areas shall have access to a street or public lane.

3.20.2. Loading Space Requirements

Where any new development occurs or when an existing development involving the receiving, shipping, loading or unloading of goods, wares, merchandise or raw materials, other than farming, is enlarged or increased in capacity, off-street loading spaces shall be provided and maintained in accordance with Table 4.

Table 4
Loading Space Table

Use	Floor Area	Number of Loading Spaces required
Colleges, Trade Schools, Clubs, religious institutions, nursing homes and personal care homes, hospitals	< 10,000 ft. ²	0
	10,000 ft. ² – 199,999 ft. ²	1
	> 200,000 ft. ²	2, plus 1 additional space for each 200,000 ft. ² or part thereof
Financial Institutions, clinics, business or professional offices, banquet halls, parish halls, curling rinks and similar recreation facilities	< 20,000 ft. ²	0
	20,000 ft. ² -199,999 ft. ²	1
	> 200,000 ft. ²	2, plus 1 additional for each 200,000 ft. ² or part thereof.
Uses not defined above and primarily concerned with the handling of goods	< 20,000 ft. ²	1
	>20,000 ft. ²	2, plus 1 additional space for each 20,000 ft. ² or part thereof.

3.20.3. Dimension

Minimum dimensions for loading areas shall be 12 x 30 ft. with a minimum vertical clearance of 14 ft.

3.20.4. Location

All required accessory off-street loading shall be located on the same zoning site as the use served, unless permitted by variance to locate elsewhere.

3.20.5. Standards

See 3.23.7.

3.21. MOBILE HOME COMMUNITIES

3.21.1. Location

Mobile Home Subdivisions or Parks will only be permitted within the “RM” Residential -Mobile Home Zone.

3.21.2. Site Density

The maximum density of development shall be fifteen mobile homes per hectare (6/acre).

3.21.3. Site Design

3.21.3.1 The mobile home development shall be designed to accommodate mobile home units of different sizes including expandable and double width units to avoid monotony.

3.21.3.2 All accessory structures such as patios, porches, storage facilities must be designed to compliment the appearance of the site.

3.21.3.3 The undercarriage of each unit shall be screened from view by skirting that is designed to compliment the appearance of the site.

3.21.3.4 Every mobile home site shall have access to and abut upon a private street and said private street shall have clear and unobstructed access to a public street.

3.21.3.5 No mobile home shall be located closer than 15 ft. from any other mobile home.

3.21.4. Recreation Facilities

No less than 10 percent of the total area of any mobile home community shall be devoted to common recreation areas and facilities, such as playgrounds, swimming pools, community buildings, paths for pedestrians and cyclists, and play areas for small children. At least one principal recreation and community centre area shall contain not less than 5 percent of the total area of the community.

3.21.5. Private Streets

All internal streets shall be well drained, lighted, and designed and hard-surfaced to municipal standards.

3.21.6. Utilities

3.21.6.2 All utility lines must be placed underground.

3.21.6.3. Central water, sewage disposal facilities including fire hydrants shall be provided to each mobile home site. Individual wells and disposal systems will not be permitted.

3.21.7. Commercial and Service Facilities

Commercial and service facilities such as a convenience store, laundry, storage buildings and coffee shops may be permitted in Mobile Home communities provided that they are intended to serve only persons within the community, designed, improved and located in harmony with the community and the surrounding area. Parking requirements shall comply with Table 5.

3.21.8. Parking Requirements

In addition to providing one parking space per site, an additional visitor parking area must be provided at a ratio of one per five mobile home sites.

3.22. NON-CONFORMANCE

3.22.1. Certificates

A Zoning compliance certificate may be issued upon application of any person having an interest therein, describing the land, building or structure, or the use or intensity of use of land or a building or structure that was lawfully in existence at the date of the enactment of this zoning by-law, and stating that it may continue to exist although it does not conform to the zoning by-law as per the Planning Act.

3.22.2. Change in Ownership

The legal status of a use of land, building or structure is not affected by change of ownership, tenancy or occupancy of land, building or structure.

3.22.3. Existing Lots

Parcels of land with less than minimum area or width that were registered at the Land Titles Office at the effective date of this zoning by-law, shall be deemed to be legal non-conforming parcels and subject to all applicable zoning regulations.

3.22.4. Existing Buildings or Structures

All buildings and structures legally existing at the effective date of this zoning by-law are deemed to conform to the bulk regulations.

3.22.4.1. Accessory Buildings

Buildings accessory to existing legal non-conforming uses, buildings or structures shall be permitted provided that such are in compliance with bulk regulations.

3.22.4.2. Structural Alteration or Relocation

Any structural alteration or relocation of existing non-conforming buildings shall conform to The Planning Act, Building by-law and this by-law.

3.22.5. Existing Uses

A non-conforming use of land, building or structure may continue, if the use was legal at the effective date of this zoning by-law and if the use was not discontinued for a period exceeding 12 consecutive months.

Legal non-conforming uses may be altered by variation order as per the Planning Act.

3.22.6. Existing Violations

See 3.10.2.

3.23. PARKING

3.23.1. Access

An accessory off-street parking area shall be provided with a driveway having access on to a street or to a public lane. The minimum width shall be 15 ft.

3.23.2. Calculation - Number of Required Spaces

Accessory off-street parking spaces shall be provided and maintained upon completion of construction of any principal building or structure in accordance with Tables 5 and 6. Any expansion of a use at a later date shall comply with the requirements in Tables 5 and 6.

Table 5
Parking Space Table

Use	Number of Parking Spaces required	Parking Group Number
Single - Family and two family dwellings	1 per dwelling unit; maximum of 4 spaces per unit	1
Multiple - family dwellings		
a) row - dwellings with no common parking area	1 per dwelling unit	
b) multiple - family dwellings for senior citizens or handicapped persons	1 per 3 dwelling units	
c) apartments	1.25 per dwelling unit	
Boarding, rooming and lodging houses	1 per rooming unit	
Athletic fields	1 for each 5 fixed seats but not less than 20 spaces	2
Religious facilities		
a) churches, chapels, sanctuaries and similar places of worship, including offices for the administration of a religious institution, but not a parish hall (for parish hall, or similar facility used for receptions, banquets or entertainment, see Parking Group No. 6)	1 for each 5 seats in the principal assembly area, but not less than 10 spaces	
b) Funeral chapels		
Convents, seminaries, monasteries and retreats	1 for every 20 residents	2
Schools, including public, parochial, private and secondary schools:		3
a) elementary - junior high*	1 for each faculty member plus 1 for each 4 employees	
b) senior - high*	1 for each faculty members plus 1 for each 4 employees plus 1 for each 10 students	
c) school auditoriums*	1 for each 6 fixed seats	
* In a building where a) and c), or b) and c) occur, the clause requiring the largest number of parking spaces shall apply		

Use	Number of Parking Spaces Required	Parking Group Number
Residential care facility, nursing home, group home, child care services, Day care centres	1 guest parking space per 4 residents, plus 1 for every 3 employees on the maximum shift	4
Hospitals	1 per 2 beds	
Libraries and museums	1 for each 1,000 ft. ² of gross floor area, but not less than 4 spaces	5
Places of assembly (except Parking Group No's 2, 3 and 10), including the following: arenas, auditoriums, banquet halls, billiard parlours, cinemas, clubs, lodges and similar organizations, community centres, dance halls, eating or drinking places (except drive through establishments), parish halls, public auction rooms, rinks (indoor or outdoor ice skating rinks, roller skating rinks), stadiums and swimming pools	1 for each 200 ft. ² of gross floor area, but not less than 4 spaces	6
Hotels, apartment hotels	2 for every 3 guest rooms plus 1 for every 8 seats in all auxiliary rooms, including eating or drinking places, beverage rooms, cocktail bars, banquet halls and meeting rooms	7
Motels	1 per dwelling unit, plus 1 for every 8 seats in all auxiliary rooms, as required for hotels above	
Government administrative buildings	1 for each 550 ft. ² , inclusive of assembly and conference rooms containing not more than 2,000 ft. ² of floor area, but not less than 4 spaces	8
Offices, office buildings	1 for each 750 ft. ² of floor area, but not less than 2 spaces per tenant	9
Bowling alley, curling rinks	5 per lane or curling sheets of ice	10
Tennis courts	1 per court	

Use	Number of Parking Spaces Required	Parking Group Number
General retail and service establishments (except eating or drinking establishments), wholesale establishments dealing directly with consumers, banks, medical and dental clinics and laboratories	1 for each 250 ft. ² of floor area, but not less than 4 spaces per establishment	11
Drive in banks, drive through restaurants, stores and vendors, automobile washing establishments	queuing space for 5 vehicles	
Miscellaneous uses: manufacturing plants, food products and other processing industries, laboratories (except medical or dental laboratories) and other industrial uses including warehouses	1 for every 1000 ft. ² of floor area	12
Colleges, and trade schools	1 for every 5 classroom seats	13
Shopping centres	1 per 200 ft. ² of gross leasable floor space	14

- 3.23.2.1 Where different types of uses are located within a building (for example: retail and service uses in a hotel or office building, or offices combined with warehousing uses), the number of parking spaces required shall be the aggregate of the spaces required for each use established on the zoning site.

Table 6
Handicapped Parking Space Table

Total Number of Spaces Required by Table 5	Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 for every 100
1001 and over	20 plus 2 for each 100 over 1000

3.23.3. Calculation - Methodology

3.23.3.1. Assembly Places

- Benches or Pews
Where benches, pews or other similar seating facilities are used, each 20 inches of such seating shall be counted as 1 seat.
- Combined - Fixed Seats and Open Assembly Area
Where both fixed seats and open assembly area are combined, the requirements for each shall be calculated separately and added together.
- Movable Seats
Where movable seats or chairs are used, 1 seat per 6 ft.² of assembly area shall be required.

3.23.3.2. Floor Area - Gross

Where floor area is the unit for determining the required number of accessory off-street parking spaces, said unit shall mean the gross floor area, not including any area used for parking within the principal building and shall not include any area used for incidental service storage, installations of mechanical equipment, penthouse housing ventilators and heating systems, and similar uses.

3.23.3.3. Fraction of a Parking Space

Where the calculation of the number of accessory off-street parking spaces required results in a fractional parking space, any fraction less than 1/2 of a parking space may be disregarded, but any fraction greater than 1/2 of a parking space shall be counted as 1 parking space.

3.23.3.4. Mixed Uses

Where different types of uses are located within a single building, the number of parking spaces required shall be the aggregate of the spaces required for each use established on the zoning site.

3.23.4. Dimension

3.23.4.1. Angle Spaces

Except where the angle of parking varies from that shown below, minimum dimensions for parking areas shall be as per Table 7. Angle parking shall be measured between the centreline of the parking space and the centre line of the aisle.

Table 7
Angle Space Dimensions

Size of Space - Min.	Aisle Width – Min.	Parking Angle	Vertical Clearance
8 x 20 ft.	20 ft.	75 - 90 degrees	7 ft.
8 x 20 ft.	18 ft.	50 - 74 degrees	7 ft.
8 x 20 ft.	12 ft.	< 50 degrees	7 ft.

3.23.4.2. Handicapped Parking Spaces

Handicapped parking spaces shall have a width of 12 ft.

3.23.4.3. Parallel Spaces

Minimum dimensions of parallel parking spaces shall be 8 x 23 ft., except for open ended spaces wherein the length may be reduced to 20 ft.

3.23.4.4. Waiting Spaces

The length of waiting parking spaces shall be 8 x 20 ft.

3.23.4.5. Adjacent to Wall Spaces

Notwithstanding the requirements of Table 7, where a parking space is bordered by a wall or fence on one side, the minimum parking width must be 10 ft.

3.23.5. Location

All required accessory off-street parking shall be located on the same zoning site as the use served, unless permitted by variance to locate elsewhere.

3.23.6. Use of Required Parking Spaces

Parking spaces and areas required in accordance with this By-law shall be used for the parking of operative, currently licensed vehicles only, and for vehicles used in operations incidental to the permitted uses in respect of which such parking spaces and areas are required.

3.23.7. Standards

Development standards shall be established within development agreements between the developer and the Municipality, and may include requirements as listed hereunder.

3.23.7.1. Fencing or Landscaped Buffer

Where a parking area abuts a residential zone, an opaque fence, or landscaped buffer 4 - 6 ft. in height shall be erected and maintained along the abutting lot line.

3.23.7.2. Lighting

Lighting used to illuminate accessory off-street parking areas shall be arranged and shielded so as not to reflect directly onto residential lots.

3.23.7.3. Screening

Screening may be required along the exterior of required yards by one of the following:

- landscaped greenery;
- light-proof fencing; or
- landscaped berm.

3.23.7.4. Surfacing

All off-street parking and loading areas, including driveways, access aisles and manoeuvring areas, shall be surfaced as per municipal standards.

3.23.7.5 Drainage

All parking areas and driveways shall be drained so as to control the pooling of water and to prevent the flow of surface water onto adjacent lots or public sidewalks.

3.24. PLANNED UNIT DEVELOPMENTS

Planned Unit Developments (PUD) which may be composed of a mixture of residential types, institutional, commercial, open space and recreation uses may be permitted in Suburban Residential, Seasonal Residential, Mobile Home and Commercial zones subject to the following regulations:

3.24.1. Site Plan

An overall site plan shall be prepared showing lighting, landscaping design as well as the physical layouts of all structures, roads, parking areas and community sanitary facilities.

3.24.2. Exceptions to Zone Requirements

Specific zone regulations shall not apply to Planned Unit Developments. Uses permitted within a PUD include: residential, commercial, recreation and open space. However, the project shall produce an environment of stable and desirable character, and shall incorporate at least equivalent standards of building separation, parking, height and other requirements and provisions of this By-law. While areas zoned as “Open Space”, may be incorporated into Planned Unit Developments, only those structures permitted in the “Open Space” zones will be allowed.

3.24.3. Minimum Site Area

The minimum site area shall be 5 acres.

3.24.4. Required Open Space

A minimum of 60% of the land area must be common open space or for common recreational use.

3.24.5. Minimum Lot Size

The minimum permitted size for lots within a PUD shall be 6,000 ft.².

3.24.6. Title Registration

Planned Unit Developments shall be regulated through a site plan agreement or development agreement which is caveated against the title at the Winnipeg Land Titles Office.

3.25. POOLS, HOT TUBS AND PONDS (B/L 3-2007)

Private swimming pools and hot tubs shall comply with the regulations listed hereunder.

3.25.1. Location

Private swimming pools shall be located only in all yards according to bulk regulations for accessory uses, building or structures.

3.25.2. Notwithstanding 3.25.1., no swimming pool or any portion thereof shall be located directly under electrical service wires.

3.25.3. Fencing

Private swimming pools and hot tubs shall be completely enclosed in compliance with the Manitoba Building Code.

3.25.4. Gates

Gates shall be a minimum height of 5 ft. and shall be self-closing with a lockable latch to prevent unauthorized entry.

3.25.5. Pool Equipment

Pool filters, pumps and heaters and the like, shall be located as per 3.26.

3.25.6.1 Ponds (B/L 3-2007)

Ponds are artificially excavated, filled or partially filled bodies of water, in excess of 2 ft. deep, but do not include excavations immediately adjacent to a water course or drain. All ponds require development permits (see section 3.25.6.2) with the possibility of variations.

3.25.6.2 Pond Requirements

3.25.6.2.1 Ponds shall be located only in all yards according to bulk regulations for accessory uses, buildings or structures.

- 3.25.6.2.2 If a pond is to be used as a swimming pool; Manitoba Building Code requirements shall apply.
- 3.25.6.2.3 If a pond or other excavations is not to be used as a swimming pool;
-the edge of the pond shall be rip rapped and have 6: 1 slope, or
-the pond or excavation shall be enclosed with a 5 foot fence.
- 3.25.6.2.4 Pond or excavation fencing or rip rap requirements shall not apply along a natural water course or licensed drain, or within the A80 and A40 zoning districts.
- 3.25.6.2.5 Pond dimensions will be limited to a maximum depth of 4 feet, and a total area of 200 feet in all zones except in the A80 and A40 zones (BL 13-2016).

3.26. PROJECTIONS AND OBSTRUCTIONS INTO REQUIRED YARDS

- 3.26.1. The following may project into the required yards the amount as indicated below, notwithstanding all applicable Manitoba fire and building code restrictions.
- 3.26.2. Required yards shall be provided and maintained unobstructed from ground level to the sky, except as follows:
- 3.26.2.1. Cantilevers (no more than 2 feet projection and no more than 10 feet along a building wall), chimneys/chases, eaves, and fireplaces may project into any required yard not more than 3 feet provided that the projection is not closer than one foot from the side or rear lot line (*BL 13-2016*).
- 3.26.2.2. **Fire escapes** may project into any required front, side or rear yard not more than 4 ft.
- 3.26.2.3. **Open, unenclosed stairways or balconies**, not covered by a roof or canopy, may project into a required rear yard not more than 4 ft. and **balconies** may extend into a required front yard not more than 30 inches.
- 3.26.2.4. **Open, unenclosed decks, platforms or porches**, not covered by a roof or canopy, higher than two feet above the average level of the grade of the site and attached to the main building, may project into any required front, side or rear yard.
- 3.26.2.5. **Open arbours, lighting fixtures, steps, landscape architectural features or guard railing, trellises or uncovered walks** may be located in any required yard.

3.26.2.6. **Fences and hedges** may be permitted in a required front side or rear yard.

3.26.2.7. **Air conditioners and pool equipment:** to a maximum of 5 ft. into the front yard and may project into any side or rear yard to a maximum of 3 feet (*BL 13-2016*).

3.27. PUBLIC UTILITY

3.27.1. Public Utility, Services

Any building, structure or use shall be in compliance with yard and coverage requirements applicable to the zone.

3.27.2. Public Utility/Facility

A site area, site width, site depth or required yard below the minimum requirements of this By-law by virtue of a public works, street or **public facility** or utility shall be deemed to conform to the requirements of this By-law. (B/L 2-2007)

3.28. SIGNS

3.28.1. Location

3.28.1.1. Signs shall not obstruct or confuse the view of any authorized traffic sign, signal or device.

3.28.1.2. Signs shall not obstruct or confuse the view of any street or highway intersection or railroad crossing.

3.28.1.3. Signs shall not be located on, over or above any land or right-of-way belonging to the Municipality, unless such right is established by agreement with the Municipality.

3.28.1.4. Signs located within the control circles and boundary lines of Provincial Roads or Provincial Trunk Highways shall require approval from the appropriate provincial authority.

3.28.1.5. Signs shall be set back a minimum of 1 ft. from property lines.

3.28.2. Maintenance

Signs shall be maintained in a proper state of repair. Signs that have fallen into an unacceptable state of repair may be removed or repaired by the Municipality at the expense of the owner.

3.28.3. Number of Signs

There shall be a limit of one (1) free-standing sign per zoning site. There shall be a limit of one (1) mobile sign per zoning site, except that, when more than one (1) use occupies a lot each use may have a mobile sign, provided that the

total number of mobile signs located on the zoning site at one time does not exceed two (2).

3.28.4. Permits Required

Permits are required for the following:

- new sign construction or placement, except as provided for 3.29.5.; and
- re-location of existing signs.

3.28.5. Permits Not Required

Permits are not required for the following:

- real estate signs;
- construction signs;
- political campaign signs;
- window signs;
- home identification, home sale/lease/rent;
- non-commercial memorial signs, commemorative plaques or building cornerstones;
- municipal bulletin boards;
- temporary event signs - civic, non-commercial health, safety or welfare, educational or religious signs;
- municipal traffic control, parking, street name and direction signs;
- official public notice signs;
- municipal street decoration; and
- signs erected or maintained by law or government order, rule or regulation.

3.28.6. Rotating Beam Or Flashing Signs

3.28.6.1. Beams or rotating beams in connection with any sign display shall not be permitted.

3.28.6.2. Flashing signs shall not be permitted in any zone, with the exception of 3.28.6.3. below.

3.28.6.3. Flashing signs shall be permitted in the Commercial Zones if:

- located beyond 300 ft. of any residential zone or Provincial Road or Provincial Trunk Highway; and
- lights do not resemble an emergency light.

3.28.7. Surface Area and Height Calculation

3.28.7.1. Building Face Signs

Sign surface area shall be calculated to include the area of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the copy plus any material or colour forming an integral part of the background, but not including any supporting framework.

3.28.7.2. Free-standing or Mobile Signs

Sign surface area shall be calculated to be the area of 1 side as per 3.28.7.1.

3.28.7.3. Multi-faced or 3-Dimensional

Sign surface area shall be calculated to be 1.5 times the area of one face as calculated according to 3.28.7.1.

3.28.7.4. Sign Height

The height of the sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

3.28.8. Two Properties - one sign

Where a sign straddles two zoning sites, the maximum size for 1 sign shall apply.

3.28.9. Use Table & Size Table 8 & 9

Table 8
Sign Use Table

A = Agricultural R = Residential C = Commercial M = Industrial OS= Open Space PR = Parks & Recreation
P = Permitted C = Conditional T = Temporary - = Not Permitted

Type / Use	ZONES						MAXIMUM	
	A	OS	R	C	M	PR	Height	Area
Advertising	P	C	-	P	P	C	40	200 ft. ²
Bulletin board	P	P	P	P	P	P	15	100 ft. ²
Business (other than home occupations/industries)	P	P	-	P	P	C	40	64 ft. ²
Construction	T	T	T	T	T	T	25	64 ft. ²
Directional	P	P	P	P	P	P	15	16 ft. ²
Identification	P	P	P	P	P	P	40	Table 9
Mobile	P	P	P	P	P	P	10	64 ft. ²
Real Estate	P	P	P	P	P	P	10	16 ft. ²
Home Occupation	P	-	P	-	-	-	-	6 ft. ²
Home Industry	P	-	P	-	-	-	10	6 ft. ²

* Sign height shall be as per height restrictions within the bulk tables.

Table 9
Identification Sign Size Table

Zone	Area (Max.)
Residential	8 ft. ²
All other Zones	20% of building face, or 200 ft. ² or free standing.

3.29. SUBDIVISION

3.29.1. Subdivision Conformity

All subdivisions shall conform to the provisions of the:

- *The Planning Act*;
- Selkirk and District Planning Area Development Plan; and
- This zoning by-law.

3.29.2. Subdivision Public Hearings

When a multi-lot plan of subdivision is presented to Council, a Public Hearing will also be held. This will be done in accordance with Section 169 & 170 of The Planning Act.

Advertising and Notice will be responsibility of the Selkirk & District Planning Area Board. (B/L 8-2006)

3.29.3 Where a multi-lot plan of subdivision is proposed, the applicant must pay a deposit fee to the municipality dependent on the number of lots created as an administration fee established by Council for the development agreements associated with the proposal. The deposit fee must be paid prior to the referral to Council. (B/L 2-2007)

3.29.4 Application Requirements: all subdivision applications shall include a sketch prepared by a Manitoba Land Surveyor with dimensions and site area calculations for each lot/parcel. Additionally, a Building Location Certificate must be included with the sketch where existing buildings or structures are located in proximity to existing or proposed property lines and may be encroaching into required yards; thus allowing Council to consider any possible variations that would be required as a result of the subdivision process prior to making a decision on the application (*BL 13-2016*).

3.30. TEMPORARY USES, BUILDINGS AND STRUCTURES

3.30.1. Application Requirements

See 3.8.1.

3.30.2. Uses

Temporary uses, buildings and structures may be permitted for the purposes listed hereunder.

3.30.2.1. Accommodation

Temporary accommodation may be permitted for:

- a caretaker, watchman, farm workers or other workers employed on the same site; and / or
- the owner and family during the construction of a dwelling unit on the same site for a maximum 12 month period. This may include licensed recreational vehicles, provided a temporary use permit has been obtained. Please see section 3.8.1 for temporary permit requirements. (B/L 2-2007)
- the owner and family displaced due to flooding or other natural disasters, including fire.

3.30.2.2. Office Space

Temporary uses, buildings and structures may be permitted for office space for contractor or developer on the same site for a maximum 12 month period.

3.30.2.3. Storage

Temporary uses, buildings and structures may be permitted for storage of construction materials and equipment incidental to and necessary for construction on the same site for a maximum 12 month period.

3.30.2.4 Extension

The extension of one 12 month time limit under section 3.30. may be granted by the Development Officer.

3.30.2.5 Temporary Tents

Temporary uses, buildings, and structures may be permitted for tents used for special events and erected for not more than 14 consecutive days or 45 days per calendar year per site (*BL 13-2016*).

3.31. VARIATION ORDERS

3.31.1. Variations due to Subdivision

3.31.1.1. Existing Buildings - Yard Requirements – Variation Order required

Where subdivision results in new property lines which reduce yards adjacent to existing buildings below the minimum required by this zoning by-law, yard variations shall be required.

3.31.1.2. Existing Buildings - Yard Requirements - Variation Order not required

Where subdivision does not alter property lines adjacent to existing legal non-conforming buildings, yard variations shall not be required.

3.31.1.3. Unaltered Site Width - Variation Order not required

Where subdivision does not alter widths of existing lots, site width variations shall not be required.

3.31.1.4. Undersized Residual – Variation Order required

Where subdivision according to *subdivision policy 7* of the *Selkirk & Area Planning District Development Plan* results in a residual parcel being undersized in site area or site width, variation is required (*BL 13-2016*).

3.31.2. Variations due to Building Locations

Where the placement of buildings or structures would infringe on the Yard Requirements as required in each zone a variation order would be required.

3.31.3. Application for variation orders, including required information and fees may be filed by the owner(s) or owner's agent, and shall be filed with the Board.

3.31.4. Applications for variation orders shall be processed and approved or rejected as per the Planning Act.

3.31.5. Minor Variations

Development officers may approve in-office with or without conditions, minor variations not exceeding 10 % of the requirements of this by-law governing front, side, rear or any other yard requirements as per The Planning Act.

3.32. ZONING COMPLIANCE CERTIFICATES

Development officers may, upon receipt of such proof as deemed necessary, issue zoning compliance certificates in order to confirm that the building, structure or use of land, building or structure was lawfully in existence at the

effective date of this zoning by-law and amendments thereto and confirm that it may continue to exist as legal non-conforming as per the Planning Act.

3.33. ZONING CONFIRMATION LETTERS

Development officers may issue zoning confirmation letters in order to confirm the zoning bulk and use regulations of a property.

3.34. ZONING MEMORANDA

Development officers may, upon receipt of building location certificates, issue zoning memoranda confirming that buildings or structures are located in compliance with this zoning by-law and amendments thereto, as per the Planning Act.

4. ZONES

4.1 ZONING DISTRICTS

For the purpose of this zoning by-law, all land within The R.M. of St. Clements is divided into the following zoning districts, and shown on the zoning map which forms Appendix A of this zoning by-law.

4.1.1. Agricultural Zones

A80 Agricultural General
A40 Agricultural Limited
AR Agricultural Restricted

4.1.2. Residential Zones

RA Suburban Residential
RS Serviced Residential (B/L 8-2013)
RR Rural Residential
SR Seasonal Residential
RM Residential – Mobile Home Park

4.1.3. Commercial Zones

CG General Commercial
CH Highway Commercial
CR Commercial Recreation
RT Recreation Tourism

4.1.4. Industrial Zones

M General Industrial
ML Light Industrial (B/L 15-2005)

4.1.5. Parks & Recreation and Hazard Lands Zones

PR Parks & Recreation
HL Hazard Lands

4.2. ZONING MAP

The various Land Use Zones, referred to in 4.1., are shown on Appendix A., “The Rural Municipality of St. Clements Zoning Map.”

4.3. USE REGULATIONS

No land shall be used or occupied and no structure shall be erected, altered, used or occupied, except for the uses listed in the Use Tables. For existing non-conforming uses see Section 3.22.

4.4. ZONE BOUNDARY INTERPRETATION

- 4.4.1. Boundaries are indicated on the appendix A with solid lines. Where the zone boundary line is broken by a street name, it shall be interpreted to continue through same.
- 4.4.2. The regulations contained within this zoning by-law may not apply to streets, lanes and public utility right-of-ways within zone boundaries.
- 4.4.3. Boundaries shall be the centre line when indicated as following a:
- highway;
 - street or lane;
 - watercourse;
 - creek; or
 - stream.
- 4.4.4. Boundaries shall be the centre line when indicated as following a:
- right-of-way of a railway;
 - electrical line;
 - gas line; or
 - oil transmission line.
- 4.4.5. Boundaries indicated as following municipal limits shall follow said limits.
- 4.4.6. Boundaries shall follow lot lines as shown on registered plans of subdivision or boundaries of parcels registered in the Winnipeg Land Titles Office on the date of passing of this zoning by-law.
- 4.4.7. Boundaries shall run substantially parallel to streets and the distance from the street where not indicated shall be determined according to the appendix scale.
- 4.4.8. Boundaries indicated as following a street that has been closed shall follow the former centre line with the land in the said street being included in the zone of the adjoining land.
- 4.4.9. Boundaries indicated as following the shoreline shall be deemed to follow the ordinary high water mark.

5. AGRICULTURAL ZONES

5.1. INTENT AND PURPOSE

The Agricultural Zones established in this By-law are intended to zone lands for agricultural and related activities and to preserve areas for future urban development in keeping with the provisions of the Development Plan.

5.2. ZONES

5.2.1. “A80” Agricultural General

This zone provides for a broad range of agricultural uses, including livestock operations while restricting the potential for land fragmentation.

5.2.2. “A40” Agricultural Limited

This zone provides for agricultural uses and activities, however limits are placed on the size of livestock operations due to land use or environmental considerations.

5.2.3. “AR” Agricultural Restricted

This zone provides for the accommodation of hobby and part-time farming operations and low density rural and non-farm residential uses.

5.3. USE REGULATIONS

All proposed uses in the agricultural zones must comply with the use requirements as outlined in Table 10. Uses identified as “conditional” must undertake a conditional use process before approval can be given.

Table 10
Agricultural Use Table

P = Permitted

C = Conditional

P/C = see table 1

- = Not Permitted

Use	A80	A40	AR	Parking Group See Table 5
<u>A</u>				
Accessory uses, buildings or structures (as per table 1)	P/C	P/C	P/C	N/A
Agricultural:				
- farm activities general – no livestock	P	P	P	N/A
- farm activities – with livestock				
- < 10 A.U. * (subject to 5.5.3.)	P	P	P/C	N/A
- 10 - 250 A.U.	P	C	-	N/A
- 250 - > A.U.	C	-	-	N/A
- agricultural commercial	P	P	C	11
- agricultural industrial	C	-	-	11
- produce sales – limited	P	P	P	11
Airstrip, private	C	C	-	N/A
Animal shelters	P	P	C	11
Auction mart	C	C	-	11
<u>B</u>				
Bed and Breakfast	C	C	C	1
<u>C</u>				
Cemeteries & mausoleums	P	P	C	N/A
Conservation areas	P	P	P	N/A
Contractor's establishment	C	C	C	12
<u>E</u>				
Educational facility	C	C	C	3
<u>F</u>				
Fair and exhibition grounds	P	P	C	N/A
Farm vacations	C	C	C	7
<u>G</u>				
Game farm	C	-	-	2
Garden Centre	P	P	P	11
<u>H</u>				
Halls	C	C	C	6
Heritage & archaeological buildings & sites	P	P	P	N/A
Home Occupations *(see section 3.16)	P	P	P	*
Home Industries *(see section 3.16)	P	P	C	*
<u>K</u>				
Kennels	C	C	C	N/A

Use	A80	A40	AR	Parking Group See Table 5
<u>M</u>				
Mineral extraction	C	C	C	N/A
<u>P</u>				
Public				
- facility	P	P	P	8
- parks and outdoor recreation areas	P	P	P	N/A
- utility and/ or storage compounds	C	C	C	N/A
<u>R</u>				
Recreation				
- public	P	P	P	6, 10
- commercial	C	C	C	6, 10
Religious facilities	P	P	P	2
Residential:				
- care home, family day care home, private home day care	P	P	P	4
- day care centre, group day care home, neighbourhood care home, neighbourhood rehabilitation home	C	C	C	4
- garden suite (see 3.13)	C	C	C	1
- mobile homes	P	P	C	1
- single family dwelling	P	P	P	1
- temporary uses – (see 3.30.2.1.)	C	C	C	1
<u>S</u>				
Special Event	C	C	-	N/A
<u>T</u>				
Temporary Uses	P	P	P	N/A
<u>V</u>				
Veterinary clinics & compounds	P	P	C	11
<u>W</u>				
Waste disposal facility	C	C	-	N/A
- all inclusive (may include lagoon, landfill, recycling depot and transfer station)	C	C	C	N/A
- transfer stations	C	C	C	N/A
- recycling depot	C	C	C	N/A
Wrecking facilities –automotive & equipment	C	C	-	11
Any other Agricultural use not listed in this table	C	C	C	See table 5

5.4. **BULK REGULATIONS**

All lots, buildings or structures in the Agricultural Zones must comply with the yard requirements as outlined in Table 11.

Table 11 (B/L 1-2003)
Agricultural Bulk Table

BUILDINGS AND STRUCTURES

Zone & Building Type	Required Yards				Height	Site Coverage	Unit Area Ft. ²
	Front Yard	Side Yd Interior	Side Yd Corner	Rear Yard			
A80, A40	<i>Min.(ft)</i>	<i>Min.(ft)</i>	<i>Min.(ft)</i>	<i>Min.(ft)</i>	<i>Max.(ft)</i>	<i>Max.%</i>	<i>Min.</i>
Main	50	15	25	25	N/A	N/A	800
Accessory	50	15	25	25	N/A	N/A	N/A
AR							
Main	50	15	25	25	35	N/A	800
Accessory	50	15	25	25	20	5* (B/L 1-2003)	1280 (max.) BL4/05

* Excluding swimming pools, decks, playhouses, swings, gazebos and picnic shelters. (B/L 1-2003)

SITE AREA REQUIREMENTS

Zone	Site Area (min)	Site Width(min)
A80	acres	feet
<i>Subdivisions <u>except</u> as per Development Plan - Subdiv. Policy 7</i>	80	300
<i>Subdivisions <u>except</u> as per Development Plan - Subdiv. Policy 7</i>	2	300
A40		
<i>Subdivisions <u>except</u> as per Development Plan - Subdiv. Policy 7</i>	40	300
<i>Subdivisions <u>except</u> as per Development Plan - Subdiv. Policy 7</i>	2	300
AR		
<i>Subdivisions as per Development Plan</i>	4	198

5.5. **Livestock Regulations**

5.5.1. **Provincial Farm Practices Guidelines**

All new and expanding livestock operations shall be governed by the Provincial Farm Practices Guidelines.

5.5.2. Livestock - Animal Units

Animal units shall be calculated according to the Animal Unit Summary Table 12 that has been prepared by Manitoba Agriculture. If any of the values shown on this Table are revised by Manitoba Agriculture, the revised values will apply. The Department of Agriculture shall provide animal unit calculations for any livestock not included within Table 12.

5.5.3. Livestock on Small Lots

Livestock may be kept on lots in agricultural zones having less than 10 acres in size based on the following criteria:

5.5.3.1 Number of Permitted Animal Units:

- | | |
|------------------|--------|
| • < 4 ac. | 0 A.U. |
| • >4ac. – 6 ac. | 2 A.U. |
| • >6ac. – 8 ac. | 3 A.U. |
| • >8 ac. –10 ac. | 4 A.U. |

Table 12
Animal Unit (AU) Summary Table
Source: Manitoba Agriculture Farm Practices Guidelines

Livestock	AU produced by 1 livestock	Livestock producing 1 AU
Dairy		
Milking cow, including associated livestock	2.00	0.50
Beef		
Beef cows, including associated livestock	1.20	0.83
Feeders, 100 day backgrounder	0.45	2.22
200 day backgrounder	0.50	2.00
Summer pasture	0.60	1.67
Short keep	0.80	1.25
Long keep	0.70	1.43
Hogs		
Sows, farrow to finish	1.25	0.80
Sows, farrow to weanling	0.33	3.00
Sows, farrow to nursery	0.25	4.00
Weanlings	0.02	50.00
Feeders	0.14	7.00
Chickens		
Broilers	0.0059	170.00
Roasters	0.0091	110.00
Layers	0.01	100.00
Pullets	0.0033	300.00
Broiler Breeder Pullets	0.0033	300.00
Broiler Breeder Hens	0.01	100.00
Turkeys		
Broilers	0.0083	120.00
Heavy Toms	0.0143	70.00
Heavy Hens	0.0083	120.00
Horses		
Pleasure Horse	1.00	1.00
Mares, including associated livestock	1.33	0.75
Sheep		
Ewes, including associated livestock	0.20	5.00
Feeder lambs	0.10	10.00
	AU produced by 2,205 lb. live animal weight	Lb. live animal weight producing 1 AU
Other livestock (except poultry)	2.50	880.00
Other Poultry	7.50	286.00

6. RESIDENTIAL ZONES

6.1. INTENT AND PURPOSE

The Residential Zones are intended to provide sufficient land for various types of residential development within the residential designations of the Development Plan.

6.2 ZONES

6.2.1. “RA” Suburban Residential

The “RA” Suburban Residential Zone provides for the establishment of single family dwellings and related compatible uses. Conditional approval may also be given for multiple family housing developments such as duplexes, triplexes, fourplexes, town or row housing and lowrise apartments.

6.2.2. “RM” Residential Mobile Home Zone

The “RM” Residential Mobile Home Zone provides for areas for the placement of mobile homes on spaces within a mobile home park, Also includes associated service buildings. For more detailed regulations, refer to Section 3.21.

6.2.3. “RR” Rural Residential Zone

The “RR” Rural Residential Zone has been established to provide land use guidelines for those areas having existing large lot residential development.

6.2.4. “SR” Seasonal Residential Zone

The “SR” Seasonal Residential Zone has been established to provide land use guidelines for those areas having existing large lot seasonal residential development. Uses, in addition to the seasonal residential component, include rural residential.

6.2.5. “RS” Serviced Residential (B/L 8-2013)

The “RS” Serviced Residential Zone has been established to accommodate single family dwellings and associated compatible uses that are serviced by municipal water and municipal sewer. Conditional approval may also be given for multiple family housing developments such as duplexes, triplexes, fourplexes, town or row housing and low rise apartments.

TABLE 13
Residential Use Table

P = Permitted C = Conditional P/C = see table 1 - = Not Permitted

Use	RA	RS	RR	RM	SR	Parking Group See Table 5
A						
Accessory uses, buildings or structures (as per table 1)	P/C	P/C	P/C	P/C	P/C	N/A
B						
Bed & Breakfast	C	C	C	-	C	1
C						
Cemeteries	C	C	C	-	C	2
E						
Education facilities	P	P	P	-	-	3
F						
Farm activities, general	C	C	C	C	C	N/A
Farm activities, livestock (B/L 22-2003)	-	-	-	-	-	N/A
H						
Halls: -public or private	C	C	C	C	C	6
Heritage & archaeological buildings & sites	P	P	P	P	P	N/A
Home Occupations	P	P	P	C	C	(see 3.16.3.6.)
Home Industries (B/L 1-2003)	C	C	C	-	C	(see 3.16.3.15)
M						
Mobile Home Park	-	-	-	P	C	N/A
N						
Neighbourhood Commercial	C	C	C	C	C	11
P						
Planned Unit Development	C	C	-	-	C	1,11
Produce sales –limited	C	C	C	-	C	11
Public:						
- facility	P	P	P	C	C	8
- utility	C	C	C	C	C	N/A
R						
Recreational Facilities:						
- commercial	C	C	C	C	C	6, 10
- public	C	C	C	P	P	6, 10
Religious Facility	C	C	C	C	C	2

[illegible]

6.3. BULK REGULATIONS

All lots, buildings or structures in the residential zones must comply with the yard requirements as outlined in Table 14.

All new development including subdivisions in residential areas will be required to adhere to site planning guidelines to provide for future re-subdivision based upon the possible future extension of the provision of municipal water and wastewater services by:

- i. designating the building location area of each lot using development agreements, when rezoning applications are made; and
- ii. establishing side yard setbacks that off-set the dwelling to one side of the lot to ease the process of future lot development should municipal services be requested or become available.

Table 14 (B/L 22-2003) and (B/L 8-2013)

Residential Bulk Table

Zone & Building Type	Required Yards				Height	Site Coverage	Site Width	Site Area	Unit Area
	Front Yard	Side Yd Interior	Side Yd Corner	Rear Yard					
RA	<u>Minimum</u> (ft)	<u>Minimum</u> (ft)	<u>Minimum</u> (ft)	<u>Minimum</u> (ft)	<u>Maximum</u> (ft)	<u>Maximum%</u>	<u>Minimum</u> (ft)	<u>Minimum</u> (sq. ft)	<u>Minimum</u> (sq. ft)
-main *	50	15	30	25	35	40	100	60,000*	800
-accessory~	50	10***	30	10	13*****	10	N/A	N/A	1200*** (max.)
RS									
-main	30	10	15	25	35	40	75	10,000	800
-accessory~	30	5***	15	5	13*****	10	N/A	N/A	800 (max.)
RR									
-main	50	15	30	25	35	10	198	60,000	800
-accessory~	50	10***	30	10	13*****	10	N/A	N/A	1280*** (max.)
SR									
-main	30	10	15	25	35	40	100	15,000	800
-accessory**	30	5***	15	10	13*****	10	N/A	N/A	800*** (max.)
RM									
-all uses	50	15	25	25	35	45	200	5 ac	-

- * The minimum site area requirements in the “RA” Zone for dwellings or mobile homes serviced by an approved central sewer system or by an approved pump out holding tank septic disposal system may be 20,000 square feet.
- ** The minimum front yard requirement in the “SR” Zone for accessory uses, buildings or structures on sites with the rear site line abutting a river, creek or stream shall be 15 feet.
- *** A maximum combined floor area for all accessory buildings on a site excluding swimming pools, decks, playhouses, swings, gazebos and picnic shelters. The minimum side yard requirement for accessory buildings in excess of 800 sq. ft. in the ‘RA’, ‘RR’ and ‘SR’ Zones shall be 15 feet. The maximum mean height for accessory buildings in excess of 800 sq. ft. in the ‘RA’, ‘RR’ and ‘SR’ Zones shall be 18 feet. . (B/L 22/2003)
- **** The maximum mean height for accessory buildings 800 sq. ft. or less in the ‘RA’, ‘RR’ and ‘SR’ Zones shall be 13 feet. (B/L 22/2003)

7. COMMERCIAL ZONES

7.1. INTENT AND PURPOSE

The Commercial Zones are intended to provide sufficient land for various types of commercial development within the commercial designations of the Development Plan.

7.2. ZONES

7.2.1. “CG” General Commercial

This zone provides for appropriate land in the central business area for multi-functional uses such as retail business, multi-family residential, recreational, social, cultural and administrative land uses.

7.2.2. “CH” Highway Commercial

This zone provides for appropriate land to accommodate those businesses requiring large site areas and to provide retail and personal services adjacent to major transportation routes or arterial streets to serve the needs of the travelling public. Uses generally serve a broad regional clientele.

7.2.3. “CR” Commercial Recreation

This zone provides for a broad range of commercial recreational uses. Residential developments associated with recreational uses may also be permitted.

7.2.4. “RT” Recreation Tourism

This zone provides for sufficient land for recreation tourism development as an overlay zone at the same time allowing those uses zoned Agriculture A80 and Agriculture A40 as designated in Agriculture Use table 10 and Agriculture Bulk table 11 of this by – law.

7.3. USE REGULATIONS

All proposed uses in the commercial zones must comply with the use requirements as outlined in Table 15. Uses identified as “conditional” must undertake a conditional use process before approval can be given.

Table 15
Commercial Use Table

P = Permitted

C = Conditional

P/C = see table 1

- = Not Permitted

Use	CG	CH	CR	RT	Parking Group See Table 5
<u>A</u>					
Accessory uses, buildings or structures (as per Table 1)	P/C	P/C	P/C	P/C	N/A
Agricultural Commercial	P	P	P	P	11
Amusement enterprise	P	P	P	P	6
Animal shelter	-	C	C	C	N/A
Automobile:					
- body shop	C	P	-	-	11
- sales, leasing & servicing	P	P	-	-	11
- service station	P	P	C	C	11
- storage compounds	P	P	C	-	N/A
- supplies	P	P	C	-	11
<u>B</u>					
Bed and Breakfast	P	P	P	C	1
<u>C</u>					
Cabarets and cocktail lounges	P	P	P	P	6
Contractor's establishment:					
- enclosed within a building	P	P	C	C	12
- outdoor storage	C	P	C	C	N/A
<u>D</u>					
Dispatch services:					
- cleaning, couriers, taxi and similar services	P	P	C	C	9
<u>E</u>					
Education:					
- educational facilities	P	P	P	P	3
<u>F</u>					
Farm vacations	-	-	P	C	N/A
Funeral chapel, parlour	P	P	C	C	2
<u>G</u>					
Garden centre	P	P	P	C	12
<u>H</u>					
Halls – Public or Private	P	P	P	P	6

Use	CG	CH	CR	RT	Parking Group See Table 5
Health services	P	P	P	C	11
Hotel and motels	P	P	P	C	7
K					
Kennel	-	C	-	C	12
L					
Lumber & building supply:	P	P	C	C	11
M					
Manufacture and sales:					
- carpentry or cabinetry	C	C	-	-	11
- monument and memorial products	C	C	-	-	11
Manufacture and sales not listed	C	C	-	-	11
Marina	P	P	P	P	11
P					
Personal service establishment	P	P	P	C	11
Professional offices & support services	P	P	C	C	8,9
Planned Unit Development (See 3.24.)	-	-	C	C	N/A
Public:					
- buildings	P	P	P	P	8,9
- utilities	P	P	P	P	8,9
R					
Race tracks	-	-	C	C	N/A
Recreation vehicles					
- sales & service	P	P	P	P	12
Recreational – public	P	C	P	P	6
Recreational - commercial	C	C	P	P	6,11
Religious facility	P	P	P	P	2
Residential:					
- within rear ½ or second storey	P	P	P	P	1
- single family dwelling	P	P	P	P	1
- multi family	P	P	C	C	1
- mobile home	C	C	C	C	1
- care home, family day care home, private home day care	C	C	C	C	4
- day care centre, group care home, neighbourhood care home, neighbourhood rehabilitation centre	C	C	C	C	4
Garden Suite (see 3.13)	C	C	C	C	1
Restaurants					
- concessions	P	P	P	P	-
- eat-in	P	P	P	P	6
- drive through	C	C	P	C	11
Retail business	P	P	P	P	11

Use	CG	CH	CR	RT	Parking Group See Table 5
S					
Self-service storage facility	P	P	-	-	N/A
Special Events	C	C	C	C	N/A
Signs	P	P	P	P	N/A
Stables, riding or boarding	-	-	P	P	N/A
T					
Temporary Uses	P	P	P	P	N/A
Truck terminals	-	C	-	-	N/A
V					
Veterinary clinics and compounds	-	P	C	-	11
W					
Waste disposal facility					
- recycling depot	C	C	C	C	N/A
Other Commercial Use not listed in this table	C	C	C	C	Table 5

7.4 BULK REGULATIONS

All lots, buildings or structures in the commercial zones must comply with the yard requirements as outlined in Table 16.

Table 16 (B/L 1-2003)
Commercial Bulk Table

Zone & Use	Required Yard				Height Max.(.ft)	Site Coverage (Max. %)	Site Width Min.(.ft)	Site Area Ft. ² (Min.)
	Front Yard Min.(ft)	Side Yd Interior Min.(.ft)	Side Yd Corner Min.(.ft)	Rear Yard Min.(.ft)				
	Main Uses							
CG	30	15	30	20	30	60	150	40,000
CH	50	25	30	25	30	50	150	40,000
CR & RT	50	25 (B/L 1-2003)	30	25	30	40	200	60,000*
	Accessory Uses							
Accessory	40	5	15	10	15	10	N/A	N/A

(*) Within Planned Unit Developments (see regulation 3.24.5)

7.5. COMMERCIAL DEVELOPMENTS ADJACENT TO RESIDENTIAL USES

For commercial uses that have interior side lot lines adjoining residential uses, the Municipality may require development agreements to ensure compatibility with the residential uses. The development agreements may address, but is not limited to, such matters as:

- Landscaping
- Parking locations
- Fencing
- Outside storage
- Lighting
- Noise
- Dust

8. INDUSTRIAL ZONES

8.1. INTENT AND PURPOSE

The Industrial Zone is intended to provide sufficient land for various types of industrial development within the industrial designations of the Development Plan.

8.2 ZONES

8.2.1. “M” – General Industrial Zone

The Industrial Zone provides for a wide range of industrial uses where certain level of nuisance may occur, such as noise, odour, dust, vibration, aesthetics and heavy truck traffic.

8.2.2. “ML” – Light Industrial Zone

The Light Industrial Zone is intended to provide for industrial and related businesses that carry out their operations such that no nuisance factor is created or apparent outside an enclosed building and such that the Zone is compatible with any adjacent non-Industrial Zone. (B/L 15-2005)

8.3. USE REGULATIONS

All proposed uses in the industrial zones must comply with the use requirements as outlined in Table 17. Uses identified as “conditional” must undertake a conditional use process before approval can be given.

Table 17 (B/L 15-2005)
Industrial Use Table

P = Permitted

C = Conditional

P/C = see table 1

- = Not Permitted

Use	M	ML	Parking Group See Table 5
<u>A</u>			
Accessory uses, buildings, structures (as per Table 1)	P/C	P/C	N/A
Agricultural:			
- commercial	P	-	11
- industrial, and associated sales	C	-	11
Airstrip or airport	C	-	12
Amusement enterprise	P	P	6
Asphalt Plant	C	-	N/A
Auction Mart	C	C	11
Automobile:			
- sales, rentals, leasing, and servicing	P	P	11
- auto body shops	P	C	11
- service station	P	P	11
- supplies	P	P	11
<u>B</u>			
Broadcasting and motion picture studio	P	P	8, 9
Business support service	P	P	11
<u>C</u>			
Concrete – batching plant	C	-	12
Contractor's establishment	P	C	12
Crematorium	P	C	12
Custom manufacturing establishment	P	P	11
<u>D</u>			
Dispatch services	P	P	9
Drive-in establishment/Drive-through establishment	C	P	11
<u>E</u>			
Education facility	P	P	3
Equipment rentals and/or sales	P	P	12
<u>F</u>			
Food processing & manufacturing	P	C	12
Funeral service	P	P	2
<u>G</u>			
General industrial	P	P	12
<u>H</u>			
Health service	P	P	11
Heavy Industrial	C	-	12
Hotel	-	C	7
<u>I</u>			
Industrial vehicle and equipment rentals and/or sales	C	C	12
<u>L</u>			
Livestock and poultry slaughtering or rendering	C	-	12
Lumber and building supply	P	C	11
<u>M</u>			
Manufacturing			
-brick/concrete products	C	-	N/A
- steel or other metals (foundries)	C	-	11
-volatile chemicals, fertilizers	C	-	11

- other than above
Use
M cont'd.
Mobile catering food service
Motel
O
Offices – business or professional

P	-	12
M	ML	Parking Group See Table 5
P	P	9
-	C	7
P	P	8, 9

P
Personal service establishment
Public:
- buildings
- utilities and/or storage compounds
R
Rapid drive-through vehicle service
Recreation facilities:
- commercial
- public
Recreational vehicle and boats manufacture, sales and servicing
Recycling depot /transfer station
Restaurant
Retail business
S
Self-service storage facility
Service shop establishment
Spectator entertainment establishment
T
Temporary uses
Truck and mobile home rentals and/or sales
Truck terminals
U
Utilities, private or public
V
Veterinary clinics and compounds
W
Warehouse sales
Warehousing - industrial/commercial goods except as listed below:
- industrial/commercial goods such as asphalt, explosives, fertilizers and flammable or toxic goods
Waste disposal facilities:
- all inclusive (may include lagoons, landfill site recycling depot and transfer station)
- transfer station
- recycling depot
Wrecking facilities - automotive and equipment
Other light industrial uses not listed on Table
Other heavy industrial uses not listed on Table

C	C	11
P	P	8, 9
P	P	N/A
P	P	11
C	C	6, 10
P	P	6, 10
P	P	11
C	C	12
P	P	6
P	P	11
P	P	N/A
P	P	11
P	P	6
P	P	N/A
P	P	11
C	-	12
P	P	12
P	C	11
P	P	11
P	P	12
C	-	12
C	C	N/A
C	C	N/A
P	C	N/A
C	-	11
C	C	Table 5
C	-	Table 5

8.4. INDUSTRIAL BULK REGULATIONS

All lots, buildings or structures in the industrial zones must comply with the yard requirements as outlined in Table 18.

Table 18 (B/L 15-2005)
Industrial Bulk Table

Zone	Required Yards (min.)						Site Requirements (min.)		
	Front Yard (ft)	Side Yard (ft)	Side Yard Corner (ft)	Rear Yard (ft)	Height (max.) (ft)	Outside Storage % of Site Area (max.)	Site Coverage (max.)	Site Width	Site Area (sq. ft.)
	Main Use								
M	50	25	50	25	45	80	80	200	60,000
ML	25	10	15	10	45	90	90	125	43,563
	Other Uses								
Accessory:									
M	40	5	15	15	45	N/A	N/A	N/A	N/A
ML	25	10	15	10	20	N/A	N/A	N/A	N/A
Temporary:									
M	25	5	15	15	15	N/A	N/A	N/A	N/A
ML	25	10	15	10	15	N/A	N/A	N/A	N/A

8.5. INDUSTRIAL DEVELOPMENTS ADJACENT TO RESIDENTIAL USES

For industrial uses that have interior side lot lines adjoining residential uses, the Municipality may require development agreements to ensure compatibility with the residential uses. The development agreements may address, but is not limited to, such matters as:

- Landscaping
- Parking locations
- Fencing
- Outside storage
- Lighting
- Noise
- Dust

8.6. PERFORMANCE STANDARDS FOR DEVELOPMENTS IN THE “ML” – LIGHT INDUSTRIAL ZONE (B/L 15-2005)

8.6.1. Applicability

8.6.1.1 Any development or site used for any permitted or conditional use in the “ML” – Light Industrial Zone shall comply with the performance standards of this Subsection. These regulations shall take precedence in cases where there appears to be a conflict with the other development regulations in this By-law, as determined by the Development Officer.

8.6.1.2 Where in the opinion of the Development Officer, a use may not comply with the performance standards of this Subsection he/she may require that the applicant submit a statement from a qualified and registered Professional Engineer of Manitoba certifying that the proposed use can meet the performance standards.

8.6.2. Environmental Standards

8.6.2.1 No operations or activity shall emit air and water contaminants in excess of the standards prescribed pursuant to The Environment Act and all regulations pertaining thereto.

8.6.2.2 No activity or operation shall cause, or permit to be caused, a noise level at or inside the lot line which exceeds the standards prescribed pursuant to The Environment Act and all regulations pertaining thereto.

8.6.2.3 Any fuel storage areas established on the site shall comply with Manitoba Regulation 97/88R respecting Storage and Handling of Gasoline and Associated Products.

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

8.6.2.5 The operation of all uses shall comply with all environmental and public health regulations of the Province of Manitoba. If the Development Officer is of the opinion that a proposed development may conflict with these regulations, the application shall be referred to the appropriate Provincial department(s) prior to issuing a development permit.

8.6.3. Fence Design Standards

8.6.3.1 In addition to the regulations under Subsection 3.18 of this By-law, permitted materials for the construction of fences shall include:

- a) 0.75 in. thick douglas fir, cedar or hemlock;
- b) concrete;
- c) ornamental block;
- d) brick;
- e) metal;
- f) combination of the above materials; or
- g) any other material, subject to an illustration by a certified engineer, architect or landscape architect to the satisfaction of the Development Officer or Council.

8.6.4. Site Landscaping

8.6.4.1 A landscaping plan is required and no landscaping work shall be commenced unless the landscaping plan is approved by the Development Officer.

8.6.4.2 A landscaping plan shall contain the following information:

- 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, botanical name, and size; and
- c) a description of the compatibility of all physical features, existing or proposed, with adjacent sites.

8.6.4.3 Notwithstanding the regulations of Subsection 8.6.4.2 of this By-law, the Development Officer may consider an application if, in his/her opinion, the development is of such a nature as to enable the decision to be made on the application without all of the information.

8.6.4.4 In the event that planting material required in an approved development is inappropriate or fails to survive, the Development Officer may allow or require alternative materials to be substituted.

8.6.4.5 The applicant shall be responsible for landscaping and proper maintenance. The Development Officer shall require, as a condition of approval, that the applicant provide a security deposit in the amount of 100 percent of the estimated landscaping cost, the condition of the security deposit being that, if the landscaping is not completed in accordance with this By-law and the plan

within one growing season after the completion of the development, then the amount required to completing the landscaping shall be paid to the Municipality from the said security deposit.

8.6.4.6 All required yards shall be landscaped in accordance with the landscaping plan. This shall include appropriate screening of utility facilities.

8.6.4.7 All plant material shall be hardy to the location on the site where they are planted. The horticultural standards of the Canadian Nursery Trades Association shall be used as a reference in selecting appropriate plant materials.

8.6.5. Landscaping for Parking and Storage Areas

8.6.5.1 Where off-street parking for fifty or more vehicles is provided at grade on a site, there shall be landscaped open space within the parking area. Landscaped open space in the parking areas shall be provided at a minimum of 16 sq. ft. for each parking space. The required landscaping shall not be located in one area, and shall be placed within the parking area so as to break up large areas of parking and to provide visual relief.

8.6.5.2 A parking area having eight or more parking spaces shall be fenced or have a screen planting. The location, length, thickness and height of such fence or screen planting shall be in accordance with the landscaping plan.

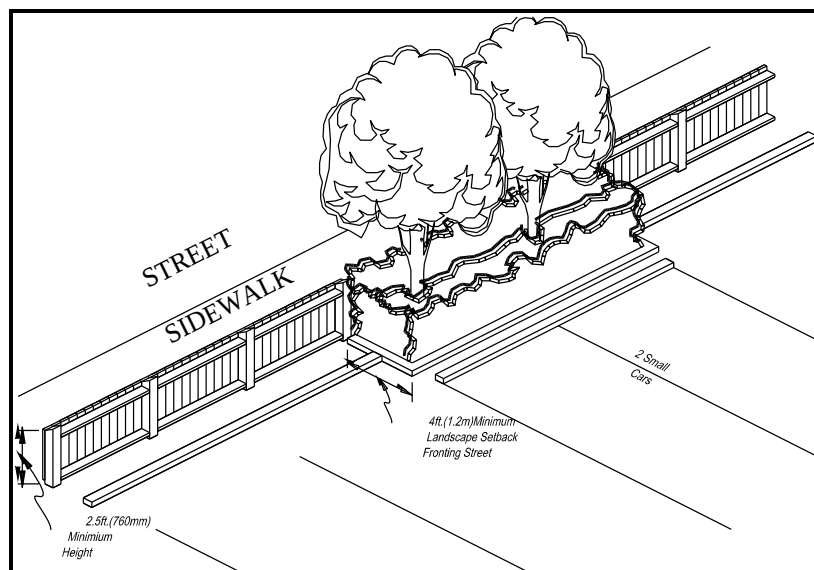


Figure . Parking

- 8.6.5.3 No parking, loading, storage, waste collection or outdoor service areas shall be permitted within a required front yard.
- 8.6.5.4 Waste collection, loading, storage or outdoor service areas shall be fenced or have a screen planting, consisting of evergreen trees or shrubs, or flowering trees or shrubs, or a combination thereof, in accordance with the landscaping plan and:
- a) shall be located to the rear of a line adjacent to and parallel with the front wall of the principal building; and
 - b) shall be maintained to provide effective screening from any public roadway or adjacent sites.
- 8.6.5.5 In the case of bulk outdoor storage, where because of the height of materials stored, a screen planting would not be sufficient, the Development Officer may require a fence, earth berm or combination thereof, with sufficient height to substantially block public view, to be substituted for the regulations of Subsection 8.6.5.4 of this By-law.
- 8.6.5.6 Where, because of conditions not conducive to good horticultural practices, a screen planting cannot reasonably be expected to survive, the Development Officer may require a masonry wall, wood fence or earth berm, or combination thereof, to be substituted for the regulations of Subsection 8.6.5.4 of this By-law.
- 8.6.5.7 Outdoor display areas shall be permitted to the side or front of the principal building, provided that said display areas are limited to examples of equipment or materials related to the principal use thereon.

8.6.6 Hardsurfacing of Parking and Loading Areas

- 8.6.6.1 Every off-street parking and loading space area shall be hardsurfaced with asphalt if said area lies in front of the principal building.
- 8.6.6.2 Every off-street parking and loading space area, including the access thereto, shall be hardsurfaced if said access is from a public roadway which is hardsurfaced with asphalt.
- 8.6.6.3 Any area at the rear of the principal building provided or required for off street parking and loading areas need not be hardsurfaced, but shall be of such a surface that will minimize the carrying of dirt or foreign matter onto the public roadway, to the satisfaction of the Development Officer or Council.

8.6.7 Lighting of Sites

- 8.6.7.1 Outdoor lighting shall be low-glare and neutral in colour and shall be located and arranged so that no direct rays of light are directed at any adjacent sites or interfere with the effectiveness of traffic control devices.
- 8.6.7.2 If the outdoor lighting is ground mounted, the maximum height thereof shall be 20 ft.

8.6.8 Signage

- 8.6.8.1 In addition to the regulations under Subsection 3.28 of this By-law, all signage:
- a) shall be constructed and finished with durable materials to maintain the initial appearance of the sign throughout the life of the project; and
 - b) shall be installed such that all mounting hardware and wiring is concealed from public view.

8.6.9 Appearance and Location

- 8.6.9.1 The Development Officer may require that exposed projections outside the building such as mechanical and electrical equipment, transformer ducts, and materials handling equipment be screened from view from any public roadway, or from adjacent sites if, in his/her opinion, such projections are inconsistent with the character and appearance of surrounding developments.
- 8.6.9.2 All buildings:
- a) shall be designed to:
 - i) convey an image of cohesive appearance and architectural character;
 - ii) ensure that offices, reception and public use areas are easily identifiable and visible from the public roadway; and
 - b) shall be constructed and finished with durable materials to maintain the initial appearance of the development throughout the life of the project.
- 8.6.9.3 The Development Officer may require that the appearance of metal or concrete block walls exposed to public view from beyond the site be combined with other materials where, in his/her opinion,

such walls are inconsistent with the finishing materials or appearance characteristics of surrounding developments.

- 8.6.9.4 The location of the principal building on a site shall take into account:
- a) the setbacks and building placements on adjacent sites; and
 - b) the micro-climatic effects including shading of adjacent buildings or sites.

9. PARKS & RECREATION AND HAZARD LANDS ZONES

9.1. INTENT AND PURPOSE

The Parks & Recreation and Hazard Lands Zones are intended to provide sufficient land for parks and recreational uses and to protect environmentally sensitive lands from development in keeping with the provisions of the Development Plan.

9.2 ZONES

9.2.1. “PR” Parks and Recreation Zone

Recreational Zones are primarily designed to accommodate public recreation uses such as picnic area, public parks, playgrounds, sports fields, arenas, and curling rinks

9.2.2. “HL” Zone

The primary intent of the “HL” Hazard Lands zone is to ensure that areas having inherent hazards due to subsidence or flooding are not developed for building purposes. Natural areas, crop production or extensive recreational uses will be the dominant permitted use of such areas.

9.3. USE REGULATIONS

No land shall be used or occupied and no structure shall be erected, altered, used or occupied, except for the uses listed in Table 19.

Table 19**Parks & Recreation and Hazard Lands Use Table***P = Permitted**C = Conditional**P/C = see table 1**- = Not Permitted*

Use	PR*	HL*	Parking Group See Table 5
<u>A</u>			
Accessory uses, buildings or structures <i>(as per Table 1)</i>	P/C	P/C	N/A
Agricultural General * <i>(excluding Buildings)</i>	-	P	N/A
<u>C</u>			
Campground	C	-	N/A
<u>D</u>			
Docks – boats or fishing	C	-	N/A
<u>E</u>			
Education facilities	P	-	3
<u>H</u>			
Heritage & archaeological buildings & sites	C	-	N/A
<u>M</u>			
Marina - excluding gas sales accessory	C	-	11
Museums	P	-	5
<u>N</u>			
Nature and wildlife reserves	P	P	N/A
<u>P</u>			
Public:			
- buildings and structures	C	-	8
- parking area	P	P	N/A
<u>R</u>			
Recreation – Public and Commercial	P	-	6,10,11
<u>S</u>			
Sports fields	P	-	N/A
Special events	C	-	N/A
<u>T</u>			
Temporary Uses	P	C	N/A
Any other Parks, Recreation & Hazard Lands Use not listed in this table <i>(B/L 1-2003)</i>	C	C	See table 5

* For buildings and structures located in flood prone areas refer to Section 3.12.

9.4 BULK REGULATIONS

All lots, buildings or structures in the Parks & Recreation and Hazard Lands zones must comply with the yard requirements as outlined in Table 20.

Bulk Table 20 (B/L 1-2003)

Parks & Recreation and Hazard Lands Bulk Table

Zone & Building Type	Site Width <i>Min.(ft)</i>	Yard Requirements				Height <i>Max. (ft)</i>	Site Coverage <i>(Max. %)</i>	Site Area <i>Min.(sq. ft)</i>
		Front Yard <i>Min.(ft)</i>	Side Yd Interior <i>Min.(ft)</i>	Side Yd Corner <i>Min.(ft)</i>	Rear Yard <i>Min.(ft)</i>			
PR								
<i>Main</i>	200	50	15	15	25	35	40	60,000
<i>Accessory</i>	N/A	50	15	15	10	15	10	N/A
HL								
<i>Main</i>	N/A	50	15	15	25	35	40	N/A
<i>Accessory</i>	N/A	25	15	15	10	15	10	N/A

10. DEFINITIONS

10.0. Contents

10.1.	Rules of Construction
10.2.	Definitions

10.1. Rules of Construction

10.1.1 The following rules of construction apply to the text of this by-law.

- 10.1.1.1 Words, phrases and terms defined herein shall be given the defined meaning.
- 10.1.1.2 Words, phrases and terms not defined herein but defined in the Act and the Building By-laws of The R.M. of St. Clements shall be construed as defined in such Act and By-laws.
- 10.1.1.3 Words, phrases and terms neither defined herein nor in the Building, Electrical or Plumbing By-laws of The R.M. of St. Clements shall be given their usual and customary meaning except where, in the opinion of Council, the context clearly indicates a different meaning.
- 10.1.1.4 The phrase "used for" includes "arranged for", "designed for", or "occupied for".
- 10.1.1.5 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" or "either-or", the conjunction shall be interpreted as follows:
 - "and" indicates that all the connected items, conditions, provisions or events shall apply in any combination.
 - "or" indicates that the connected items, conditions, provisions or events may apply singly, or in combination.
 - "either-or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- 10.1.1.6 The word "includes" shall not limit a term to the specified examples, but is intended to extend the meaning of all instances or circumstances of like, kind or character.

10.2. Definitions

A

Accessory use, building or structure

Means a use, building or structure which:

- is subordinate to the principal building;
- is subordinate in area, extent, or purpose to the principal building, structure or use;
- contributes to the comfort, convenience or necessity of occupants of the principal building, structure or use; and
- is located on the same zoning site as the principal building, structure or use.

Act

Means the Planning Act, being Chapter P80 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.

Agricultural commercial

Means the use of land, structures or buildings for the purpose of buying, selling or processing, storage and supply of commodities and services that support agricultural operations.

Agricultural industrial

Means use of land, structures or buildings for the manufacture, servicing and dismantling of farm equipment, feed and grain mixing and storage, mixing, storage or sale of farm chemicals, including crop spraying operations.

Airstrip, private

Means land used for the purpose of landing, taking off, storing, of private aircraft.

Airport industrial uses

Means any area of land used for the landing, taking off, or storing of aircraft, associated terminals, and uses related to, and requiring close proximity to an airstrip or other airport industrial uses.

Alter - building or structure

when used in reference to a building or structure or part thereof, to change any one or more of the external dimensions of such building or structure or to make any change in the supporting members or to the type of construction of the exterior walls or roof thereof or the moving of a building or structure from one location to another.

Alter - lot

when used in reference to a lot to change the lot area, lot frontage or lot depth thereof; to change the width, depth or area of any required yard, landscaped open space or parking area; or to change the location of any boundary of such lot with

respect to a street or a lane, whether such alteration is made by conveyance or alienation of any portion of such lot or otherwise.

Alter - use

when used in reference to a use, to discontinue and replace a use with a use which is defined herein as being distinct from the discontinued use.

Amusement enterprise

Means a place where 3 or more coin or token operated machines, devices, contrivances or games are provided for public amusement, but does not include:

- any machine that provides exclusively musical entertainment, rides, food or drink;
- premises licensed to serve alcohol under the appropriate statute;
- premises of a non-profit organization, association, institution or club which is operated for social, recreational, educational, religious or fraternal purposes;
- an amusement park.

Animal shelter

Means a lot and/or building or part thereof used for the care of lost, abandoned or neglected animals.

Animal waste unit

Means the number of animals excreting 160 lb. (73 kg.) of nitrogen in a 12-month period, as set out in this By-law.

Arbour

Means a structure of lattice work which may be covered by vines or shrubs.

Arena

Means a facility for sport activities and includes ice surfaces for sporting activities.

Attached to Principal Building

Means a structure is considered to be a part of the principal building and is subject to all regulations applicable to the principal building, where it is attached to the principal building by any of the following:

- roof;
- floor, except a slab on grade;
- open or enclosed structure above grade;
- foundation which is above grade; or
- any structure below grade which allows access between buildings such as a parking garage or corridor / passageway connecting the buildings.

Auction mart

Means a site, or space where there are goods offered for sale to the highest bidder, whether outdoors or in a wholly enclosed building.

Auditorium

Means a building or structure where facilities are provided for athletic, civic, education, political, religious or social events.

Autobody shop

Means a building or premise used primarily for the commercial repair of automobile bodies, major and minor collision damage, frame and panel straightening, repainting and refinishing, glass repair and similar activity.

Automobile

- compact automobile (small)
means an automobile 15.75 ft. or less in length and less than 5.91 ft. in width.
- full size
means an automobile greater than 15.75 ft. in length and greater than 5.91 ft. in width.

Automobile, recreational vehicle and equipment repair facility

Means a facility for the general repair, rebuilding or reconditioning of engines, motor vehicles, not including autobody shops, recreational vehicles, boats or trailers and the sale of related accessories and parts.

Automobile service station

Means a building or portion thereof and land used for the sale of fuel, oil and accessories for motor vehicles, automobile detailing, including car washes and for the servicing and repair of motor vehicles.

Automobile storage compound

Means an open space either used or required for the standing of motor vehicles held for sale or rental.

Automobile, recreational vehicles sales

Means the retail sales, rental or leasing of new or used vehicles, motorcycles, recreational vehicles, water crafts, trailers, together with the incidental maintenance services and sale of parts and accessories,

Automobile washing establishment

see *Automobile service station*.

Automobile wrecking facilities

see *Wrecking Facilities Equipment and Automobile*

Awning

Means a movable shelter supported entirely from the exterior wall of a building and of a type which can be retracted, folded or collapsed against the face of a supporting building.

B

Banquet hall

Means a building or part thereof used for the purpose of entertaining a large group of people where food and liquor are generally provided.

Basement

Means a storey of a building in which the floor level above is located not more than 6.56 ft. above grade. A crawl space shall be considered a basement where:

- it exceeds 70 in. in height;
- it is used for any occupancy including storage;
- it is used as a plenum in combustible construction;
- it is used for the passage of flue pipes;
- a crawl space shall be considered a basement, as defined in the Manitoba Building Code

Bed and breakfast

Means any residential dwelling in which not more than 4 rooms are rented to paying guests on an overnight basis.

Board

Means the Selkirk and District Planning Area Board as established under the Planning Act.

Boarding house

Means a dwelling in which the proprietor supplies for a fee, sleeping accommodation with board for 3 to 10 persons excluding the proprietor, members of the proprietor's family and servants of the establishment, but does not include a hostel.

Broadcasting and motion picture studio (B/L 15-2005)

Means a development used for the production or broadcasting of audio and visual programming typically associated with radio, television and motion picture studios.

Building

Includes any well, pipe line, excavation, cut, fill, transmission line or other erection or structure, or any part thereof, and also includes any addition to or extension of a building and any chattel that is attached to any structure or land or that is installed therein or thereon.

- Accessory
See *accessory use, building or structure*

- Main or Principal
building in which is conducted the principal uses of the lot on which it is situated. In any residential zone, a dwelling containing one or more dwelling units shall be deemed to be a main or principal building on the lot which it is situated.
- Temporary
building intended for removal or demolition within a prescribed time, as set out in a building permit.

Building area

Means the maximum projected horizontal area of a building above grade measured to the centre of a party walls and to the outside of other walls including air wells, and all other spaces within the building, but excluding open air porches, verandas, steps, cornices, chimneys, fire escapes, exterior stairways, breezeways, accessory buildings, ramps and open loading platforms.

Building face

Means any exterior wall of a building exposed to public view.

Building height

Means vertical distance measured from the finished grade and the exterior surface of a flat roof, the deck line of a mansard roof or the mean height between the bottom of the eaves and the highest point of the roof surface for any other type of roof. The Development Officer shall determine the height of an irregularly shaped roof.

Building separation

Means the least horizontal distance permitted between the nearest portions of any building envelope on a lot.

Business, professional office or administrative office

Means a building or part thereof in which 1 or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment and may include the administrative offices of a non-profit or charitable organization.

Business support service

Means a development used to provide support services to businesses which are characterized by one or more of the following features: the use of minor mechanical equipment for printing, duplicating, binding or photographic processing, the provision of office maintenance or custodial services, the provision of office security, and the sale, rental, repair or servicing of office equipment, furniture and machines. Typical uses include printing

establishments, film processing establishments, janitorial firms and office equipment sales and repair establishments. (B/L 15-2005)

C

Campground

Means an area of land containing camp sites managed as a unit providing short term or over night camping experiences from tenting to serviced trailer sites and including accessory facilities which support the use, such as administration offices, laundry facilities, but not including the use of mobile homes or trailers on a permanent year-round basis.

Car Brokerage

Means an accessory commercial use relating to the retail purchase and sale of used passenger vehicles from a single detached dwelling unit. This definition does not include automobile service and repair, and/or vehicle rentals or leasing. (B/L 1-2003)

Care home

Means a dwelling used for the boarding or other residential accommodation plus care or treatment of not more than (6) six persons and in which care or treatment is not provided to any persons not resident in the care home and that complies with the Provincial Government's licensing requirements for Care homes. (See also neighbourhood care home, neighbourhood rehabilitation home, family day care home, day care centre, group day care home and private home day care)

Carport

Means a permanent roofed structure which is attached to the principal building, and not completely enclosed, to be used for the parking of privately owned automobiles.

Cemetery

Means land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried and may include facilities for storing ashes of human remains that have been cremated or the interment of the dead in sealed crypts or compartments.

Child care centre

Means premises that receives more than 5 children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding 24 hours where the children are under 18 years of age in the case of a day nursery for children with a developmental handicap, under 10 years of age in all other cases.

Club

Means an association of persons, whether incorporated or not, united by some common interest, meeting periodically for co-operation or conviviality. Club shall also mean, where the context requires, premises owned or occupied by members of such association within which the activities of the clubs are conducted.

Compatible

Means a building or structure, activity or use that blends with, conforms to, or is harmonious with the surrounding ecological, physical, visual or cultural environment.

Concrete – batching plant

Means an industrial facility used for the production of concrete, or concrete products, used in building or construction and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production of finished products manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sale of finished concrete products.

Conditional use

Means the use of land or building that, owing to some special characteristics attendant to its operation or installation, such as odour, noise, smoke, dust, or traffic generation, may be permitted in any particular zoning district subject to approval by the Board and may be subject to design or operational requirement different from the usual zone requirements.

Conservation area

Means the use of land which is intended to remain open in character, with the priority use given to the preservation of its natural state or special environmental quality and may include non-commercial recreational uses only if conservation of the resource is not jeopardized.

Contractor's establishment

Means a premises where a construction contractor operates a business and where related equipment and materials may be stored, including: wood construction, cabinet making, carpentry, house builders, mobile home and "ready to move" house construction, package home or garage construction, kitchen or bathroom renovating, general contracting, landscape contractors, heating contractors, air-conditioning and refrigeration contractors, insulating contractors, painting contractors, plumbers, sheet metal contractors, roofers, drillers and well contractors, septic tank installation, foundation contractors, excavators, stucco contractors, siding contractors, brick laying, fencing contractors, ventilating contractors, window and door installation, road, bridge, concrete and stucco contractors and other like uses.

Conversion

Means a change in use of land or a building or an act done in relation to land or a building that results, or is likely to result, in a change in the use of such land or building without involving major structural alterations.

Council

Means the Council of The R.M. of St. Clements.

Crematorium

Means a building fitted with the proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto.

Custom manufacturing establishment

Means a development used for small scale on-site production of goods by hand manufacturing, primarily involving the use of hand tools. Typical uses include jewellery, toy and musical instrument manufacturing, gunsmiths, and pottery and sculpture studios. (B/L 15-2005)

D**Deck**

Means a structure abutting a dwelling unit with no roof or walls except for visual partitions and railings which is constructed.

Development officer

Means officers appointed by the Board in accordance with the provisions of the Act.

Development permit

Means a permit issued under a zoning By-law, authorizing development and may include a building permit.

Development Plan

Means the Selkirk and District Planning Area Development Plan adopted by By-law No. 122 of the Selkirk and District Planning Area and amendments thereto.

Dispatch services

Means services provided for the dispatching of courier, delivery, cleaning, taxi or similar services.

District

Means the Selkirk & District Planning Area.

Drive-in establishment / Drive through 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.

Dwelling

Means a building or portion thereof designed for residential occupancy but shall not include a travel trailer, a motor home or a mobile home as defined herein.

- **single-family**
a detached building designed for and used by one (1) family.
- **two-family**
a detached building designed for and used by two (2) families, each having exclusive occupancy of a dwelling unit.
- **multiple-family**
a building containing three (3) or more dwelling units, each unit designed for and used by one (1) family.

E**Educational facility**

Means a place of instruction, whether private or public, offering courses, training or instruction, and includes administration offices required for the provision of such services. Includes private or public schools, community colleges, technical and vocational schools and adult educational training centres.

Equipment rentals and/or sales

Means a development used for the rental and/or sale of tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items.

(B/L 15-2005)

Existing

Means a use, building or structure existing on the effective date of this By-law.

Extension

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

F**Fair and exhibition grounds**

Means the use of land, or building, or structure where the temporary exhibition of music, art, goods, wares, vehicles, and the like are displayed and made available for sale and shall include a midway and a place of amusement.

Family

Means one or more persons occupying a dwelling unit and maintaining a household. The term "family" shall not be construed to mean fraternity, sorority, club or institutional group.

Family Day Care Home

Means premises in which either day care alone, or in combination with parental care, is provided at any time, to not more than eight (8) children of whom not more than five (5) are less than six (6) years of age and not more than three (3) are less than two (2) years of age; and which is the home of the person providing or offering the day care. (See also neighbourhood care home, neighbourhood rehabilitation home, group day care home and private home day care, care home, day care centre)

Farm Activities, general

Means use of land and associated buildings for agricultural purposes including:

- crop production;
- apiculture;
- aquaculture
- floriculture;
- horticulture:
- tree farming; and
- necessary accessory uses for packing, storing or treating the produce provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

Farm activities, livestock

Means the keeping of animals for use, propagation or intended for profit and includes:

- dairy and beef cattle;
- swine, goats, sheep and horses;
- hens, chicken, turkeys, turkey broilers, geese and ducks; and
- foxes, mink and rabbits.

Farm vacation

Means a farm which, in addition to the conduct of general farm or equestrian activities, rents rooms in the principal dwelling or an accessory dwelling, on a daily or weekly basis, for recreational purposes related to agriculture.

Flood prone lands

Means flood prone lands are those lands which are subject to flooding at the 100 year flood level as specified by the Water Resources Branch, with exceptions as listed below.

- Where levels exceed the 100 year flood level, the record flood level shall apply.
- Where lands are adjacent to the Red River, the 160 year flood level or 1997 Red River flood levels as per zoning map in Appendix A, whichever is the higher, shall apply.
- Where land is protected by flood control works, the flood level specified by the Water Resources Branch shall apply.
- Other lands identified by the Municipality as previously having had serious flooding.

Flood protection level

Means land and buildings that are protected against flooding by raising the building site to the flood protection level. Flood protection levels shall be as listed below:

- 100 year flood level plus 2 ft.; or
- 160 year flood level or 1997 Red River flood levels plus 2 ft.; or
- as specified by the Water Resources Branch.

Floor area

Means the total habitable area on one storey within a building which area is measured between the exterior faces of the exterior walls or from the centre line of a common or party wall, but excluding any private garage, breezeway, porch, veranda, balcony, sun room attic or basement.

Floor Area Gross, (GFA)

Means the total floor area of all storeys within a building or structure, contained within the outside surface of the exterior and basement walls, provided that in the case of a wall containing windows, the glazing line of windows may be used.

Floor Area, Net

Means the *gross floor area* of the building, structure or part thereof measured from the glazing line or interior wall lines whether above, below or at grade, excluding attics, stairwells, elevators, balconies, boiler rooms, electrical vaults, mechanical floors, penthouses or rooms, unfinished vertical service shafts, 75% of non-rental common corridors and toilets.

Floor Area, Net Ratio

Means the numerical value of the gross floor area of the building or structure located upon a lot or building site, excluding:

- basement areas used exclusively for storage or service to the building
- parking areas below grade

- floor areas devoted exclusively to mechanical or electrical equipment servicing the development, divided by the area of the site.

Food processing & manufacturing facility

Means a facility, other than a restaurant or refreshment room in which food products are processed, stored or distributed. Includes, dairies, beverages, including wine and spirits, bakeries, fruit processing and meat processing. Does not include an abattoir or any premise used for the slaughtering of animals.

Frontage street

Means all that portion of a zoning site or parcel abutting on a public street which provides principal access to, or visibility for the premises.

Funeral service

Means a development used for the preparation of the dead for burial and the holding of funeral services. Typical uses include funeral homes, undertaking establishments and interment services. (B/L 15-2005)

G

Game farm

Means an enterprise where animals such as, but not restricted to, rabbits, deer, wild or birds such as pheasants are raised and hunted for sport.

Garage, private

Means an accessory building, attached or detached, used by the occupants of the premises upon which it is located for the parking or temporary storage of private passenger motor vehicles and may also include the incidental storage of other personal property.

Garden centre

Means the use of lands, buildings or structures or parts thereof for the purpose of buying or selling ornamental plants, lawn and garden equipment, furnishings and supplies. May also include the sale of materials associated with landscaping.

Garden suite

Means an additional temporary dwelling unit intended for the sole occupancy of one or two adults who are elderly or other family members who require special health care and supervision.

Grade

Means the average level of finished grade calculated at the perimeter of a site, or for structures the average level at the base of the exterior walls, or as determined by the development officer.

Greenhouse, private

Means a building for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors and are for personal use and are not offered for sale.

Greenhouse, commercial

Means a building for the growing of flowers, plants, shrubs, trees and similar vegetation for sale to the public.

Group Day Care Home

Means premises in which either day care alone, or in combination with parental care, is provided at any time, to more than eight (8) children but not more than twelve (12) children, of whom not more than three (3) are less than two (2) years of age and which is the home of the person providing or offering the day care (see also neighbourhood care home, neighbourhood rehabilitation home, family day care home, private home day care, care home, day care centre).

H

Habitable space

Means a place, site or space in a dwelling which could be used for human occupancy.

Hazard prone land

when used in this By-law means land where actual effects of hazards have occurred, and without limiting the generality of the word, hazard includes but is not limited to the following:

- flooding of watercourses or waterbodies except local ponding;
- erosion or cutting of land due to action of water in an adjacent watercourse or waterbody;
- river bank instability or slumping;
- landslides including mud slides;
- subsidence; and
- local ponding due to improper surface drainage.

Health services

Means a building or part thereof primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of a physician, dentist, or other health practitioners, medical and dental laboratories, out patient care facilities and miscellaneous types of medical supplies and services.

Home occupation

Means an accessory commercial use which:

- is carried on in a dwelling unit, or accessory building;

- is carried on solely by the members of the family residing at the same dwelling unit or mobile home without the employment of other persons;
- is incidental to or secondary to the use of the dwelling unit or mobile home;
- has no exterior display, 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;
- does not become offensive, or obnoxious or create a public nuisance;
- does not cause the generation of undue traffic and congestion in the neighbourhood; and
- articles sold or offered for sale are limited to those produced therein or articles that are produced elsewhere but are pre-packaged and held only on a temporary basis for distribution to customers outside the dwelling unit or mobile home.

Home industry

Means a small commercial business, or industry conducted primarily in an accessory building to a one-family dwelling by the residents, where such uses are clearly secondary to the main residential character of the dwelling provided that:

- there is no exterior display, 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;
- it does not become offensive, or obnoxious or create a public nuisance;
- the use does not cause the generation of undue traffic and congestion in the neighbourhood; and

Hotel

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.

I

INDUSTRIAL USES

Heavy

Means a facility for processing, dismantling, assembling or manufacturing of component parts or finished products that may involve stamping presses, furnaces, production of volatile chemicals, or the emission of any air, water or

noise pollution and heavy truck traffic that creates a hazard or nuisance outside of the facility.

General

Means a facility for the processing, assembling or manufacturing of component parts or finished products but does not include any operation involving stamping presses, furnaces, or the emission of any air, water or noise pollution that creates a nuisance outside of the building.

Industrial vehicle and equipment rentals and/or sales

Means a development used for the sale and/or rental of heavy vehicles, machinery or mechanical equipment typically used in building, roadway, manufacturing, assembly and processing operations and agricultural production. (B/L 15-2005)

K

Kennel

Means any premises on which three (3) or more domestic pets are boarded, bred, trained or cared for, in return for remuneration or are kept for the purpose of sale. A kennel shall not include a veterinary clinic, animal hospital, animal pound or be used for the keeping of exotic animals such as lions, bears, reptiles, etc.

L

Loading space

Means an off-street space or berth located on the same lot as a permitted use and used for the parking of a commercial vehicle loading or unloading merchandise or materials pertinent to such permitted use.

Lodge

Means an establishment catering to the vacationing public by providing meals and sleeping accommodation with at least 5 guest rooms or cabins, but shall not include any establishment otherwise defined or classified herein.

M

Manufacturing

Means the use of land, buildings or structures for the purpose of making, preparing, assembly, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale of any goods, substance, article, thing or service.

Marinas

Means an area or structure used specifically in connection with the docking, storage, servicing and rental of boats and motors.

Mobile catering food service

Means a development using a fleet of vehicles for the delivery and sale of food to the public. (B/L 15-2005)

Mobile home

Means a transportable, single – or multiple – section single family dwelling conforming to the CAN/CSA-Z240 MH Series at the time of manufacture. (B/L 1-2003)

Mobile Home Park

Means a parcel of land under either single ownership or multiple ownership, which has been planned and improved for the placement of mobile homes for non-transient uses. Also includes related communal facilities, such as laundry, meeting facility, office, convenience store and recreation facilities.

Motel

Means a group of attached or detached buildings or part thereof, wherein sleeping accommodation is provided for transient lodgers. Permitted accessory uses include but are not limited to restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

N

Neighbourhood care home

Means a building or portion thereof used for the boarding or other residential accommodation plus care or treatment of more than (6) six persons but not more than twelve (12) persons and in which care or treatment is not provided to any persons not resident in the care home and that complies with the Provincial Government's licensing requirements for Neighbourhood Care Homes. (See also neighbourhood rehabilitation home, family day care home, group day care home, private home day care, care home, day care centre)

Neighbourhood commercial

Means a store that serves the needs of the adjacent neighbourhood and includes the following type of stores: convenience store, produce sales, personal service establishment and health service.

Neighbourhood Rehabilitation Home

Means a building or portion thereof used for the boarding or other residential accommodation plus penal or other mandatory supervision or treatment of not more than twelve (12) persons in which supervision or treatment is not provided to any persons not resident in the rehabilitation home and that complies with the Provincial Government's licensing requirements for Neighbourhood

Rehabilitation Homes. (See also neighbourhood care home, family day care home, group day care home, private home day care, care home, day care centre)

Non-conformity

one, or a combination of one, or more, of the following:

- parcel of land,
- a building or structure,
- a use of a building or structure
- a use of land,

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.

Non-conforming building or structure

any lawful building or structure which does not comply with one (1) or more of the applicable bulk regulations on the effective date of this By-law, or amendments thereto.

Non-conforming parcel

any lawful parcel of land which does not comply with the site area, site width or site depth requirements of the zone in which it is located 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.

Non-conforming use

any lawful use of a building or structure or of a parcel of land, or portion thereof, which does not conform to any 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.

Nursing homes

Means any premises in which persons are cared for and lodged, where in addition to sleeping accommodation and meals, personal care, nursing services or medical care and treatment are provided or made available.

O

Ornamental structures

roofless functional and ornamental structures including, but not limited to, drop awnings, cloths poles, ornamental fountains, statues, monuments, picnic tables, benches, cenotaphs, flag poles, memorials, planters, garden trellises, fences, boundary and retaining walls, hedgerows and legal signs.

P

Parks and outdoor recreation areas

Means an area consisting largely of open space, which may include a recreational area, playground, play field or similar use, but shall not include a mobile home park, a campground or trailer park.

Parking area

a parking area used for the temporary parking of vehicles and is available for public use whether free, for compensation or as an accommodation for clients, customers, employees or visitors.

Parking Garage

Means an accessory building or structure, or any portion of a principal building or structure, containing communal parking spaces used for the parking or temporary storage of motor vehicles and which may include facilities for repairing or servicing such vehicles where such are permitted or conditional in this by-law.

Parking space

Means a space on a parking area, public parking area or zoning site for the temporary parking or storage of a vehicle.

Patio

see *deck*

Personal service establishment

Means a building, or part of a building, in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and without limiting the generality of the foregoing may include such establishments as barber shops, beauty parlors, hair-dressing shops, hand laundries, shoe repair and shoe shining shops, tailor and dressmaking shops, valets and depots for collecting dry cleaning and laundry.

Planned unit development

- a planned unit development as defined in the Act.
- a land development project planned as an entity in accordance with an overall site plan which permits flexibility in the setting of buildings, mixture of housing types and/or land uses, usable open spaces and the preservation of significant natural features.

Porch or verandah

Means enclosed or partially enclosed steps or entrance having a roof attached to the main walls of a building.

Private Home Day Care

Means premises in which either day care alone, or in combination with parental care, is provided at any time, to not more than four (4) children including the children of the person providing the day care and children of other persons and of whom not more than two (2) children are less than two (2) years of age; and which is the home of the person providing or offering the day care. (See also neighbourhood care home, neighbourhood rehabilitation home, family day care home, group day care home, care home, day care centre)

Produce sales – limited

Means sales limited to goods produced by market gardeners in nurseries or in greenhouses.

Professional Offices and support services

Means a facility primarily used for the provision of professional, management, administrative, consulting and financial services. Typical uses include:

- Accountants
- Engineers
- Insurance
- Lawyers
- Real Estate
- Financial Institutions

Projection

Means any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, including roof overhangs, mansards, unenclosed exterior balconies, marquees, bay windows, immovable awning, canopies, pilasters, facias, and the like, but not including signs.

Public facility

Means a facility owned by the Municipality, or the appropriate public authority or their agencies, including but not limited to:

- Library;
- Swimming Pool;
- Municipal Office;
- Museum
- School;
- Police Office; or
- Fire Station

Public works

see Utility, Private of Public

R

Racetrack

Means a facility use for racing of animals, vehicles, tractors, go carts, motorcycles, snowmobile, and may include associated gift shops and food and beverage facilities.

Rapid drive-through vehicle service

Means a development providing rapid lubrication, maintenance or repair services to motor vehicles, where the customer typically remains within his/her vehicle or waits on the premises. Typical uses include lubrication shops and speciality repair establishments. (B/L 15-2005)

Recreation - commercial

Privately owned recreation buildings or facilities such as, but not restricted to, a camp ground, golf course, driving range, waterslide park, gun club, amusement park, museum, theatre, marina, tent and trailer park, and may include associated gift shops and food and beverage facilities.

Recreation -public

Publicly owned recreation buildings or facilities such as arenas, camp grounds, curling rinks, fair and exhibition grounds, museums, swimming pools, tennis courts, playgrounds, tot lots, public walkways and sports fields. Also includes associated gift shops and food and beverage facilities.

Recycling depot

Means a facility that serves as a neighbourhood drop-off point for the temporary storage of recoverable materials such as paper, glass, metal cans, plastic, and oil, but does not include processing except assembling or packaging for shipment.

Religious facility

Means a place for worship and related activities, includes churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.

Residential care facility

Means the use of any building or structure or part thereof, however named, which is advertised, announced or maintained for the express or implied purpose of providing lodging, meals, care and supervision or transitional services to persons not related by blood, marriage or adoption to the operator nor to each other but does not include a facility which is licensed or designated by the Province of Manitoba.

Restaurant

Means a building used for the purpose of serving food and/or refreshments including a licensed establishment, and may include take-out food facilities as an accessory use.

Retail business

Means an established use or part use of an enclosed building or piece of land from which goods, wares or merchandise are sold directly to the public.

S

School

Means a school under the jurisdiction of a Board as defined in The Education Act, a college, university or any other education establishment including, but not necessarily restricted to, a nursery school or a boarding school having accessory dormitory facilities.

Self-service storage facility

Means a building consisting of individual, small, self-contained units that are leased or owned for the storage of automobiles, recreational vehicles, business and household goods.

Separation Distances

Means the open space around dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation and privacy.

Service shop - establishment

Means an enclosed building or part thereof, whether conducted in conjunction with retail shopping or not, for the repair, sale and servicing of articles or materials.

Setback

Means the shortest horizontal distance measured at right angles from the centre line of the travelled street abutting the specified yard, to the nearest part of any building, or structure on an abutting lot.

Sign

Means any device designed to inform or attract the attention of persons not on the premise on which the sign is located, including:

- Advertising (also billboards)

Means a permanent sign which directs attention to a business, activity, product, service or entertainment which cannot be considered as the principal products sold nor the principal business, activity, entertainment, or service provided on the premise where the sign is displayed

- Bulletin board

Means a permanent sign with movable copy indicating community events or names associated with events located on-site, e.g. school, church, community centre bulletin board, etc.

- Business
Means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered on-site, e.g., gas station, food services, sleeping accommodations.
- Construction
Means a sign identifying a construction project and information relative thereto.
- Directional
Means a sign which indicates the distance or direction, or both, to a place of business, event, or other premises indicated on the sign.
- Identification
Means a sign, containing no advertising, identifying a building, business or establishment by name, logo or street address only.
- Mobile
Means a sign which is mounted on a trailer, vehicle, stand or similar support structure which is designed so that the sign can be readily relocated to another location, and which may include movable copy or panels.
- Real Estate
Means a sign advertising the sale, rental or lease of the site on which it is located.
- Undefined Sign
Means a sign that cannot be clearly defined as any of the sign types defined in this section, or is deemed to be a combination of types. In such cases the development officer shall determine the sign type and the regulations applicable thereto.

Site

Means a zoning site as defined herein unless the context indicates otherwise. an area of land consisting of 1 or more abutting lots.

Site area

Means the computed area contained within the site lines.

Site Corner

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

Site Coverage

Site coverage shall be the percentage of the lot area covered by the ground floor area of all buildings located thereon. For the purpose of lot coverage

calculations, building shall mean any structure consisting of a wall, roof and floor or any one of them, or a structural system serving the same purpose.

Site Depth

Means the horizontal distance between the centre points in the front and rear site lines.

Site Frontage

Means all that portion of a zoning site fronting on a street and measured between side site lines.

Site, Interior

Means a site other than a corner site or a through site.

Site lines

Means the boundary of a lot or site, including:

- Front, site line
that boundary of a site which is along an existing or designated street. For a corner site, the front is considered to be the direction in which the principal building is facing. (B/L 15-2007)
- Rear, site line
that boundary of a site which is most nearly parallel to the front site line and in the case of a site in which the side site lines intersect, such as a triangular site, a line 10 ft. in length within the site, parallel to and at the maximum distance from the front site line.
- Side, site line
any boundary of a site which is not a front or rear site line.

Site, Irregular

Means an irregular shaped site which cannot have its site lines defined by the foregoing definitions, the front, rear and side site lines shall be determined by the Development Officer.

Site, Through

Means a site having a pair of opposite site lines along two (2) more-or-less parallel streets. On a through site having vehicular access across both frontages, both street lines shall be deemed front site lines.

Site, Width

Means the horizontal distance between the side site lines of a lot, measured at right angles to the site depth at a point midway between the front and rear site lines, or at 50 ft. from the front site line, and the lesser of these distances is the site width.

Site, Zoning

Means a parcel of land with frontage on a street (excluding a lane) and of such sufficient size to provide the minimum requirements for use, area, yards and other open space as are required within this By – law.

Special Event

Means an event, the duration of which is temporary in nature and which is limited to one or more of the following uses: an exhibition, a fair, a regatta, a religious or music festival, or a recreation competition. For the purposes of this definition, “temporary” shall mean that the “combined total duration of all events shall not exceed seven days in a calendar year.

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. (B/L 15-2005)

Stable, private

Means a detached accessory building for the keeping of cattle or horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

Stable, riding or boarding

Means a stable where more than (3) horses for hire, sale or boarding are kept.

Street

Means any public highway, lane, park, square, subway, bridge, wharf, or any other improved thoroughfare or way or part thereof, of sufficient width to accommodate the passage of emergency vehicles. (B/L 1-2003)

Structural Alteration

Means the construction or reconstruction of supporting elements of a building or other structure.

Structure

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

Subdivision

Means the division of a parcel by an instrument including a plan of subdivision, conveyance, deed or mortgage.

T

Tandem Parking

Means two parking spaces, one behind the other, with a common or shared point of access to the manoeuvring aisle.

Temporary additional dwelling

Means a temporary single detached dwelling containing bathroom and kitchen facilities that may be accessory to an existing single detached dwelling and that is designed to be portable.

Truck and mobile home rentals and/or sales

Means a development used for the sale or rental of new or used trucks, motorhomes and mobile homes, together with incidental maintenance services and the sale of parts and accessories. Typical uses include truck dealerships and mobile home dealerships.

(B/L 15-2005)

Truck terminal

Means the use of land buildings or structures for the purpose of storing, servicing, repairing or loading trucks, transportation trailers and / or buses but does not include automobile service stations.

U

Utility, Private or public

Means any agency, which under public franchise or ownership, or under certificate of convenience and necessity, provides the public with, but not limited to electricity, gas, water, pipelines, public transportation and communications facilities. Also includes public works yards but does not including the collection, and disposal of sewage and other waste.

V

Variation Order

Means the altering of any of the requirements found in this zoning by-law in accordance with the Planning Act.

Veterinary Clinic

Means a building or part thereof with or without related structure wherein animals of all kinds are treated or kept for treatment by a registered veterinarian.

W

Warehouse

Means a building or part thereof which is used primarily for the housing, storage, adapting for sale, packaging or distribution of goods, wares,

merchandise, foodstuff, substances, articles or things, and includes the premises of a warehouse watchperson, but does not include a fuel depot.

Warehouse sales

Means a development used for the wholesale or retail sale of bulky goods from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. This includes developments where principal goods being sold are such bulky items as furniture, carpet, major appliances and building materials. (B/L 15-2005)

Waste Disposal Facility

Means land licensed by the Ministry of Environment for the disposal of solid or liquid waste. May also include associated recycling depots and waste transfer stations.

Waste Transfer Station

Means a facility where waste materials are collected in bulk containers for shipment to a landfill site, recycling facility or other waste disposal facility.

Wrecking facilities – automobile and equipment

Means an area of land deemed as a Class 2 development as per the Environment Act which is used for the storage and processing of wrecked automobiles, commercial vehicles and industrial or farm equipment.

Y

Yard

Means an open area, on the same zoning site with a building or structure which yard is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein.

Yard, Required

Means a yard extending along a site line to a depth or width (measured from the site line) specified in the yard requirement for the zone in which such zoning site is located. Unless specified, measurements are from the building's eaves.

Yard Front

Means a yard extending across the full width of a lot between the front lot line and the nearest eave of a building or structure.

Yard Rear

Means a yard extending along the full length of the rear site line between the side site lines.

Yard Side

Means a yard extending along the side site line from the front yard to the rear yard.

ZZone

Means a designated area of land use shown on Appendix A hereto.

Zoning Compliance Certificate

may be issued upon application of any person having an interest therein, describing the land, building or structure, or the use or intensity of use of land or a building or structure that was lawfully in existence at the date of the enactment of this zoning by-law, and stating that it may continue to exist although it does not conform to the zoning by-law as per The Planning Act.

11. Repeal and Effective Date

- 11.1.1. By – Law 2370, being a By – law adopting THE R.M. OF ST. CLEMENTS Zoning By – law, and all By – laws adopted from time to time amending said By – law are hereby repealed.
- 11.2.1. This By – law is hereby adopted and shall come into full force, on, from and after the date on which it receives third reading by the Council of THE R.M. OF ST. CLEMENTS

DONE AND PASSED in Council assembled this 29th day of August A.D. 2002

Ken Sharma

Reeve

Tom McLeod

Chief Administrative Officer

Read a first time this 12th day of March A.D. 2001

Read a second time this 29th day of August A.D. 2001²

Read a third time this 29th day of August A.D. 2001²

APPENDIX “A”

Map Unavailable