

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 Town of Arborg
Zoning By-law
By-law No. 6-2011**

NOTE:

[] AMENDED TEXT WITHIN PARENTHESIS HAS BEEN ADDED FOR CONVENIENCE AND MAY INCLUDE SOME INTERPRETATION.

TOWN OF ARBORG

ZONING BY-LAW

TOWN OF ARBORG
ZONING BY-LAW NO. 6-2011

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

WHEREAS, pursuant to Section 40 of *The Planning Act*, the Board of the Eastern Interlake Planning District has prepared a revised Development Plan;

AND WHEREAS, Arborg is a member of the Eastern Interlake Planning District;

AND WHEREAS, Section 68 of *The Planning Act* provides that a town council must adopt a Zoning By-law that is generally consistent with the Development Plan;

AND WHEREAS, it is deemed desirable and expedient to repeal By-law No. 4-92, and all amendments thereto and substitute therewith a new Zoning By-law;

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

1. The Zoning By-law attached hereto is hereby adopted;
2. The By-law shall be known as The Town of Arborg Zoning By-law No. 6-2011;
3. By-law No. 4-92 and all amendments thereto are repealed;
4. The Town of Arborg Zoning By-law shall take force and effect on the date of third reading:

DONE AND PASSED in Council duly assembled at the Town of Arborg, Manitoba, this 26th day of July A.D. 2011.



Randy Sigurdson
Mayor



Lorraine Bardarson
Chief Administrative Officer

READ A FIRST TIME this 22nd day of June A.D. 2011.

READ A SECOND TIME this 26th day of July A.D. 2011.

READ A THIRD TIME this 26th day of July A.D. 2011.

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OPERATIVE AND INTERPRETIVE CLAUSES

1.0 Title

This By-law may be cited as “The Town of Arborg Zoning By-law”.

2.0 Intent and Purpose

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

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

3.0 Application

This By-law shall apply to all lands within the boundaries of the Town of Arborg. Said boundaries are shown on the attached Zoning Maps.

4.0 Minimum Requirements

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

5.0 Relation to other Laws and By-laws

When a conflict arises between the requirements of this By-law and any other By-law or law in effect in the Town of Arborg, the following shall apply:

- (1) Whenever provisions of any By-law of the Town of Arborg, the Eastern Interlake Planning District or any requirements of the Provincial or Federal Government impose overlapping regulations, laws, or policies over the use of land, buildings or structures, or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest standard shall govern;

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- (2) Whenever the provisions of a special agreement or development agreement entered into between the Town of Arborg and a developer impose overlapping requirements over the use of land, buildings or structures, or contain any restrictions covering any of the same subject matter contained in this By-law, the most restrictive or highest standard shall govern;
- (3) The Province of Manitoba and the Government of Canada are not bound or restricted by any requirement of this By-law. Said Governments are encouraged, however, to permit only those developments which are consistent with the requirements of this By-law;
- (4) Nothing in this By-law shall be so interpreted as to interfere with the construction, alteration, extension, addition, service, replacement, maintenance, demolition, removal, cessation, improvement, and/or operation of the facilities of any public utility, public works, public service, or public office as provided by Government, its various agencies, the Town, the Planning District, and utility companies, provided that the establishment and operation of such public utility, public works, public service or public office is of a standard compatible with adjacent land use development and provided that any building or structure erected in any Zone generally complies with the yard and area requirements applicable to that Zone;
- (5) Nothing in this By-law shall waive any developer from obtaining all necessary permission, approvals, licenses, permits, etc., from other Government authorities and agencies prior to any development, resource use or land use taking place; and
- (6) Nothing in this By-law shall waive any developer from conforming to the Development Plan.

6.0 Zones

In order to carry out the intent and purpose set forth in this By-law, the following zones are hereby established in the Area:

- (1) "RG" Residential General Zone
- (2) "RM" Residential Multiple-Family Zone
- (3) "RMH" Residential Mobile Home Zone
- (4) "CC" Commercial Central Zone
- (5) "CH" Commercial Highway Zone
- (6) "MG" Industrial General Zone
- (7) "OR" Open Space/Recreation Zone

7.0 Zoning Maps

The location and the boundaries of the Zones listed in Section 6.0 above are shown upon Zoning Maps attached hereto, marked as Appendix "A" to this By-law. Said Zoning Maps form part of this By-law. All notations, references and other information shown

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thereon, together with any amendments made by amending By-laws from time to time and shown thereon, together with any amendments to boundaries in the case of any street, lane or public utility right-of-way closing, as provided in subsection (4) of this Section, shall be as much a part of this By-law as if the matters and information set forth by the said Zoning Maps were fully described herein.

(1) Registered Plans

All plan references on the Zoning Maps pertain to registered plans filed in the Winnipeg Land Titles Office.

(2) Abbreviations

The abbreviations noted on the Zoning Maps mean the following:

- (a) "Blk." means Block;
- (b) "Gov't. Rd. All'ce." means Government Road Allowance;
- (c) "Pcl." means Parcel;
- (d) "Frac." means fraction;
- (e) "Pt." means Part;
- (f) "Rge." means Range;
- (g) "Sec." means Section;
- (h) "Twp." means Township;
- (i) "E.P.M." or "E" means East of the Principal Meridian;
- (j) "P.R." means Provincial Road; and
- (k) "P.T.H." means Provincial Trunk Highway.

(3) Interpretation of Zone Boundaries

In the interpretation of the boundaries of the zones as shown on the Zoning Maps, the following rules shall apply:

- (a) Heavy lines represent the zone boundaries. Where the zone boundary is broken by the name of a street, it shall be construed that the boundary continues through the name of the street;
- (b) Notwithstanding that streets, lanes, and public utility rights-of-way may be within zone boundaries, the regulations contained in this By-law shall not be deemed to be applicable to the said streets, lanes, and public utility rights-of-way;
- (c) Boundaries indicated as following the centerlines of streets, highways or lanes shall be construed to follow such centerlines;

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- (d) Boundaries indicated as following lot, site or property holding lines on a registered plan shall be construed as following such lot, site and property holding lines;
- (e) Boundaries indicated as following the municipal limits shall be construed as following the municipal limits;
- (f) Boundaries indicated as following the centerline of railway lines or railway rights-of-way or public utility lines or rights-of-way shall be construed to be midway between the main tracks or the centre of the rights-of-way, as the case may be; and
- (g) Zone boundaries indicated as following shorelines of drains, streams, creeks, rivers or lakes shall be construed as following the ordinary highwater mark (where vegetation begins) of such drains, streams, creeks, rivers or lakes.

(4) Zoning of Closed Street, Lane, etc

If a street, or lane or Government Road Allowance shown on the Zoning Map is lawfully closed, the land formerly comprising the street or lane or Government Road Allowance shall be consolidated and included within the zone of the adjoining land. If the former centre line of the closed street or lane or Government Road Allowance was a zone boundary between two or more different zones, a rezoning of the road will be required to ensure that the entire road is in compliance with the zone of the land to which the road is consolidated.

8.0 Definitions

The following are definitions for some of the words, phrases and terms found throughout this By-law:

Accessory Building: means a subordinate building located on the same site as the principal building or principal use, the use of which is intended as incidental and accessory to that of the principal building or use.

- (a) **Accessory Building, Attached:** means an accessory building which is attached to the main or principal building and in determining the required yards, the attached accessory building shall be treated as being part of the main or principal building;
- (b) **Accessory Building, Detached:** means an accessory building which is not attached to the principal building and in determining the required yards, the requirements for Accessory Buildings as stated in the Use and Site Regulation Tables for each Zone shall be used; and
- (c) **Accessory Building, Semi-detached:** means an accessory building which is attached in some fashion to the principal building by a structure such as a

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breezeway. The required yards for a semi-detached accessory building is determined in the same manner as in clause b) above.

Accessory Use or Structure: means a use or structure on the same site with, and of a nature customarily incidental and subordinate to, the principal use or structure. The single exception to the above is accessory off-street public parking area which may be permitted by a variation order to locate elsewhere than on the same zoning site with the building, structure or use served.

Act, The: means The Planning Act, being Chapter P80 of the Continuing Consolidation of the Statutes of Manitoba, and all amendments thereto.

Agricultural Activities: means a use of land for agricultural purposes including farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and animal and poultry husbandry and the 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.

Agricultural Support Industry: means an industry, commercial service or retail business in which the major product or service being bought, sold or processed is intended mainly for, from or by farmers. Such uses may include: agricultural implement sales, rentals and repairs, aerial spraying companies, grain storage including grain elevators, feed mills, seed plants, and the like, and does not include bulk fertilizer or anhydrous ammonia plants which are considered as Bulk Oil or Chemical Storage Areas.

Alterations, Structural: means any change which prolongs the life of the supporting members of a building structure, such as bearing walls, columns, beams or girders.

Amusement Park: means a permanent or seasonally regular place which may be partially or wholly outdoors and may include: amusement rides such as ferris wheels, merry-go-rounds, roller coasters, water slides and the like; animal displays and rides; shows; souvenir sales; games of skill and luck; exhibitions; displays; live entertainment; sports activities; batting cages; miniature golf course and driving range when not on the same site as a golf course; and the like; and may also include as accessory uses those uses permitted under: Liquor Licensed Establishment; Recreational Facilities; Athletic, Sports and Recreational Areas; Place of Entertainment (all as defined); and Restaurant.

Apartment Building or Apartment Block: means a multiple-family residential building containing 3 or more dwelling units which have a common interior hallway or entry area.

Arcade: means a premise where 3 or more commercially-operated games of luck and/or skill played on a stationary mechanical and/or electronic machine (including pinball machines, electronic games, video games, computer games and the like), are housed and are generally available for play by the public at large including persons under the age of 18 years. An arcade is, for the purposes of this By-Law, considered as a place of Entertainment (as defined).

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Athletic, Sports and Recreational Area: means an unroofed area of land intended primarily for the purposes of non-motorized sports and recreation such as: large playgrounds, outdoor public swimming pools, football, soccer, and baseball fields, outdoor hockey rinks, outdoor tennis and basketball courts, and track and field areas, and the like, and may include as accessory uses: warm up or change shelters, locker rooms, washroom and shower facilities, spectator seating and food, beverage and souvenir sales.

Autobody Repair Shop: means a use conducted entirely within an enclosed building for the repair and painting of automobile, light vehicle and/or truck bodies, not generally including mechanical repairs, servicing or automobile wrecking except when these uses are accessory to body repair.

Automobile Sales or Storage Area: means a commercial premises used for the display, sale, rental, lease or storage of new or used automobiles, light trucks, recreational vehicles, travel trailers, boat and utility trailers and the like.

Awning, Canopy or Marquee: means any roof-like structure, which may be constructed as an integral part of a building or attached in such a manner as not to be an integral part of a building, but is so constructed to provide shelter or shade over a door way, stacking space, aisle or driveway, window, or sidewalk.

Basement or Cellar: means that level of a building which is at least 50% below finished grade measured from interior floor to finished interior ceiling, as determined by the Development Officer. A basement level is not considered a storey for the purposes of measuring the height of a building.

Bed and Breakfast: means a principal dwelling where sleeping accommodation with or without light meals is provided to members of the travelling public for remuneration.

Board, The: means the Board of the Eastern Interlake Planning District as established under the Act.

Boarding or Rooming House: means a building or portion thereof, other than a Multiple Family Dwelling, Hotel, Motel or Motor Hotel without individual cooking facilities in each sleeping unit, where lodging or meals are provided usually by the week or month for compensation for two or more lodgers exclusive of the proprietor and his/her family, but does not include an Institutional Facility and also does not include accessory uses such as Liquor Licensed Establishments, Restaurants, gift shops, and so on.

Building: means a building as defined in the Act.

Building, Height of: means the vertical distance measured from grade to the highest point of the roof surface excluding projections or attachments such as chimneys, private communications facilities, flag poles and roof ornaments.

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Building, Main or Principal: means the building in which the principal or main use of the site is conducted.

Bulk Oil or Chemical Storage Area: means a premises primarily intended for the storage, sale or distribution of synthetic or petroleum based fluids or chemicals; fertilizers; and other potentially obnoxious, explosive, or hazardous materials, chemicals, gases or fluids. The sale or distribution of such materials, chemicals, gases or fluids are primarily intended to be on a wholesale basis to commercial or industrial users, or to customers such as farmers, who normally buy in large volume or in bulk. A bulk oil or chemical storage area is situated, operated or used only in accordance with all environmental safety standards, laws and regulations.

Bulk/Site Regulation means the following:

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

By-law, This: means this Town of Arborg Zoning By-law in its entirety and all amendments thereto.

Camp Ground or Travel Trailer Park: means an area of land, planned and improved to temporarily accommodate 2 or more persons or families who bring their own mobile or portable shelter with them, such shelter includes: Travel Trailers (as defined), tents, or other temporary camping accommodations used for travel, recreation and vacation uses and not intended for permanent residences and not including mobile homes.

Communication Facility: means outdoor communications facilities including antennae, aerials, receiving dishes, transmission beacons, masts, and towers, etc. and other related equipment as may be required for the purposes of transmitting or receiving television, radio, micro wave, radar, laser, or like communications signals. All such communications facilities are approved by the appropriate bodies when required.

Communication Facility, Private: means Communication Facility (as defined) intended for the exclusive use of the person(s) residing on or using the premises on which such facilities are located.

Conditional Use: means those uses of land, buildings or structures which may be permitted in a particular Zoning District but only at the discretion of the Council.

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Condominium: means individual ownership of a unit in a multi-unit structure where expenses common to all parties are shared.

Condominium, Bare Land Unit: means a unit of land defined by delineation of its horizontal boundaries without reference to any buildings on a condominium plan.

Condominium, Unit: means a part of the land or building that is designated as a unit by the condominium plan, and is comprised of the space enclosed by its boundaries and all material parts of the land within this space at the time the condominium declaration and plan are registered.

Construction or Constructed: means the physical location, erection, increase or decrease in size of any building or structure or ground including any: excavation, building, drilling, digging, alteration, addition, extension, location, relocation, enlargement, movement, demolition, replacement, development and/or extension.

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, dry-walling, electrical contracting, eaves troughing, general contracting, heating contractors, air-conditioning and refrigeration contractors, insulating contractors, painting contractors, decorating and landscaping 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, cement and concrete contractors and other like uses.

Council: means the elected Council of The Town of Arborg.

Convenience Store: means any store where food is sold, alone or in combination with other goods or services.

Developer: means any person who engages in Construction (as defined) or any person who engages in land development including a subdivision of land.

Development Officer: means the officer appointed by the Board in accordance with the provisions of the Act.

Development Plan: means the Eastern Interlake Planning District Development Plan adopted by the Board as By-law No. 02-2010.

Dwelling: means a structure or portion thereof designed for residential occupancy, including, single-family, two-family, and multiple family dwellings and mobile homes, Boarding and Rooming Houses, but does not include Hotels, Motels, Motor Hotels, tents, or Travel Trailers.

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Dwelling, Multiple Family: means a building containing three or more Dwelling Units (as defined), each such unit designed for and used by only one family, and may include: row houses, town houses, and apartment buildings.

Dwelling, Single-Family: means a detached building or structure containing one Dwelling Unit designed for and used by one family.

Dwelling, Two-Family: means a detached or semi-detached building designed for and used by two families, each family having exclusive occupancy of a single Dwelling Unit, and may include a duplex.

Dwelling Unit: means one or more rooms in a building designed for and not used by more than one family as a single housekeeping unit, with cooking, eating, living, sleeping and sanitary facilities wholly contained within each dwelling unit.

Family: means one or more persons occupying a dwelling unit and maintaining a household.

A household referred to above shall be deemed to exist if all members thereof have access to all parts of the dwelling unit.

Floor Area: means the sum of the gross horizontal areas of all floors in a particular building on a site, with an average interior height: of 6 feet 6 inches or more, measured from the exterior faces of the exterior walls or from the centerline of party walls. In particular, the floor area of a building includes:

- (a) Basements when used for residential, recreational, commercial or industrial purposes, but not including space used for storage or the housing of mechanical or central heating equipment;
- (b) Hallways, closets, bathrooms, elevator shafts and stairwells at each storey, except shaft and stair bulkheads and exterior unroofed steps or stairs;
- (c) Penthouses, mezzanines, lofts and attics when improved for human habitation and where there is an average structural headroom of 6 feet 6 inches or more; and
- (d) Attached balconies, decks, patios, sun rooms and porches completely enclosed by walls and a roof but not including an attached garage or carport.

Garden Suite: means one additional temporary, detached, removable, self-contained single family dwelling unit which is placed on the same site as a permanent principal single family dwelling, for the purpose of accommodating elderly parent(s) or other family member(s) who require or provide care and assistance from or for the occupants of the principal dwelling.

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Gas Bar: means the use of land, buildings or structures where motor vehicle fuel, lubricants and automotive accessory items are offered for sale but where no provision is made for the repair of vehicles.

Grade: means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Development Officer.

Group Camp: means a property consisting of a tract of land and any tents, vehicles, buildings or other structures that may be pertinent to its use, and any part of which may be occupied by persons for the purpose of outdoor or indoor organized activities.

Guest House: means a secondary detached building located on the same site as a single family dwelling which is intended to be used as an extension to the residential use of the single family dwelling. Accommodation is to be provided as secondary and incidental for family members and guests of the occupants of the main dwelling.

Habitable Building: means all structures or facilities designed to accommodate people including residential (single and multi-unit dwellings), commercial (office buildings and commercial outdoor plazas), institutional (hospitals, nursing homes, schools, churches, community centers, daycare centers) and recreational facilities (recreational centers, outdoor public recreational areas, travel trailer parks, campgrounds, playgrounds, picnic areas), but not including accessory structures such as sheds.

Heavy Equipment: means any vehicle, implement, machine or equipment with a weight exceeding 7000 pounds including but not limited to the following: agricultural equipment and implements, mobile homes, travel trailers, buses, locomotives, rail cars, trucks, tractors, semi-trailers, cement mixers, bulldozers, front-end loaders, steam rollers, cranes, graders, back hoes, earth-movers and so on.

Heavy Equipment Sales or Storage Area: means a premise used for the display, repair, servicing, sale, rental lease and/or storage of new or used Heavy Equipment (as defined) and may include service and repairs, but shall not include a Junk or Scrap Yard.

Height: means the vertical distance measured from grade to the highest point of the structure.

Home-Based Business: means an occupation, profession, operation, business, service, trade, practice or office which:

- (a) Is carried on by an occupant of a dwelling unit;
- (b) Is intended as a profit-making operation; and;

Home Day Care: means premises in which either day care alone, or in combination with parental care, is provided at any time; to children, including the children of the person

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providing the day care and children of other persons, and which is home of the person providing or offering the day care.

Hotel, Motel or Motor Hotel: means a building or part thereof containing 3 or more suites or guest cabins, wherein sleeping accommodation (with or without cooking facilities) is provided for transient lodgers usually by the day or week. Permitted accessory uses may include: Restaurants, Liquor Licensed Establishments, gift shops, personal service shops, banquet halls, private Recreational Facilities, private Athletic, Sports and Recreational Areas, halls, ballrooms, and meeting rooms, unless otherwise specified.

Hunting Outfitter/Lodge: means an establishment containing guest rooms or cabins for the use of public engaged in angling, hunting, camping or recreational purposes. Accessory uses can include a dinning room, souvenir sales, and recreational facilities for use by the guests, storage buildings and accommodation for permanent staff.

Institutional Facility: means a premises which is; intended for the training, treatment, rehabilitation, housing, care, and/or supervision of children and/or adults not related by blood, marriage or adoption to the operator nor to each other, and may include: public, private and parochial schools, colleges, hospitals, summer camps and recreational camps, nursing homes, senior citizens homes, personal care homes, residential care homes, rehabilitation homes, day care centers, nursery schools, foster homes, group homes, halfway houses, and like uses. Where applicable, such Institutional Facilities are licensed or approved by appropriate Government agencies. Accessory uses may include: dwelling, quarters for staff, lounge facilities, Recreational Facilities, Athletic, Sports and Recreational Areas, a gift shop, a cafeteria, office, meeting rooms, halls and auditoria and the like.

Junk Yard or Scrap Yard: means an open area where waste or scrap materials are bought, sold, exchanged, stored, crushed, baled, packed, disassembled or handled. A Junk or Scrap Yard includes an Autopac storage compound, an automobile wrecking or dismantling yard but does not include uses established entirely within an enclosed building, does not include a Bulk Oil or Chemical Storage Area, and shall not include a chemical or liquid or hazardous waste disposal area.

Kennel or Animal Pound: means a premises containing pens, enclosures and/or shelters and primarily intended for the keeping, boarding, breeding, training, caring and/or selling of three or more domestic animals such as dogs or cats. A Kennel or Animal Pound does not include a Veterinary Clinic or any agricultural use.

Lane: means a Street (as defined) with a right-of-way width not exceeding 33 feet and intended to provide only secondary access to abutting properties.

Liquor Licensed Establishment: means an establishment licensed by the Manitoba Liquor Control Commission and primarily intended to serve or sell liquor (including

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beer, wine and spirits) for immediate consumption on the premises, and includes: beverage rooms, cocktail lounges, beer parlors, and bars, pubs, and taverns.

Loading Space: means an off-street space located on the same site with a building, or contiguous to a group of buildings for the temporary parking of a truck or delivery vehicle while loading or unloading goods, merchandise or materials.

Lumber Yard: means a premise where lumber, construction materials, building products, hardware items, home decorating materials and the like are stored and/or displayed for sale.

Manufacturing: means a premise in which a manufacturing, assembly, fabricating, industrial or processing operation of food, beverages, goods, products, materials, machinery, etc. takes place. For the purposes of this By-law, the two types of Manufacturing Activities are as follows:

- (a) **Heavy Manufacturing:** means any manufacturing or other similar industrial operation which may include outdoor storage and where a certain level of nuisance factor may be accepted as characteristic of the use; and
- (b) **Light Manufacturing:** means a manufacturing or other similar industrial operation which is confined to an entirely enclosed building and such manufacturing operation is not, in the opinion of Council, offensive because of the emission or production of: odor, dust, refuse matter, liquid wastes, vapor, gas, smoke, light, glare, vibrations and/or noise.

Mobile Home: means a portable dwelling which is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has at any time such wheels attached, or is jacked up or skirted and which conforms to the structural standards of The Buildings and Mobile Homes Act, Chapter B93, C.C.S.M. and amendments thereto.

Neighborhood Commercial: means a store that serves the needs of the adjacent neighborhood and includes the following types of stores: convenience store, produce sales, personal service establishment and health service.

Outdoor Market: means any retail sales operation where a major portion of the operation involves outdoor display for the purposes of sale.

Parcel or, Parcel of Land: means a parcel as defined In the Act.

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

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Parking Area, Public: means 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 Space: means a space in a Parking Area or on a site, for the parking or storage of a motor vehicle.

Party Wall: means a wall forming part of a building and used for the separation of adjoining buildings, dwelling units, offices, retail stores and so on, occupied, constructed or adapted to be occupied by different persons or businesses.

Place of Entertainment: means an indoor use containing amusement devices, amusement machines, amusement rides, amusement shows or exhibitions and includes the following: a pool hall, billiards hall, bowling alley, and indoor roller skating or skate boarding area, an indoor golf driving and/or miniature golf course, archery or shooting gallery and/or an Arcade. Any premises (excluding Recreational Facilities) with a total of 3 or more Arcade Games and/or one or more commercially operated pool/billiard table which are generally available to the public, is considered as a Place of Entertainment for the purposes of this By-law. Food, beverage and souvenir sales may be permitted as an accessory use.

Planned Unit Development: means a land development project planned as an entity in accordance with a unitary site plan which permits flexibility in siting of building, mixture of housing types and land uses, usable open spaces, and the preservation of significant natural features.

Produce Sales-Limited: means sales limited to goods produced by market gardeners in nurseries or in greenhouses.

Premise: means an area of land with or without buildings or structures or parts thereof.

Public Facility: means a facility owned by the Municipality, or the appropriate public authority or their agencies, including but not limited to: library, museum, swimming pool, municipal office, police office, fire station, etc.

Public Utility: means any system, works, plant, equipment or services which furnishes services and facilities available at approved rates to or for the use of the inhabitants of the Town of Arborg including but not limited to:

- (a) Communication, by way of telephone, telegraph, wireless or television;
- (b) Public transportation, by bus or other vehicle;
- (c) Production, transmission, delivery or furnishing of water, gas or electricity to the public at large; or

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(d) Collection of sewage, garbage or other waste.

Race Track: means a premises intended primarily for the competitive racing of vehicles or animals and may include a stock car track, a drag racing strip, a sports car racing circuit, a vehicle slalom track, a snowmobile, motor cycle or other recreational vehicle race track, go-cart track, bicycle track, a horse race or show track, harness race track, demolition derby track, tractor or truck pull track, and like uses. Food, beverage and souvenir sales may be permitted as an accessory use when the race track is operating.

Recreational Facility: means a premises primarily intended for indoor sports, games, recreation, meetings, relaxation and/or entertainment for the public or for members of a specific club or organization and may include: community halls and auditoria, dance halls, meeting halls, social halls, community clubs, public art galleries and museums, fraternal organizations, service clubs, union halls, fitness clubs, gyms and spas, children's organizations (such as Boy Scouts, etc.) and other organization and recreational clubs such as: Y.M.C.A.'s, curling clubs, raquet clubs, arenas, indoor swimming pools, and the like. Recreational facilities may include as accessory uses: restaurants, pro-shops, gift shops, liquor licensed facilities, offices, Place of Entertainment, for club members only and meeting rooms.

Recreational Vehicles: means, for the purposes of this By-law, motorcycles, mopeds, snowmobiles, mini-bikes, dirt bikes, other small all-terrain and off-road vehicles, and other small motorized vehicles primarily intended and designed for off road use, and may include boats and Travel Trailers (as defined), but does not include automobiles, vans, buses and trucks.

Religious Facility: means a place for worship and related activities, includes churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.

Restaurant: means any premises where food and drink are prepared and offered for sale to the public for immediate consumption and may be liquor licensed unless otherwise specified, and may include: cafeterias, tea rooms, donut shops, coffee shops, cafes, hamburger and hot dog stands, pancake houses, fast food restaurants, drive-in and drive-through restaurants, ice cream parlors, pizzeria, dinner theatres, delicatessens, steak houses, take-out and delivery restaurants and the like.

Retail Store, Service or Office: means any use or premises, where materials, goods, machinery, wares, merchandise, food, beverages, articles, products, instruction, exhibitions shows, a trade, a practice, a profession, advice, or other services are offered for sale, rent, lease or repair primarily at retail, or offered as a public service, to the general public. The operation of a Retail Store, Service or Office is contained entirely within an enclosed building, with no outdoor storage (except as permitted by Council) no outdoor repair work, no keeping or handling of livestock or poultry, and does not include any manufacturing.

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Rooftop Wind Energy Generation System: means a roof mounted wind turbine(s) and associated equipment for converting wind energy to power.

Secondary Suite: means a self-contained dwelling unit of a prescribed maximum total floor area that is part of a building containing not more than two dwelling units (including the secondary suite) and any common spaces such as common storage, common service rooms, common laundry facilities or common areas used for egress.

Service Station: means a premises used for the retail sale of petroleum based products and other parts, fuels, goods and products for the servicing, maintenance and operation of automobiles, light trucks, small motors and recreational vehicles; and where said vehicles may be serviced and repaired indoors only; and may mean or include: repair garages, small motor repair shops, recreational vehicle repair shops, muffler shops, tune-up shops, brake shops, auto upholstery shops, lubrication and oil shops, radiator repair shops, transmission repair shops, auto electric service shops, tire sales and installation shops, and the like, and for the purposes of this By-law may mean or include an Autopac claims centre (but not a storage compound), a car wash, and those uses permitted under a Gas Bar as defined herein, but does not mean or include any other use listed in the Site Regulations and Use Tables. A Service Station may also include as an accessory use, the display of up to 5 automobiles, recreational vehicles or trailers for the purposes of sale or rental, but does not include outdoor storage of derelict vehicles or junk.

Shopping Centre or Mall: means a group of three or more stores, businesses or establishments occupied by uses which are permitted in the Zone in which the shopping centre or mall is located and which are contained in one building usually on one site and where the shopping centre or mall is conceived, designed, developed and managed as an interdependent and interrelated unit whether by a single owner or tenant or by a group of owners or tenants acting in collaboration.

Sign Definitions:

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

- (a) **Abandoned Sign:** means any sign which no longer correctly identifies a business or the products and services offered on the premises where the sign is located, or any sign which is not in a readable state.
- (b) **Animated Sign:** means any sign or portion of a sign having moving parts or electronically controlled colour changes which depict action or give motion to the sign.
- (c) **Awning Sign:** means a protective roof-like covering, as over a window or door.

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- (d) **Business Identification Sign:** means a sign identifying the name, dealer, franchise, association, primary function, product or service of the commercial activity conducted on the premises, and may include local advertising and changeable copy.
- (e) **Canopy Sign:** means a sign attached to, or forming part of, a permanent building projecting or fixed structural framework which extends outward from the exterior wall of a building and which may be roofed over or covered to provide protection over the entrance to a building.

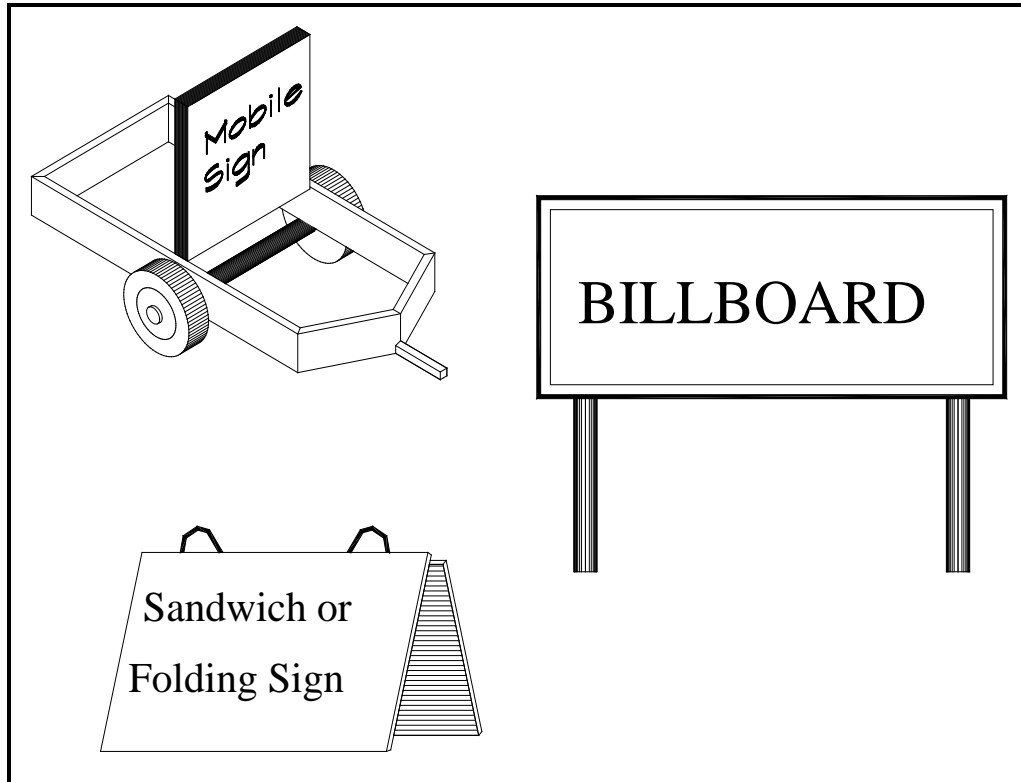


Figure 1. Types of Signs (Mobile, Sandwich, Billboard)

- (f) **Copy:** means the letters, graphics or characters which make up the message on sign face.
- (g) **Copy Area:** means the total area within one or more rectangles which enclose the entire limits of the copy.
- (h) **Directional Sign:** means an on-premise sign providing direction to pedestrian or vehicular traffic without advertising copy, except a business logogram. Directional signs include such signs as exit and parking signs.
- (i) **Electric Sign:** means any sign containing electrical wiring or lights built into the sign face which are intended for connection to an electrical energy source.

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- (j) **Fascia Sign:** means any sign painted on or attached to an exterior building wall so that the sign does not extend more than 40.00 cm. (15.75 in.) out from the wall nor beyond the horizontal limits of the wall.
- (k) **General Advertising Sign:** means a sign which directs attention to a business, activity, product, service or entertainment which cannot be considered as the principal products sold nor a principal business, activity, entertainment, or service provided on the premises where the sign is displayed, and general advertising has a similar meaning.
- (l) **Ground Sign:** means any sign supported independently of a building and permanently fixed to the ground.
- (m) **Height, Sign:** means the vertical distance measured from the finished ground surface directly under the sign to the highest point of the sign.
- (n) **Identification Sign:** means a sign which contains only the name and address of a building, institution or person and the activity carried on in the building or institution, but does not include any other advertising copy.
- (o) **Illuminated Sign:** means any sign having only steady illumination of the same intensity by artificial means, either from lighting directed on the sign face or from a light source located within the sign which is transmitted through a transparent or translucent sign face.
- (p) **Mural Sign:** means a non-illuminated sign painted on the exterior wall of a building which enhances the visual appearance of the building and does not include business identification or general advertising.
- (q) **Official Sign:** means a sign required by, or erected pursuant to, the regulations of federal, provincial or municipal legislation.
- (r) **Portable Sign:** means a sign greater than 0.50 sq. m. (5.38 sq. ft.) in area mounted on a trailer, stand or other support structure which is designed in such a manner that the sign can readily be relocated to provide advertising at another location or readily taken on and off a site, and may include copy that can be changed manually through the use of attachable characters, message panels or other means.
- (s) **Projecting Sign:** means any sign, except a canopy sign, which is supported by an exterior building wall and projects outward from the building wall by more than 40.00 cm. (15.75 in.).
- (t) **Roof Sign:** means any sign erected upon, against, or above a roof, or on top of or above, the parapet of a building.

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- (u) **Sign:** means any visual medium, including its structure and other component parts, illuminated or not illuminated, which is used or capable of being used, on a permanent or temporary basis, to identify or convey information, or to advertise or attract attention to a product, service, place, activity, person, institution or business. Without limiting the generality of the foregoing, signs shall include banners, placards, and painted messages.

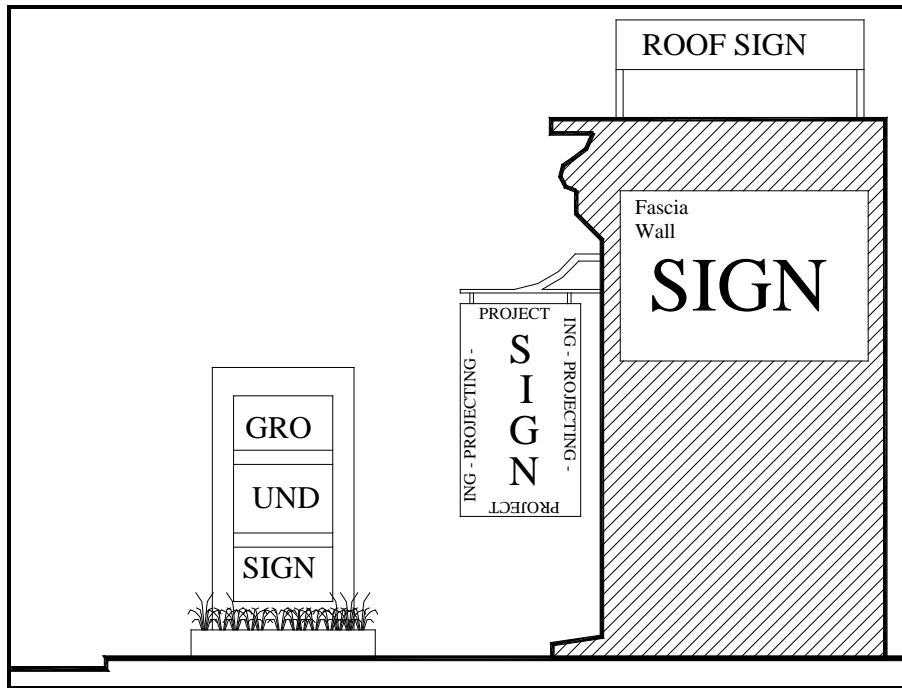


Figure 2. Types of Signs (Fascia, Ground, Projecting, Roof)

- (v) **Sign Alteration:** means any modification of a sign or supporting structure, excluding the routine maintenance or repainting of a sign or changing the copy on signs specifically designed for this purpose.
- (w) **Sign Area:** means the entire area of the sign on which copy is intended to be placed. In the case of double-faced or multi-faced sign, only half of the area of each face of the sign used to display advertising copy shall be used in calculating the total sign area.
- (x) **Sign Structure:** means any structure which supports a sign, including materials used to conceal or improve the visual appearance of the structural parts.
- (y) **Temporary Sign:** means a sign which is not permanently anchored to a footing extending below grade or permanently affixed to, or painted on, a building and on which the copy has been painted or affixed in a permanent manner. The copy on the sign shall relate to an activity, use or event of limited time duration not exceeding six months. Temporary signs include such signs as political campaign signs, real estate signs, construction identification signs, signs identifying seasonal

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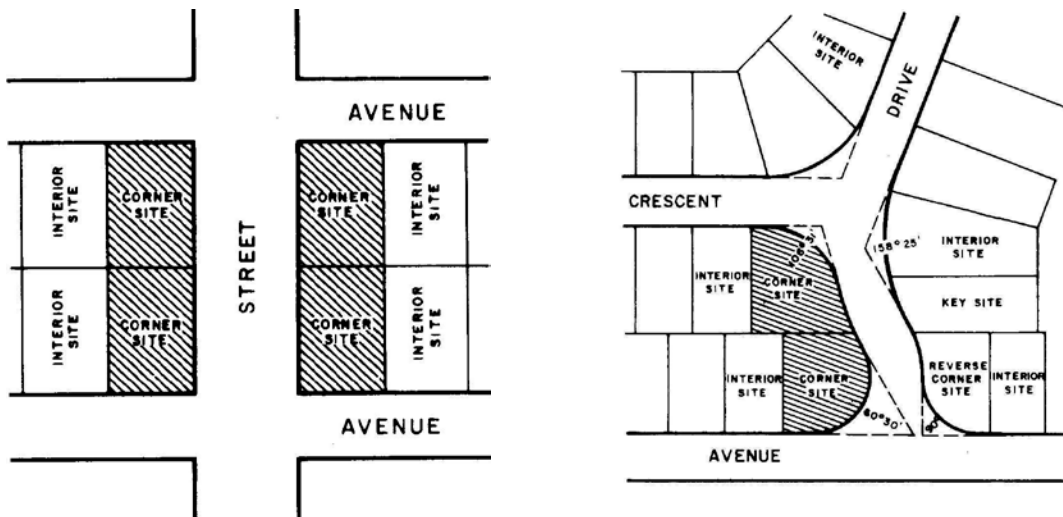
businesses, signs advertising specific community events, and signs providing temporary identification for developments awaiting installation of a permanent sign. For the purpose of this By-law, temporary signs shall include sandwich and folding signs but not portable signs.

- (z) **Warning Sign:** means an on-premise sign providing a warning to the public, including such signs as No Trespassing or Private Driveway signs.

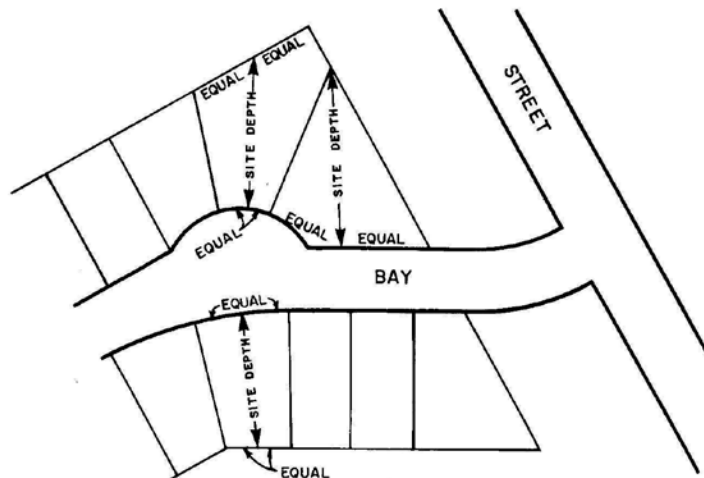
Site: means a zoning site as defined herein unless the context indicates otherwise.

Site Area: means the computed area of a site contained within the site lines.

Site, Corner: means a site situated at the intersection of two (2) streets, the angle of such intersection not exceeding 135 degrees.

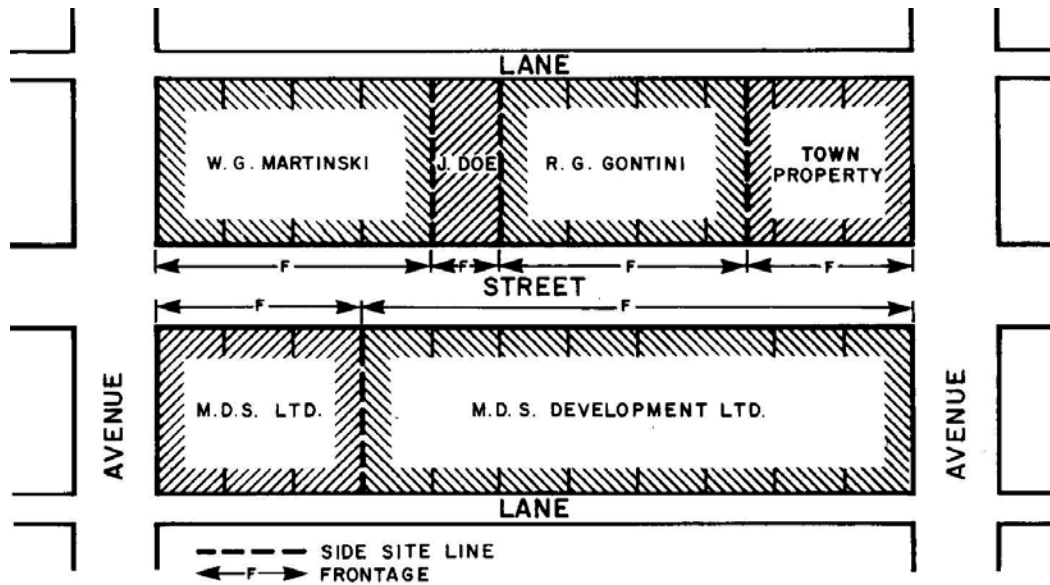


Site Depth: means the horizontal distance between the centre points in the front and rear site lines.



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Site Frontage: means all that portion of a zoning site fronting on a street: and measured between side site lines.

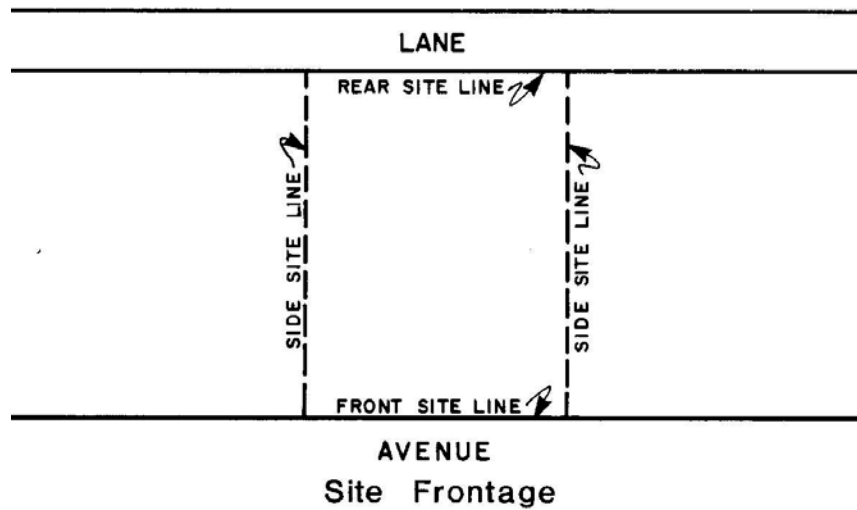


Site, Interior: means a site other than a corner site or a through site.

Site Lines: means as follows:

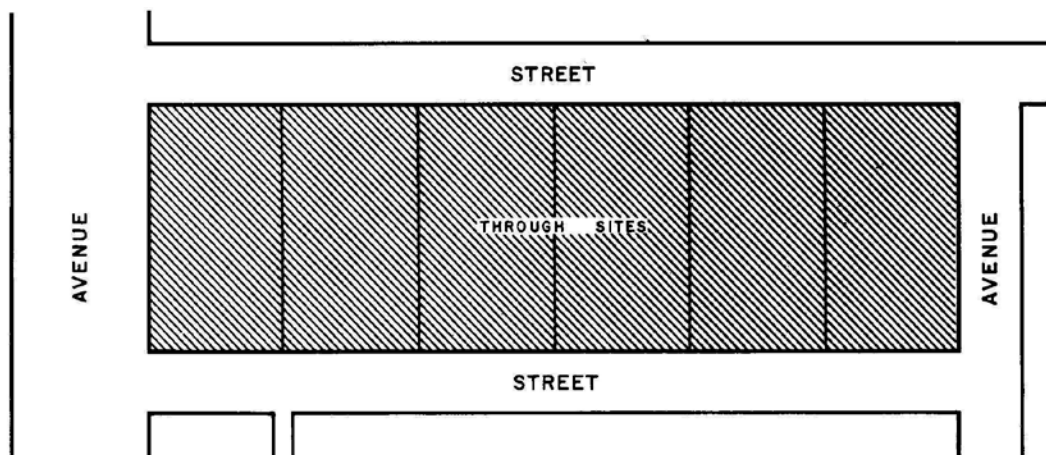
- (a) **Front site line:** means that boundary of a site which is along an existing or designated street. For a corner site the Development Officer may select the front site line except where an interior site abuts the corner site, then the front site line shall be that line which is the continuation of the front site line of the interior site;
- (b) **Rear site line:** means 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 ten (10) feet in length within the site, parallel to and at the maximum distance from the front site line;
- (c) **Side site line:** means any boundary of a site which is not a front or rear site line; and
- (d) Where an irregular shaped site cannot have its site lines defined by the foregoing definitions, the front, rear and side site lines shall be determined by the Development Officer.

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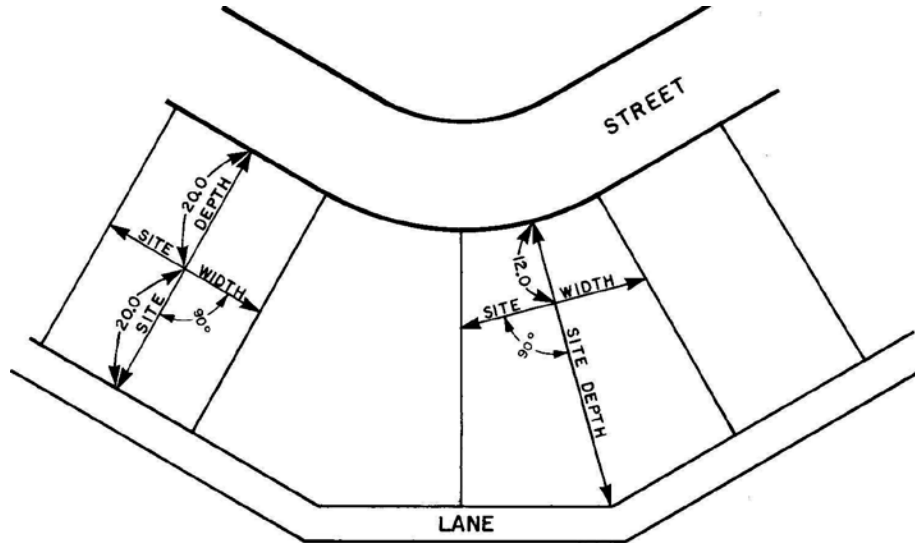
Site Plan: means a map or series of maps drawn to scale showing some or all of the following information as may be required by the Development Officer: all proposed and existing: buildings, structures, alterations, and additions, roads, walkways, landscaping, parking areas, stacking spaces, loading spaces, vegetation, buffer strips, elevations, areas to be raised by fill, grade level, physical features of the site and other relevant information as may be required by the Development Officer or Council for any proposed development.

Site, Through: means a site having a pair of opposite site lines along two (2) more or less parallel streets. On a through site, both street lines shall be deemed front site lines.



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Site Width: means the horizontal distance between the side site lines, measured at right angles to the site depth at a point midway between the front and rear site lines, or forty (40) feet from the front site line, whichever is the lesser.



Site, Zoning: means an area of land which:

- (a) Is occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use or uses thereto, together with such open spaces as are required under the provisions of this by-law;
- (b) Has frontage on a street or has any lawful means of public access satisfactory to the Council; and
- (c) Is of sufficient size to provide the minimum requirements of this by-law for a permitted or conditional use in a zone where the use is located.

Storey: means that portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling above it, but does not include a basement or cellar.

Street: means a street as defined in the Act.

Structure: means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on or below the ground and includes: buildings; mobile homes; stairs; walls; decks; fences; stationary or fixed tanks, bins, sheds, storage containers, or machinery; swimming pools; wells; marquees, awnings or canopies; statues and monuments; fixed or stationary recreational and sports equipment; communications facilities; pipes; signs; light standards; towers; poles; etc.

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Travel Trailer: means a portable living accommodation designed to be used as temporary accommodation for travel, recreation or vacation purposes that:

- (a) Is capable of being transported on its own chassis and running gear by towing or other means;
- (b) Is placed on the chassis or body of a motor vehicle; or
- (c) Forms part of a motor vehicle.

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.

Use means:

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

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.

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.

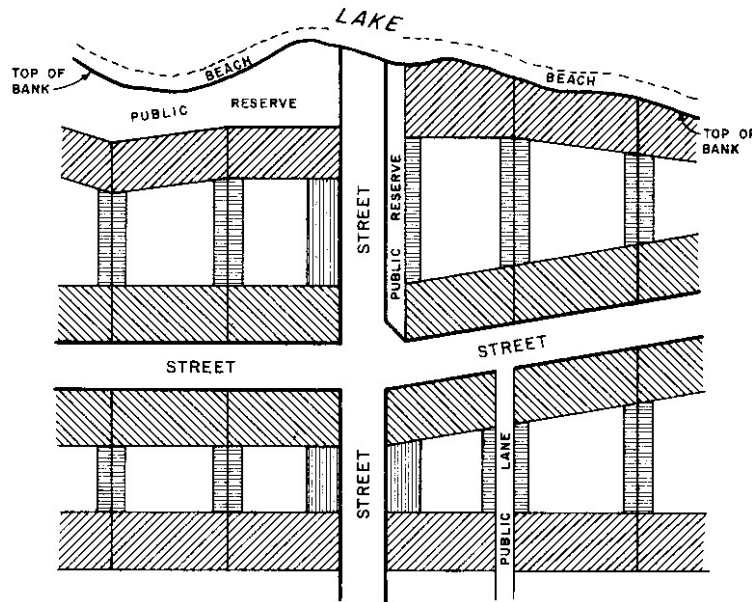
Yard: means an open area, usually on the same site with a building or structure, which is unoccupied and unobstructed from its lowest level to the sky. For the purposes of this By-law, yards are classified in the following manner:





- (a) **Corner Side Yard:** means a side yard which adjoins a street;
- (b) **Front Yard:** means a yard extending along the full length of the front site line between the side site lines; for a corner site the Development Officer may determine which yard shall be deemed the front yard;

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- (c) **Interior Side Yard:** means a side yard which is adjacent to another site, a public reserve, or a lane separating such side yard from another site;
- (d) **Rear Yard:** means a yard extending along the full length of the rear site line between the side site lines;
- (e) **Required Yard:** means a yard extending along a site line to a depth or width (measured) from the site line or wall specified in the Site Regulations for yards in the Zone in which such site is located; and
- (f) **Side Yard:** means a yard extending along the side site line from the front yard to the rear yard. In the case of a corner site, the Development Officer may determine which yard shall be the side yard.

The following diagram illustrates the foregoing definitions of yards:



- LEGEND:**
-  REAR YARDS
 -  FRONT YARDS
 -  INTERIOR SIDE YARDS
 -  CORNER SIDE YARDS

9.0 Responsible Authorities

(1) Council

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

- (a) The enactment of this By-law;
- (b) Administering and enforcing those provisions of the Act, where applicable;
- (c) Considering the adoption of proposed amendments or the repeal of this By-law;
- (d) Approving or rejecting conditional use applications, and revoking the authorized conditional use for any violation of any conditions imposed by it; and
- (e) Establishing a schedule of fees

(2) Planning Advisory Committee

Planning Advisory Committees may be established in accordance with the Act.

(3) Variation Board

Council shall act as the Variation Board in accordance with the Act.

(4) Eastern Interlake Planning District

The Board shall be responsible for the administration of this By-law. The Board's appointed Development Officer shall administer and enforce this By-law on behalf of the Town of Arborg and the Board.

(5) Other Authorities

Nothing in this By-law shall affect the authority of Government Agencies to regulate land, water and resource use in accordance with appropriate Provincial and Federal Statutes, Regulations and Policies.

10.0 Owner's Responsibilities

Every owner shall:

- (a) Prior to any development taking place, obtain a Development Permit;
- (b) After the development application has been approved and the Development Permit

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issued, obtain the written approval of the Development Officer before starting any work that is different from the approved documents filed;

- (c) Be responsible for obtaining, where applicable, from the appropriate authorities and Government Agencies, permits, approvals, or licenses relating to: construction; building; demolition; grades; waste disposal or water supply systems; storage; plumbing; signs; blasting; clearing; cutting; excavating; mining; quarrying; the alteration of the flow or distribution of any waterway or water body; planting; access to streets roads or highways; occupancy; electrical; and all other approvals, permits or licenses required in connection with the proposed development, resource use or land use;
- (d) Recognize that neither the granting of a Development Permit nor the approval of a Site Plan, nor the approval of a drawing and specifications, nor the inspections made by the Development Officer shall in any way relieve the owner of the responsibility of complying with all requirements of this By-law, of any other relevant by-laws of the Town of Arborg or of any Provincial or Federal Acts, regulations or requirements; and
- (e) Permit the Development Officer or any duly appointed officer to enter any building or premises at any reasonable time for the purpose of administering or enforcing this By-law and shall not molest, obstruct or interfere with the Development Officer or duly appointed officer in the discharge of his or her duties under this By-law.

11.0 Development Officer

The Board's appointed Development Officer shall, on behalf of the Town of Arborg administer and enforce this By-law. He may:

- (a) Issue a Development Permit where the development conforms to the Development Plan, the requirements of this By-law and other provisions of the Act;
- (b) Enter any buildings or premises at all reasonable hours in the performance of his or her duties with respect to this By-law, and in accordance with the Act;
- (c) Issue Development Permits for the temporary use of buildings, structures or land pursuant to the provisions of this By-law;
- (d) Issue Zoning Memoranda or Certificates or such other documents necessary for the administration and enforcement of this By-law;
- (e) Grant or refuse, at his or her discretion, a minor Variation Order not to exceed 10 percent of the requirements of this By-law governing the front, side, rear or other yards in accordance to the Act; and

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- (f) Receive and administer applications for Amendments, Conditional Uses or Variations to this By-law on behalf of the Town of Arborg.

12.0 Amendments

An Amendment to this By-law may be initiated by a Resolution of intention by Council or by application of one or more owners of the property or their agents within the area proposed to be changed. An application to amend this Zoning By-law and all required information and fees as determined by Council shall be made to the Development Officer who will present it to Council, or the application may be made directly to Council. Council and the Development Officer shall ensure that any Amendments to this Zoning By-law are consistent with the objectives, policies and Land Use Classification Maps of the Development Plan. Where it is necessary to amend the Development Plan, said Development Plan amendment shall be formally enacted prior to third reading of any Amendment to this Zoning By-law. All Amendments shall be proceeded with only in accordance with the Act.

13.0 Conditional Uses

(1) Intent

The administration and execution of this By-law is based upon the division of the Town of Arborg into Zones, within which Zones the use of land, buildings and structures in relation to the land are substantially compatible. It is recognized, however, that there are certain uses deemed as "conditional uses" which, because of their characteristics, cannot properly be classified in any particular Zone without consideration, in each case, of the impact of those uses upon neighboring land and/or of the public need for the particular use at the particular location.

(2) Application

- (a) The application shall be filed with the Development Officer who in turn shall present the application to Council or it may be made directly to Council, and the application shall be accompanied by: a Site Plan, if required by the Development Officer and other data as the Development Officer may prescribe along with all applicable fees;
- (b) In accordance with of the Act, Council may impose additional conditions beyond the requirements of this By-law covering for example such items as: hours of operation, installation and maintenance of a buffer, architectural design, storage, fencing, signs, parking, density, landscaping, and other conditions as Council may, deem necessary; and
- (c) An application for a Conditional Use shall be processed and approved or rejected in accordance with the provisions of the Act.

(3) **Expiry of Approval**

The approval of Council in accordance with the provisions of the Act shall expire and cease to have any effect if it is not acted upon within 12 months of the date approved, and at the discretion of Council, the approval may be extended for an additional period of up to 12 months.

(4) **Existing Conditional Use**

- (a) Where a legally existing use is listed as a Conditional Use under this By-law, it shall be considered as a legally existing Conditional Use; and
- (b) Any change to a Conditional Use shall be subject to the provisions of the Act.

14.0 Variations

(1) **Variation Orders Prior to By-law**

A Variation Order or special exception granted prior to the coming into force of this By-law shall, subject to the provisions of the Variation Order or special exception shall be deemed to be varied under this By-law.

(2) **Application**

- (a) Any person may apply for a Variation Order in accordance with the provisions of the Act; and
- (b) An application for a Variation Order and all required information and fees shall be made to the Development Officer.

(3) **Minor Variations**

The Development Officer may grant or refuse minor Variation Orders pursuant to the Act.

15.0 Development Agreements

(1) **Agreement with the Town of Arborg**

As a condition of amending this By-law, making a variance or approving a conditional use or conditionally approving a subdivision, Council may require the developer, agent, owner or the person entitled to be registered as owner of the land or structure to which the Amendment shall apply to enter into a development agreement

with the Town of Arborg with respect to that land as well as contiguous land owned or leased by the applicant.

(2) Agreement to Comply with the Act

The provisions of said agreement mentioned in Subsection (1) shall be in accordance with the Act.

16.0 Subdivision Applications

Subdivision applications shall be proceeded with in accordance with the Act. No subdivision application shall be approved which is contrary to the Development Plan, this By-law, provincial land use policies, subdivision regulations, and other regulations and requirements of the Federal, Provincial and municipal governments.

17.0 Development Permits

Prior to any development taking place, the owner or his agent shall obtain a Development Permit from the Development Officer, as well as obtain all other necessary permits as may be required by Council and other Government agencies.

(1) When Development Permit required

Subject to Subsection (2), an application to the Development Officer for a Development Permit is required for the following:

- (a) The erection or construction or placement of any building or structure;
- (b) The addition, enlargement, structural alteration or conversion of any building or structure;
- (c) The relocation or removal or demolition of any building or structure;
- (d) The change of use of land, buildings or structures, except when a change is from one agricultural activity to another; and
- (e) The establishment or expansion of any Livestock Operation including the erection, construction or placement, or addition, enlargement or relocation of any livestock barns and other livestock buildings and/or manure storage structures.

(2) When Development Permit not required

A Development Permit shall not be required for:

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- (a) fences; free standing and/or ornamental exterior lights; flag poles; private communications facilities and related structures; and
- (b) any accessory building with a floor area of 120 square feet or less and provided such building is 15 feet or less in height.

(3) Application

All applications for a Development Permit shall:

- (a) Be accompanied by a plan, drawn to scale, showing the actual dimensions and shape of the site to be built upon; the exact size and location on the site of buildings already existing, if any, and the location and dimensions of the proposed, building, enlargement or structural alterations; and
- (b) Include such other information as may be required by the Council or Board, including existing or proposed building or structural alterations; existing or proposed use of the building and land; the number and location of automobile parking spaces and loading spaces; the number of families, dwelling units or rental units the building is designed to accommodate; conditions existing on the site; current copies of relevant titles, easements, caveats; a surveyor's certificate prepared by a Manitoba Land Surveyor and such other matters as may be necessary to determine conformance with and provide for the enforcement of this By-law.

(4) Action After Development Permit Approved

After the Development permit has been approved a person may begin work in accordance with the permit, but no person shall construct, use or occupy any lot or parcel, building or other structure contrary to any Development Permit or the material furnished in support of the application without prior approval of the Development Officer.

18.0 Permits Issued Prior to By-law

Unless otherwise provided for herein, development and building permits issued prior to the effective date of this By-law shall be considered valid for the purpose of this By-law, provided all the conditions under which said permits were issued are in compliance.

19.0 Enforcement

The enforcement of this By-law and any offences or penalties charged by Council shall be in accordance with the provisions of the Act.

20.0 Residential Zones

20.1 Purpose

The Residential Zones established in this By-law are intended to provide for various types of residential uses and other uses generally considered compatible with residential uses in keeping with the provisions of the Development Plan.

20.2 Residential Zones

The following Residential Zones are hereby established:

- (1) RG: Residential General Zone
- (2) RM: Residential Multiple Zone
- (3) RMH: Residential Mobile Home Zone

20.3 General Provisions

The provisions applying to the Residential Zones are contained within this PART. Also applying to these zones are the provisions of PART I - "OPERATIVE AND INTERPRETIVE CLAUSES", PART II - "GENERAL ADMINISTRATIVE CLAUSES", PART IV - "GENERAL PROVISIONS" and APPENDIX "A" - ZONING MAP.

20.4 Use Regulations

(1) Residential General Zone

Sections 21.2 and 21.3 contained within this PART, lists all the uses that are "permitted" and "conditional" in the RESIDENTIAL GENERAL ZONE.

All listed uses are subject to the provisions contained herein.

(2) Residential Multiple Zone

Sections 22.2 and 22.3 contained within this PART, lists all the uses that are "permitted" and "conditional" in the RESIDENTIAL MULTIPLE ZONE.

All listed uses are subject to the provisions contained herein.

(3) **Residential Mobile Home Zone**

Sections 23.2 and 23.3 contained within this PART, lists all the uses that are “permitted” and “conditional” in the RESIDENTIAL MOBILE HOME ZONE.

All listed uses are subject to the provisions contained herein.

(4) **Exceptions**

No land shall be used or occupied and no building or structure shall be erected, altered, relocated, used or occupied hereinafter for any use in the Residential Zone in which such land, building or structure is located other than a use listed in Sections 21.2 – 21.3, Sections 22.2 – 22.3 and Sections 23.2 – 23.3, with the exception of uses lawfully established prior to the effective date of this By-law.

(5) **Conditional Use**

Any use listed as a “CONDITIONAL USE” in Sections 21.3, 22.3 and 23.3 contained within this PART, shall comply with the provisions as set forth in Section 13.0 of PART II – “GENERAL ADMINISTRATIVE CLAUSES”.

(6) **Accessory Uses, Buildings and Structures**

In the Residential Zones, accessory uses, buildings and structures shall include the following:

- (a) A children’s playhouse, garden supply storage house, private greenhouse and private conservatory;
- (b) A private garage, carport, covered patio, toolhouse, shed and other similar building;
- (c) Accessory off-street parking area;
- (d) Signs as permitted and regulated in Section 20.7 of this PART;
- (e) Private swimming pool; and
- (f) Dwelling unit accessory to a religious building.

20.5 Site Regulations

The site regulations shall be as set forth in the following sections:

PART III: SECTIONS 20 - 23
RESIDENTIAL ZONES

- (1) Sections 21.4 – 21.5, Residential General Zone Site Regulations,
- (2) Sections 22.4 – 22.7, Residential Multiple Zone Site Regulations, and
- (3) Sections 23.4 – 23.7, Residential Mobile Home Zone Site Regulations.

20.6 Number of Buildings Permitted Per Site

Not more than one (1) of the following buildings shall be permitted on one (1) zoning site:

- (1) Single-Family Dwelling
- (2) Two-family Dwelling
- (3) Mobile Home (except in a mobile park)
- (4) Multiple-Family Dwelling (except in a Planned Unit Development)

20.7 Signs

The following signs shall be permitted in the Residential Zones:

- (1) In the case of a single-family or mobile home, there shall not be more than one (1) lighted or unlighted identification sign, not exceeding two (2) square feet in area;
- (2) In the case of a two-family dwelling, there shall not be more than one (1) lighted or unlighted sign, for each dwelling unit, and it shall not exceed two (2) square feet in area;
- (3) There shall be not more than one (1) lighted or unlighted identification sign not exceeding twelve (12) square feet in area for each multiple-family building; and
- (4) In the case of any other permitted or conditional use, there shall not be more than one (1) lighted or unlighted identification sign or bulletin board, not exceeding (18) square feet in area.

20.8 Parking

- (1) Off-street parking spaces shall be provided on the same site as the main building or use, as follows:

TABLE III – I

PARKING REQUIREMENTS

USE	MINIMUM PARKING SPACES REQUIRED
One and two-family dwellings and mobile homes	One (1) space for each dwelling unit
Multiple-family dwellings, boarding and rooming houses	One and one-quarter (1.25) spaces (rounded to the nearest whole number) for each dwelling unit
Religious buildings	One (1) space for each ten (10) seats provided
All other permitted or conditional uses	One (1) space for each employee

PART III: SECTIONS 20 - 23
RESIDENTIAL ZONES

21.0 RG: Residential General Zone

21.1 General Purpose

The “RG” Residential General Zone is intended to provide for the establishment of single-family detached dwellings and may also include two-family dwellings.

<p>21.2 Permitted Uses</p> <p>1) Accessory Use, Building and Structure 2) Single-Family Dwelling 3) Parks, Playgrounds, Tot Lots and similar uses</p>		<p>4) Institutional Facility for 4 or fewer persons under care</p>	
<p>21.3 Conditional Uses</p> <p>1) Bed & Breakfast 2) Convenience Store 3) Garden Suite 4) Guest House 5) Home-Based Business 6) Home Day Care</p>		<p>7) Institutional Facility for 5 or more persons under care 8) Religious Facility 9) Secondary Suite 10) Two-Family Dwelling 11) Tea Rooms and Gift Shop</p>	
<p>21.4 Site Regulations Permitted and Conditional Uses</p> <p>1) Site Area min. 6,000 sq. ft. 2) Site Width min. 60 ft. 3) Front Yard min. 25 ft. 4) Side Yard min. 5 ft. 5) Corner Side Yard min. 10 ft. 6) Rear Yard min. 25 ft. 7) Building Height max. 35 ft. 8) Site Coverage max. 50 % 9) Unit Area min. 800 sq. ft.</p>		<p>21.5 Site Regulations Accessory Uses and Buildings</p> <p>1) Site Area N/A 2) Site Width N/A 3) Front Yard min. 25 ft. 4) Side Yard min. 2 ft. 5) Corner Side Yard min. 10 ft. 6) Rear Yard min. 2 ft. 7) Building Height max. 20 ft. 8) Site Coverage max. 10 % 9) Unit Area max. 1,000 sq. ft.</p>	

21.6 Additional Regulations for Permitted and Conditional Uses

- (1) A Bed and Breakfast shall be developed in accordance with Section 61.0 of this By-law.
- (2) A Garden Suite shall be developed in accordance with Section 64.0 of this By-law.
- (3) A Guest House shall be developed in accordance with Section 63.0 of this By-law.
- (4) A Home-Based Business shall be developed in accordance with Section 60.0 of this By-law.
- (5) A Home Day Care shall be developed in accordance with section 62.0 of this By-law.
- (6) A Secondary Suite shall be developed in accordance with section 65.0 of this By-law.

PART III: SECTIONS 20 - 23
RESIDENTIAL ZONES

22.0 RM: Residential Multiple Zone

22.1 General Purpose

The “RM” Residential Multiple Zone is intended to provide for the development of multiple-family housing including lotted and unlotted town or row type dwellings, apartments, garden apartments, triplexes, fourplexes and the like.

<p>22.2 Permitted Uses</p> <table border="0"> <tr> <td>1) Accessory Use, Building and Structure Parks,</td> <td>5) Multiple-family dwelling including lotted and unlotted town or row type dwellings, apartments, garden apartments, triplexes, fourplexes and the like</td> </tr> <tr> <td>2) Boarding or Rooming Houses</td> <td>6) Parks, Playgrounds, Tot Lots and similar uses</td> </tr> <tr> <td>3) Institutional Facility 4 or fewer Persons under care</td> <td>7) Two-Family Dwelling</td> </tr> <tr> <td>4) Institutional Facility for 5 or more Persons under care</td> <td></td> </tr> </table>		1) Accessory Use, Building and Structure Parks,	5) Multiple-family dwelling including lotted and unlotted town or row type dwellings, apartments, garden apartments, triplexes, fourplexes and the like	2) Boarding or Rooming Houses	6) Parks, Playgrounds, Tot Lots and similar uses	3) Institutional Facility 4 or fewer Persons under care	7) Two-Family Dwelling	4) Institutional Facility for 5 or more Persons under care																									
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<p>22.4 Site Regulations Two-Family Dwelling</p> <table border="0"> <tr><td>1) Site Area</td><td>min. 6,600 sq. ft.</td></tr> <tr><td>2) Site Width</td><td>min. 60 ft.</td></tr> <tr><td>3) Front Yard</td><td>min. 25 ft.</td></tr> <tr><td>4) Side Yard</td><td>min. 5 ft.</td></tr> <tr><td>5) Corner Side Yard</td><td>min. 10 ft.</td></tr> <tr><td>6) Rear Yard</td><td>min. 25 ft.</td></tr> <tr><td>7) Building Height</td><td>max. 35 ft.</td></tr> <tr><td>8) Site Coverage</td><td>max. 50 %</td></tr> </table>	1) Site Area	min. 6,600 sq. ft.	2) Site Width	min. 60 ft.	3) Front Yard	min. 25 ft.	4) Side Yard	min. 5 ft.	5) Corner Side Yard	min. 10 ft.	6) Rear Yard	min. 25 ft.	7) Building Height	max. 35 ft.	8) Site Coverage	max. 50 %	<p>22.5 Site Regulations Multiple-Family Dwelling</p> <table border="0"> <tr><td>1) Site Area</td><td><i>See Section 22.9 (1) below.</i></td></tr> <tr><td>2) Site Width</td><td><i>See section 22.9 (2) below.</i></td></tr> <tr><td>3) Front Yard</td><td>min. 15 ft.</td></tr> <tr><td>4) Side Yard</td><td>min. 15 ft.</td></tr> <tr><td>5) Corner Side Yard</td><td>min. 10 ft.</td></tr> <tr><td>6) Rear Yard</td><td>min. 25 ft.</td></tr> <tr><td>7) Building Height</td><td><i>see Section 22.9 (3) below.</i></td></tr> <tr><td>8) Site Coverage</td><td>max. 50 %</td></tr> </table>	1) Site Area	<i>See Section 22.9 (1) below.</i>	2) Site Width	<i>See section 22.9 (2) below.</i>	3) Front Yard	min. 15 ft.	4) Side Yard	min. 15 ft.	5) Corner Side Yard	min. 10 ft.	6) Rear Yard	min. 25 ft.	7) Building Height	<i>see Section 22.9 (3) below.</i>	8) Site Coverage	max. 50 %
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7) Building Height	max. 20 ft.																																

PART III: SECTIONS 20 - 23
RESIDENTIAL ZONES

22.8 Additional Regulations for Permitted and Conditional Uses

- (1) A Garden Suite shall be developed in accordance with Section 64.0 of this By-law.
- (2) A Guest House shall be developed in accordance with Section 63.0 of this By-law.
- (3) A Home-Based Business shall be developed in accordance with Section 60.0 of this By-law.
- (4) A Home Day Care shall be developed in accordance with section 62.0 of this By-law.
- (5) A Planned Unit Development shall be developed in accordance with section 42.0 of this By-law.

22.9 Explanation and Exceptions to Residential Site Regulation Requirements in Section 22.5 are as follows:

- (1) Minimum site area for multiple-family dwellings (this includes 3 storey apartments, garden apartments, town or row type housing and planned unit developments) shall be computed as follows: 10,000 sq. ft. for the first 4 dwelling units plus 1,000 sq. ft. for each additional dwelling unit thereafter.
- (2) Minimum site width for 3 storey apartments and garden apartments shall be 70 ft. Minimum site width for town or row type housing shall be 20 ft. per dwelling unit. The minimum site width for a planned unit development shall be determined by Council.
- (3) The maximum building height for garden apartments shall be 45 ft. or three (3) storeys high, whichever is lesser, and 35 ft. for town or row type housing. The maximum height for a planned unit development shall be determined by Council.

PART III: SECTIONS 20 - 23
RESIDENTIAL ZONES

23.0 RMH: Residential Mobile Home Zone

23.1 General Purpose

The “RMH” Residential Mobile Home Zone is intended to provide areas for single-family mobile homes on individual sites which may be individually owned or within a mobile home park where the spaces are leased.

<p>23.2 Permitted Uses</p> <p>1) Accessory Use, Building and Structure Parks, 2) Institutional Facility 4 or fewer persons under care</p> <p>3) Mobile Homes, Mobile Home Parks or Subdivisions 4) Parks, Playgrounds, Tot Lots and similar uses</p>	
<p>23.3 Conditional Uses</p> <p>1) Convenience Store 2) Home-Based Business 3) Home Day Care</p> <p>4) Institutional Facility 5 or more persons under care 5) Religious Facility</p>	
<p>23.4 Site Regulations Mobile Home</p> <p>1) Site Area min. 5,000 sq. ft. 2) Site Width min. 50 ft. 3) Front Yard min. 15 ft. 4) Side Yard min. 5 ft. 5) Corner Side Yard min. 10 ft. 6) Rear Yard min. 15 ft.</p>	<p>23.5 Site Regulations Mobile Home Park</p> <p>1) Site Area 40,000 sq. ft. 2) Site Width 200 ft. 3) Front Yard min. 25 ft. 4) Side Yard min. 25 ft. 5) Corner Side Yard min. 30 ft. 6) Rear Yard min. 25 ft.</p>
<p>23.6 Site Regulations - Other Permitted and Conditional Uses</p> <p>1) Site Area min. 10,000 sq. ft. 2) Site Width min. 100 ft. 3) Front Yard min. 30 ft. 4) Side Yard min. 15 ft. 5) Corner Side Yard min. 20 ft. 6) Rear Yard min. 25 ft. 7) Building Height max. 35 ft.</p>	<p>23.7 Site Regulations Accessory Uses and Buildings</p> <p>1) Site Area N/A 2) Site Width N/A 3) Front Yard min. 30 ft. 4) Side Yard min. 2 ft. 5) Corner Side Yard min. 10 ft. 6) Rear Yard min. 2 ft. 7) Building Height max. 15 ft.</p>

23.8 Additional Regulations for Permitted and Conditional Uses

- (1) A Home-Based Business shall be developed in accordance with Section 60.0 of this By-law.
- (2) A Home Day Care shall be developed in accordance with section 62.0 of this By-law.

24.0 Commercial Zones

24.1 Purpose

The Commercial Zones established in this By-law are intended to provide sufficient land in suitable locations to meet the needs of commercial development in the Town in keeping with the provisions of the Development Plan.

24.2 Commercial Zones

The following Commercial Zones are hereby established:

- (1) CC: Commercial Central Zone
- (2) CH: Commercial Highway Zone

24.3 Central Provisions

The provisions applying to the Commercial Zones are contained within this PART. Also applying to these zones are the provisions of PART I - "OPERATIVE AND INTERPRETIVE CLAUSES", PART II - "GENERAL ADMINISTRATIVE CLAUSES", PART IV - "GENERAL PROVISIONS" and APPENDIX "A" - ZONING MAP.

24.4 Use Regulations

(1) Commercial Central Zone

Sections 25.2 and 25.3 contained within this PART, lists all the uses that are "permitted" and "conditional" in the COMMERCIAL CENTRAL ZONE.

All listed uses are subject to the provisions contained herein.

(2) Commercial Highway Zone

Sections 26.2 and 26.3 contained within this PART, lists all the uses that are "permitted" and "conditional" in the COMMERCIAL HIGHWAY ZONE.

All listed uses are subject to the provisions contained herein.

(3) Exceptions

No land shall be used or occupied and no building or structure shall be erected, altered, relocated, used or occupied hereinafter for any use in the Commercial

PART III: SECTIONS 24 - 26
COMMERCIAL ZONES

Zone in which such land, building or structure is located other than a use listed in Sections 25.2 – 25.3, and Sections 26.2 – 26.3 with the exception of uses lawfully established prior to the effective date of this By-law.

(4) **Conditional Use**

Any use listed as a “CONDITIONAL USE” in Sections 25.3 and 26.3 contained within this PART, shall comply with the provisions as set forth in Section 13.0 of PART II – “GENERAL ADMINISTRATIVE CLAUSES”.

(5) **Accessory Uses, Buildings and Structures**

In the Commercial Zones, accessory uses, buildings and structures shall include the following:

- (a) A garage, shed, or building, for storage incidental to a permitted or conditional use;
- (b) Incinerators subject to provincial and federal regulations, and which shall be incidental to the permitted or conditional use;
- (c) The production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally incidental to a business and personal service and mercantile occupancies if conducted by the same ownership as the principal use;
- (d) Accessory off-street parking and loading spaces as regulated in Section 24.7 of this PART; and
- (e) Signs as permitted and regulated in Section 24.6 of this PART.

24.5 Site Regulations

The site regulations shall be as set forth in the following sections:

- (1) Sections 25.4 – 25.6, Commercial Central Zone Site Regulations, and
- (2) Sections 26.4 – 26.6, Commercial Highway Zone Site Regulations.

24.6 Signs

The following signs shall be permitted and regulated in the Commercial Zones as follows:

PART III: SECTIONS 24 - 26
COMMERCIAL ZONES

- (1) Identification and business signs, total sign surface are not to exceed 20% of the area of the building face, or thirty-two (32) square feet in the case of a freestanding sign shall be permitted for any permitted and conditional use in the Commercial zones;
- (2) Bulletin boards not greater than thirty-two (32) square feet in sign surface are and not located closer than ten (10) feet to any site line where a yard is required; and
- (3) Any identification or business sign permitted above may be attached to the face or roof of a building or structure or it may be a free-standing sign.

24.7 Parking and Loading

- (1) Off-street parking spaces for commercial uses with buildings of 1,200 square feet or more shall be provided on the same site as the main building or use, as follows:

TABLE III – II

PARKING REQUIREMENTS

USE	MINIMUM PARKING SPACES REQUIRED
Retail Store, Services or Office	One (1) space for each 400 sq. ft. floor are used for retail, service or office purposes
Wholesale Establishment, including a Warehouse	One (1) space for each three (3) employees
Restaurants	One (1) space for each hundred (100) sq. ft. of floor area
Hotel, Motel, Motor Hotel	One (1) space for each guest room plus parking spaces for restaurant, office, gift shop as required above
Dwelling Units	One (1) space for each dwelling unit
Religious Buildings	One (1) space for each ten (10) seats provided
Recreation Facility	One (1) space for each five (5) seats provided.

PART III: SECTIONS 24 - 26
COMMERCIAL ZONES

- (2) Off-street loading or unloading spaces each thirty (30) feet long, twelve (12) feet wide and fourteen (14) feet vertical clearance, having access to a lane or street, shall be provided on the same site as the main building or use but not in the required front yard and according to the floor area of the building or structure or area of open air storage as follows:

TABLE III – III

LOADING SPACE REQUIREMENTS

Floor Area of Building or Area of Open Air Storage (sq. ft)	Number of Spaces
Up to and including 15,000 sq. ft.	One (1) loading space
15,001 to 40,000	Two (2) loading space

PART III: SECTIONS 24 - 26
COMMERCIAL ZONES

25.0 CC: Commercial Central Zone

25.1 General Purpose

The “CC” Commercial Central Zone is intended to provide for appropriate land in the central business area for development of intensive retail, business, service and administrative uses.

25.2 Permitted Uses

- | | |
|---|---|
| 1) Accessory use, Building and Structure | 9) Place of Entertainment |
| 2) Contract’s Establishment – without outdoor storage | 10) Public Buildings |
| 3) Gas Bar | 11) Recreational Facility |
| 4) Hotel, Motel or Motor Hotel | 12) Religious Facility |
| 5) Liquor Licensed Establishment | 13) Residences: Apartment or Suites to the rear half of the First Floor/on the Second Floor |
| 6) Lumber Yard and Building Supply Establishments without outdoor storage | 14) Restaurant, including Drive Through/In Restaurant |
| 7) Outdoor Market | 15) Retail Store, Service or Office |
| 8) Public Parking Area | 16) Shopping Centre or Mall |

25.3 Conditional Uses

- | | |
|--|--|
| 1) Agricultural implement sales and services | 8) Planned Unit Development |
| 2) Autobody Repair Shop | 9) Residences: Multiple-family residential buildings |
| 3) Automobile Sales or Storage Area | 10) Residences: Apartment or Suites above the Second Floor |
| 4) Contractor’s Establishment – with outdoor storage | 11) Service Station |
| 5) Heavy Equipment Sales or Storage Area | 12) Wholesale Establishment, including a Warehouse |
| 6) Lumber Yard and Building Supply Establishments | |
| 7) Manufacturing - Light | |

**25.4 Site Regulations
Automobile Service Stations**

- | | |
|--------------------|---------------------|
| 1) Site Area | min. 12,000 sq. ft. |
| 2) Site Width | min. 100 ft. |
| 3) Front Yard | min. 25 ft. |
| 4) Side Yard | min. 25 ft. |
| 5) Corner Side | min. 25 ft. |
| 6) Rear Yard | min. 25 ft. |
| 7) Building Height | max. 30 ft. |

**25.5 Site Regulations - Other
Permitted or Conditional Uses**

- | | |
|--------------------|--------------------|
| 1) Site Area | min. 2,500 sq. ft. |
| 2) Site Width | min. 25 ft. |
| 3) Front Yard | min. 0 ft. |
| 4) Side Yard | min. 0 ft. |
| 5) Corner Side | min. 15 ft |
| 6) Rear Yard | min. 20 ft |
| 7) Building Height | max. 45 ft. |

**25.6 Site Regulations
Accessory Uses and Buildings**

- | | | | |
|---------------|-----------------------|--------------------|-----------------------|
| 1) Site Area | N/A | 5) Corner Side | same as principal use |
| 2) Site Width | N/A | 6) Rear Yard | min. 10 ft |
| 3) Front Yard | same as principal use | 7) Building Height | same as principal use |
| 4) Side Yard | same as principal use | | |

25.7 Additional Regulations for Permitted and Conditional Uses

- (1) A Planned Unit Development shall be developed in accordance with Section 42.0 of this By-law.

25.8 Explanation and Exceptions to Commercial Site Regulations

- (1) Yard and height requirements apply only to buildings and structures, and outdoor storage of machinery, equipment or materials;
- (2) Buildings, structures and hedges adjacent to provincial roads, major provincial highways and centers of intersection of same shall have a setback in accordance with the Highway Protection Act;
- (3) In the case of a corner site, there shall be a minimum side yard of fifteen (15) feet, on the street side of the corner site or as specified herein, whichever is greater;
- (4) The minimum separation between a detached accessory building and a main building shall be ten (10) feet, clear of all projections;
- (5) Where a side site line in a Commercial zone abuts a rear or side site line in an adjacent Residential zone, a side yard of 10 feet shall be provided in the Commercial zone along the said side site line. Such a side yard shall not be used for accessory off-street parking and loading, storage of refuse, materials or processing of any kind, except where a solid fence 6 feet high is provided and maintained along the site line abutting the residential zone boundary;
- (6) Where a rear site line in a Commercial zone abuts a side or rear site line in an adjacent Residential zone, a rear yard of 25 feet in depth shall be provided along the rear site line. Such a rear yard shall not be used for accessory off-street loading, storage of refuse, materials, or processing of any kind, except where a solid fence 6 feet high is provided and maintained along the site line abutting the Residential zone boundary; and
- (7) The minimum front and side yard requirements for accessory buildings and structures shall be the same as the minimum front and side yard requirements for the principal buildings and structures of the site, unless otherwise provided for herein. In case of fuel pumps for a service station, the minimum front and side yard requirement shall be 15 feet.

PART III: SECTIONS 24 - 26
COMMERCIAL ZONES

26.0 CH: Commercial Highway Zone

26.1 General Purpose

The “CH” Commercial Highway Zone is intended to provide for appropriate land for those businesses requiring large sites, and/or serving the motoring public and requiring direct access to a highway.

<p>26.2 Permitted Uses</p> <table border="0"> <tr> <td>1) Accessory use, Building and Structure</td> <td>12) Public Parking Areas</td> </tr> <tr> <td>2) Agricultural implement sales and services</td> <td>13) Place of Entertainment</td> </tr> <tr> <td>3) Auto Body Repair Shop</td> <td>14) Public Facility</td> </tr> <tr> <td>4) Automobile Sales or Storage Area</td> <td>15) Recreational Facility</td> </tr> <tr> <td>5) Contractor’s Establishment – without outdoor storage</td> <td>16) Religious Facility</td> </tr> <tr> <td>6) Gas Bar</td> <td>17) Restaurant, including Drive Through/In Restaurant</td> </tr> <tr> <td>7) Heavy Equipment Sales and Storage</td> <td>18) Retail Store, Service or Office</td> </tr> <tr> <td>8) Hotel, Motel or Motor Hotel</td> <td>19) Service Station</td> </tr> <tr> <td>9) Liquor Licensed Establishment</td> <td>20) Shopping Centre or Mall</td> </tr> <tr> <td>10) Lumber Yard and Building Supply Establishments without outdoor storage</td> <td>21) Truck Terminal</td> </tr> <tr> <td>11) Outdoor Market</td> <td>22) Wholesale Establishment, including a Warehouse</td> </tr> </table>				1) Accessory use, Building and Structure	12) Public Parking Areas	2) Agricultural implement sales and services	13) Place of Entertainment	3) Auto Body Repair Shop	14) Public Facility	4) Automobile Sales or Storage Area	15) Recreational Facility	5) Contractor’s Establishment – without outdoor storage	16) Religious Facility	6) Gas Bar	17) Restaurant, including Drive Through/In Restaurant	7) Heavy Equipment Sales and Storage	18) Retail Store, Service or Office	8) Hotel, Motel or Motor Hotel	19) Service Station	9) Liquor Licensed Establishment	20) Shopping Centre or Mall	10) Lumber Yard and Building Supply Establishments without outdoor storage	21) Truck Terminal	11) Outdoor Market	22) Wholesale Establishment, including a Warehouse						
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26.7 Additional Regulations for Permitted and Conditional Uses

- (1) A Planned Unit Development shall be developed in accordance with Section 42.0 of this By-law.

26.8 Explanation and Exceptions to Commercial Site Regulations

- (1) Yard and height requirements apply only to buildings and structures, and outdoor storage of machinery, equipment or materials;
- (2) Buildings, structures and hedges adjacent to provincial roads, major provincial highways and centers of intersection of same shall have a setback in accordance with the Highway Protection Act;
- (3) In the case of a corner site, there shall be a minimum side yard of fifteen (15) feet, on the street side of the corner site or as specified herein, whichever is greater;
- (4) The minimum separation between a detached accessory building and a main building shall be ten (10) feet, clear of all projections;
- (5) Where a side site line in a Commercial zone abuts a rear or side site line in an adjacent Residential zone, a side yard of 10 feet shall be provided in the Commercial zone along the said side site line. Such a side yard shall not be used for accessory off-street parking and loading, storage of refuse, materials or processing of any kind, except where a solid fence 6 feet high is provided and maintained along the site line abutting the residential zone boundary;
- (6) Where a rear site line in a Commercial zone abuts a side or rear site line in an adjacent Residential zone, a rear yard of 25 feet in depth shall be provided along the rear site line. Such a rear yard shall not be used for accessory off-street loading, storage of refuse, materials, or processing of any kind, except where a solid fence 6 feet high is provided and maintained along the site line abutting the Residential zone boundary; and
- (7) The minimum front and side yard requirements for accessory buildings and structures shall be the same as the minimum front and side yard requirements for the principal buildings and structures of the site, unless otherwise provided for herein. In case of fuel pumps for a service station, the minimum front and side yard requirement shall be 15 feet.

PART III: SECTIONS 27 - 28
INDUSTRIAL ZONES

27.0 Industrial Zones

27.1 Purpose

The Industrial Zones established in this By-law are intended to provide sufficient land in suitable locations to meet the needs of industrial development in the Town in keeping with the provisions of the Development Plan.

27.2 Industrial Zones

The following Industrial Zones are hereby established:

- (1) MG: Industrial General Zone

27.3 General Provisions

The provisions applying to the Industrial Zones are contained within this PART. Also applying to these zones are the provisions of PART I - "OPERATIVE AND INTERPRETIVE CLAUSES", PART II - "GENERAL ADMINISTRATIVE CLAUSES", PART IV - "GENERAL PROVISIONS" and APPENDIX "A" - ZONING MAP.

27.4 Use Regulations

(1) **Industrial General Zone**

Sections 28.2 and 28.3 contained within this PART, lists all the uses that are "permitted" and "conditional" in the INDUSTRIAL GENERAL ZONE.

All listed uses are subject to the provisions contained herein.

(2) **Exceptions**

No land shall be used or occupied and no building or structure shall be erected, altered, relocated, used or occupied hereinafter for any use in the Industrial Zone in which such land, building or structure is located other than a use listed in Sections 28.2 – 28.3, with the exception of uses lawfully established prior to the effective date of this By-law.

(3) **Conditional Use**

Any use listed as a "CONDITIONAL USE" in Sections 28.3 contained within this PART, shall comply with the provisions as set forth in Section 13.0 of PART II – "GENERAL ADMINISTRATIVE CLAUSES".

(4) Accessory Uses, Buildings and Structures

In the Industrial Zones, accessory uses, buildings and structures shall include the following:

- (a) A garage, shed, or building, for storage incidental to a permitted or conditional use;
- (b) Incinerators subject to provincial and federal regulations, and which shall be incidental to the permitted or conditional use;
- (c) Storage of goods used in or produced by manufacturing activities on the same zoning site with such activities unless such storage is excluded by the zone regulations;
- (d) The production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally incidental to an industrial or manufacturing activity if conducted by the same ownership as the principal use;
- (e) A dwelling unit or sleeping accommodation for a watchman or caretaker and his family, if, in Council's opinion, it is demonstrated that his presence on the same zoning site as the principal use is essential and necessary;
- (f) Accessory off-street parking and loading spaces as regulated in Section 27.7 of this PART;
- (g) Signs as permitted and regulated in Section 27.6 of this PART; and
- (h) Offices, business or professional, which are incidental and accessory to a permitted or conditional use.

27.5 Site Regulations

The site regulations shall be as set forth in the following sections:

- (1) Sections 28.4 – 28.5, Industrial General Zone Site Regulations.

PART III: SECTIONS 27 - 28
INDUSTRIAL ZONES

27.6 Signs

The following signs shall be permitted in the Industrial Zones:

- (1) One lighted or unlighted business or identification sign not exceeding a total sign surface area of one hundred (100) square feet, for any building or use permitted in this zone; and
- (2) Any identification or business sign permitted above may be attached to the face or roof of a building or structure or it may be a free-standing sign. However, there shall be no overhanging encroachment onto the adjoining sidewalk or street.

27.7 Parking and Loading

- (1) Off-street parking spaces, a minimum size of 10 x 20 feet, shall be provided on the same site as the main building or use, as follows:

TABLE III – IV

PARKING REQUIREMENTS

USE	MINIMUM PARKING SPACES REQUIRED
Industrial or manufacturing	One (1) space for each five hundred (500) sq. ft. of floor area
Wholesale establishments, warehouse	One (1) space for each one thousand (1,000) sq. ft. of floor area
Restaurants	One (1) space for each one hundred (100) sq. ft. of floor area
Retail store, service or office	One (1) space for each five hundred (500) sq. ft. of floor area
Other uses	To be determined by Council

- (2) Off-street loading or unloading spaces each thirty (30) feet long, twelve (12) feet wide and fourteen (14) feet vertical clearance, having access to a lane or street, shall be provided on the same site as the main building or use but not in the required front yard in accordance with the following table:

TABLE III – V

LOADING SPACE REQUIREMENTS

Floor area of Building or Area of open air storage (sq. ft.)	NUMBER OF SPACES
Up to and including 15, 000 sq. ft.	One (1) loading space
15, 001 – 40, 000 sq. ft.	Two (2) loading spaces

PART III: SECTIONS 27 - 28
INDUSTRIAL ZONES

28.0 MG: Industrial General Zone

28.1 General Purpose

The “MG” Industrial General Zone is intended to provide for light manufacturing, processing, distribution, transportation, and warehouse uses that create no nuisances. Certain heavy industrial uses may be listed as “conditional” uses.

<p>28.2 Permitted Uses</p> <table border="0"> <tr> <td>1) Accessory Use, Building and Structure</td> <td>10) Outdoor Market</td> </tr> <tr> <td>2) Agricultural Implement Sales and Service</td> <td>11) Manufacturing (Light)</td> </tr> <tr> <td>3) Agricultural Support Industry</td> <td>12) Restaurant, including Drive Through/In Restaurant</td> </tr> <tr> <td>4) Autobody Repair Shop</td> <td>13) Service Station</td> </tr> <tr> <td>5) Automobile Sales or Storage</td> <td>14) Truck Terminal</td> </tr> <tr> <td>6) Contractor’s Establishment</td> <td>15) Veterinary Clinic, Exterminators, Kennel or Animal Pound, or Taxidermist</td> </tr> <tr> <td>7) Gas Bar</td> <td>16) Wholesale Establishment, including a Warehouse</td> </tr> <tr> <td>8) Heavy Equipment Sales or Storage Area</td> <td></td> </tr> <tr> <td>9) Lumber Yard</td> <td></td> </tr> </table>		1) Accessory Use, Building and Structure	10) Outdoor Market	2) Agricultural Implement Sales and Service	11) Manufacturing (Light)	3) Agricultural Support Industry	12) Restaurant, including Drive Through/In Restaurant	4) Autobody Repair Shop	13) Service Station	5) Automobile Sales or Storage	14) Truck Terminal	6) Contractor’s Establishment	15) Veterinary Clinic, Exterminators, Kennel or Animal Pound, or Taxidermist	7) Gas Bar	16) Wholesale Establishment, including a Warehouse	8) Heavy Equipment Sales or Storage Area		9) Lumber Yard											
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28.6 Additional Regulations for Permitted and Conditional Uses

- (1) A Planned Unit Development shall be developed in accordance with Section 42.0 of this By-law.

28.7 Explanation and Exceptions to Industrial Site Regulations

- (1) Yard and height requirements apply only to buildings and structures, and outdoor storage of machinery, equipment or materials; and
- (2) Buildings, structures and hedges adjacent to provincial roads, major provincial highways and centers of intersection of same shall have a setback in accordance with the Highway Protection Act.

29.0 Open Space/Recreational Zone

29.1 Purpose

The Open Space/Recreational Zone established in this By-law is intended to provide sufficient land in suitable locations to accommodate educational, institutional, recreational and open space uses in keeping with the provisions of the Development Plan.

29.2 Open Space/Recreational Zone

The following Open Space/Recreational Zone is hereby established:

- (1) OR: Open Space/Recreational Zone

29.3 General Provisions

The provisions applying to the Open Space/Recreational Zone are contained within this PART. Also applying to these zones are the provisions of PART I - "OPERATIVE AND INTERAPTIVE CLAUSES", PART II - "GENERAL ADMINISTRATIVE CLAUSES", PART IV - "GENERAL PROVISIONS" and APPENDIX "A" - ZONING MAP.

29.4 Use Regulations

- (1) **Open Space/Recreational Zone**

Sections 30.2 and 30.3 contained within this PART, lists all the uses that are "permitted" and "conditional" in the OPEN SPACE/RECREATIONAL ZONE.

All listed uses are subject to the provisions contained herein.

- (2) **Exceptions**

No land shall be used or occupied and no building or structure shall be erected, altered, relocated, used or occupied hereinafter for any use in the Open Space/Recreational Zone in which such land building or structure is located other than a use listed in Sections 30.2 – 30.3 with the exceptions of uses lawfully established prior to the effective date of this By-law.

- (3) **Conditional Use**

Any use listed as a "CONDITIONAL USE" in Sections 30.3 shall comply with the provisions as set forth in Section 13.0 of PART II - "GENERAL

ADMINISTRATIVE CLAUSES".

(4) Accessory Uses, Buildings and Structures

In the Open Space/Recreational Zone accessory uses, buildings, or structures shall include the following:

- (a) Buildings or structures for the operation, maintenance, and administration of a permitted or conditional use;
- (b) Food or refreshment services or stands in conjunction with a permitted or conditional use;
- (c) Staff dwelling, to include only a single-family dwelling or two-family dwelling when on the same site with a permitted or conditional use where, in the opinion of Council; said dwelling is essential for the maintenance, operation and care of the use;
- (d) Accessory of street parking and loading areas; and
- (e) Signs as permitted and regulated in Section 29.6 of this PART.

29.5 Site Regulations

The site regulations shall be as set forth in the following sections:

- (1) Sections 30.4 – 30.5, Open Space/Recreational Zone Site Regulations.

29.6 Signs

The following signs shall be permitted in the Open Space/ Recreational Zone:

- (1) No more than one (1) lighted identification sign, not exceeding thirty two (32) square feet in sign surface area and having a maximum height of thirty (3) feet shall be permitted for any building or use permitted in the Open Space/recreational Zone; and
- (2) Bulletin boards not greater than thirty-two (32) square feet in sign surface area and located not closer than ten (10) feet to any site line where a yard is required.

29.7 Parking

- (1) Off-street parking spaces a minimum size of 10 x 20 feet shall be provided on the same site as the main building or use, as follows:

TABLE III – VI

PARKING REQUIREMENTS

USE	MINIMUM PARKING SPACES REQUIRED
Dwellings	One (1) space for each dwelling unit
Athletic, Sports and Recreational Area, Recreational Facility, Religious Buildings	One (1) space for each five (5) seats provided
Institutional Facility and other permitted or conditional uses	One (1) space for each employee

PART III: SECTIONS 29 - 30
OPEN SPACE/RECREATIONAL ZONE

30.0 OR: Open Space/Recreational Zone

30.1 General Purpose

The “OR” Open Space/Recreational Zone is intended to provide sufficient land in suitable locations to accommodate educational, institutional, recreational and open space uses in keeping with the provisions of the Development Plan.

<p>30.2 Permitted Uses</p> <table border="0"> <tr> <td>1) Accessory Use, Building and Structure</td> <td>7) Institutional Facility</td> </tr> <tr> <td>2) Amusement Park</td> <td>8) Parks, Playgrounds and Similar Uses</td> </tr> <tr> <td>3) Athletic, Sports and Recreation Area</td> <td>9) Public Buildings</td> </tr> <tr> <td>4) Cemetery</td> <td>10) Public Parking Area</td> </tr> <tr> <td>5) Communication Facility</td> <td>11) Recreational Facility</td> </tr> <tr> <td>6) Golf Courses</td> <td>12) Religious Facility</td> </tr> </table>		1) Accessory Use, Building and Structure	7) Institutional Facility	2) Amusement Park	8) Parks, Playgrounds and Similar Uses	3) Athletic, Sports and Recreation Area	9) Public Buildings	4) Cemetery	10) Public Parking Area	5) Communication Facility	11) Recreational Facility	6) Golf Courses	12) Religious Facility																
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<p>30.4 Site Regulations Permitted and Conditional Uses</p> <table border="0"> <tr> <td>1) Site Area</td> <td>min. 10,000 sq. ft.</td> </tr> <tr> <td>2) Site Width</td> <td>min. 100 ft.</td> </tr> <tr> <td>3) Front Yard</td> <td>min. 30 ft.</td> </tr> <tr> <td>4) Side Yard</td> <td>min. 15 ft.</td> </tr> <tr> <td>5) Corner Side</td> <td>min. 20 ft.</td> </tr> <tr> <td>6) Rear Yard</td> <td>min. 25 ft.</td> </tr> <tr> <td>7) Building Height</td> <td>max. 35 ft.</td> </tr> </table>	1) Site Area	min. 10,000 sq. ft.	2) Site Width	min. 100 ft.	3) Front Yard	min. 30 ft.	4) Side Yard	min. 15 ft.	5) Corner Side	min. 20 ft.	6) Rear Yard	min. 25 ft.	7) Building Height	max. 35 ft.	<p>30.5 Site Regulations Accessory Uses and Buildings</p> <table border="0"> <tr> <td>1) Site Area</td> <td>N/A</td> </tr> <tr> <td>2) Site Width</td> <td>N/A</td> </tr> <tr> <td>3) Front Yard</td> <td>min. 30 ft.</td> </tr> <tr> <td>4) Side Yard</td> <td>min. 15 ft.</td> </tr> <tr> <td>5) Corner Side</td> <td>min. 25 ft.</td> </tr> <tr> <td>6) Rear Yard</td> <td>min. 10 ft.</td> </tr> <tr> <td>7) Building Height</td> <td>max. 20 ft.</td> </tr> </table>	1) Site Area	N/A	2) Site Width	N/A	3) Front Yard	min. 30 ft.	4) Side Yard	min. 15 ft.	5) Corner Side	min. 25 ft.	6) Rear Yard	min. 10 ft.	7) Building Height	max. 20 ft.
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7) Building Height	max. 20 ft.																												

30.6 Explanation and Exceptions to Commercial Site Regulations

- (1) Yard and height requirements apply only to buildings and structures, and outdoor storage of machinery, equipment or materials;
- (2) Buildings, structures and hedges adjacent to provincial roads, major provincial highways and centers of intersection of same shall have a setback in accordance with the Highway Protection Act; and
- (3) The minimum separation between a detached accessory building and a main building shall be ten (10) feet. Clear of all projections

31.0 Regulations

The following regulations shall apply to all zones except wherein otherwise noted.

32.0 Conformance and Permits Required

No building or structure shall be erected, reconstructed, structurally altered, enlarged, relocated or moved, nor shall any building, structure or land be used for any use other than is permitted in the zone in which such building, structure or land is located and then only after applying for and securing all development permits, building permits, other permits and licenses required by all laws and by-laws in effect within the Town.

33.0 Buildings Under Construction

Any building or structure or portion thereof for which a necessary permit has been issued but which has not been completed or is not in full operation at the date when this zoning by-law becomes effective, and which is not designed for a use permitted in the zone in which it is located or is proposed to be located, may be completed and operated for the non-conforming use for which it was designed if it comes into full operation within one year of the said date and shall, together with the site on which the same is situated and the use to which the same and the said site are put, be subject to all the provisions of the Planning Act.

34.0 Temporary Buildings, Structures and Uses

A construction camp or other such temporary work camp and/or other temporary buildings and structures used for the storage of construction materials or equipment, both incidental and necessary to development on the same zoning site may be permitted on a temporary basis subject to the issuance of a development permit under the following conditions:

- (1) Temporary tarp structures to be located in the rear yard only;
- (2) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by Council or the Development Officer; and
- (3) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than twelve (12) months and may not be renewed for more than two (2) successive periods at the same location.

35.0 Accessory Buildings, Structures and Uses

- (1) Where this By-law provides that any premises may be used or a building or structure may be erected or used for a purpose, the purpose includes any building or use accessory thereof.

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- (2) Accessory buildings and structures, except as otherwise permitted in the By-law, shall be subject to the following regulations:
 - (a) Where the accessory building or structure is structurally attached to a main building or structure, it shall be subject to, and must conform to, all regulations of this By-law applicable to the main building or structure;
 - (b) Detached accessory buildings or structures shall not be erected in a required front yard;
 - (c) Except as otherwise provided, no detached accessory building or structure shall be located closer than six (6) feet to any main building or structure nor shall it be located closer than two (2) feet, to any site line. In no instance shall an accessory building or structure be located within a dedicated easement right-of-way; and
 - (d) No accessory building or structure shall be erected prior to the erection of the main building or structure except where it is necessary for the storage of the tools and materials for use during construction of the main building or structure; or prior to the establishment of the principal use of the site where no principal building or structure is required. A development permit must be obtained for both the accessory and primary building at the same time.

36.0 Projections into Yards

Except as herein provided, every part of a required yard shall be open and unobstructed from the ground to the sky, save for trees, shrubs, gardens, fences and driveways:

- (1) Eaves, chimneys, cornices and ornamental or decorative features may extend or project into a required side yard not more than five (5) inches for each one (1) foot of width of such side yards provided the width of such side yard is not reduced to less than eighteen (18) inches; and, may extend or project into a required front yard or rear yard not more than three (3) feet; except, as may be required by the National Building Code.
- (2) An open, unenclosed and uncovered porch, a paved terrace or a deck may project into a required front yard for a distance not exceeding six (6) feet, with a corner side yard up to 50% of the width of the corner side yard; and into a required rear yard for a distance not exceeding twelve (12) feet, but this shall not be interpreted to include or permit fixed canopies. An open, unenclosed and uncovered porch, a paved terrace or a deck may project into a required side yard provided that the required side yard is not reduced to less than three (3) feet.
- (3) An open, unenclosed stairway or balcony, not covered by a roof or canopy, may project into a required rear yard not more than four (4) feet, and such balconies may extend into the required front yard not more than three (3) feet;

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- (4) Fences, hedges and landscaping design features are permitted in all required yards if maintained at a height of not more than three (3) feet in the front yard and at a height of not more than six (6) feet in the rear and side yards except:
 - (a) as may be required by provincial legislation for public safety purposes;
 - (b) as may be required by the National Building Code with Manitoba amendments for structures such as pools and hot tubs that contain more than 24 inches of water.

37.0 Private Communications Facilities

- (1) Private Communications Facilities may be permitted in any rear or interior side yard, but no part of such facilities shall project within 3 feet of any site line;
- (2) Private Communications Facilities may be permitted in a front yard or corner side yard, but when located in non Residential Zone no part of such facilities shall project within 40 feet of any front site line nor within 20 feet of any corner side site line;
- (3) Private Communications Facilities may be permitted on the roof of a building, but if located on the roof of a main building in a Residential Zone, shall have the base of the facility located not higher than 1.5 feet above the surface of the nearest point of the roof of the main building; and
- (4) When mounted in a Residential Zone on a free-standing support structure, shall have the top of the facility not higher than 3.5 feet above the highest point of the roof of the main building.

38.0 Area and Yard Requirements

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

- (1) When site and yard requirements cannot reasonably be complied with, as in the case of a planned unit development or where their application cannot be determined on sites of peculiar shape, topography or due to design or site arrangement, such requirements may be modified or determined by the Variation Board pursuant to the provisions of The Planning Act;
- (2) No building shall be added to, or reconstructed, and no site shall be reduced in area, width and depth if such addition, reconstruction, reduction or alterations, will cause the violation of any provisions of this By-law;

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- (3) Yards and site area, width and depth provided for a building or structure existing on the effective date of this By-law or amendments thereto, shall not be reduced, if already less than the minimum requirements of' this By-law; and
- (4) No yard or other open space around an existing building or structure which is hereafter provided around any building or structure for the purpose of complying with the provisions of this By-law, shall be considered as providing a yard or open space for any other building or structure; nor any yard or other required open Space on any adjoining site be considered as providing a yard or open space on a site where on a building or structure is to be erected.

39.0 Lots of Record

Any existing lot which has a site area, site width and/or site depth less than that required for the proposed use in the Zone in which said lot is located, and where said lot was on record in the Land Titles Office prior to the adoption of this By-law, or any amendment to this By-law, such lot may be occupied for any use permitted in that Zone, provided all other requirements of this By-law are complied with.

40.0 Existing Uses listed as Conditional Use

Any use, which legally existed prior to the adoption of this By-law, and is now listed as a Conditional Use, shall for the purposes of this By-law, be considered as a legally existing conditional use.

41.0 Only One Main Building or Use on a Site

There shall be only one main building and/or one main use on a site except wherein otherwise stated.

42.0 Planned Unit Development

Planned Unit Developments are listed as conditional uses in appropriate Zones and shall be subject to the following requirements:

- (1) The use table and site regulations table of each specific Zone shall not directly apply to Planned Unit Developments. The design, however, shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards of amenity, open spaces, building separation, parking and other requirements and provisions of this By-law.
- (2) An application for the establishment of a Planned Unit Development shall be accompanied by the following information:
 - (a) Those requirements required for the issuance of a development permit as outlined in PART II, Section 17.0 of this By-law;

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- (b) An Impact Statement or Study; and
 - (c) Such additional information as Council may consider necessary for the review of the proposal.
- (3) A residential Planned Unit Development may contain two or more principal buildings subject to the following criteria:
- (a) The minimum site area for a Planned Unit Development shall be one (1) acre;
 - (b) The side, front and rear yards equal the requirements of the zone in which the Planned Unit Development is located , shall be maintained;
 - (c) In no case shall buildings be closer to each other than the sum of the required yards for adjoining walls; and
 - (d) The density of development shall not be increased by greater than ten (10) percent of the normal density permitted in that zone.

43.0 Multiple Uses

Where any land, building or structure is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is conflict such as in the case of site area and frontage, the higher or more stringent standard shall prevail, except otherwise approved by the Council.

44.0 Moving of Building or Structure

- (1) No building or structure shall be moved or relocated in whole or in part to any other location from within or from outside the Town of Arborg unless every portion of the building or structure is made to conform to all the regulations of this By-law applying to the zone in which it is to be located.
- (2) Issuance of a development permit to move a building or structure may require, at the discretion of the designated employee, posting of security in the form of an irrevocable letter of credit or cash, to ensure the building is brought into compliance with the zone regulations and building code in a timely manner, as determined by the designated employee.
- (3) Upon completion of removal of a building from a site, the old foundation shall be removed, any excavation shall be filled, the ground shall be leveled and the site shall be put in a safe condition, to the satisfaction of a designated employee.

45.0 Fence

(1) **Height**

Fences shall be constructed with a maximum height in side and rear yard of six (6) feet and maximum height in required front yard of three (3) feet, for each zone.

(2) **Materials**

Fences in all zones shall not be constructed of or contain:

- (a) barbed wire,
- (b) electrified wire,
- (c) debris, junk or waste materials unless such materials have been recycled and reprocessed into building materials marketed to the general public and resembling new building materials; or
- (d) other materials deemed unsuitable by Council.

(3) Fences shall not impede, obstruct or alter the flow of drainage.

(4) Fences in all zones shall not obstruct or confuse the view of vehicular and pedestrian traffic at intersections.

46.0 Outdoor Furnaces and Fire Pits

(1) Outdoor furnaces, wood burning or otherwise, are not permitted in any zones in the Town of Arborg; and

(2) Outdoor fire pits/appliances are permitted subject to municipal approval.

47.0 Noxious or Offensive Uses

Except wherein otherwise provided in this By-law, no use shall be permitted in any zone which may be noxious or offensive by reason of the emission or production of odor, dust, refuse matter, wastes, vapor, gas, smoke, vibration or noise. This shall not be interpreted as to prohibit those Conditional Uses specifically permitted in a zone.

48.0 Change of Use, Alterations and Additions to Building

The purpose for which any land, building or structure is used shall not be changed, no new building or structure shall be erected and no existing building or structure shall be added to or altered, if the effect of such change, erection, addition or alteration is to create

a situation contrary to the requirements of this By-law, unless permitted by a variation order in accordance with the provisions of the Act.

49.0 Public Utilities and Services

Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any public utility, as defined by this By-law, or public service such as police and fire protection, postal and telephone service

50.0 Small Wind Energy Generating Systems

Small wind energy generating systems shall be a permitted accessory use in all zoning classifications where structures of any sort are allowed; subject to certain requirements as set forth below:

- (1) **Wind Turbine Tower Height:** There shall be no specific height limitation, so long as the total extended height meets sound and set-back requirements, Air Traffic Safety Regulations and does not exceed height recommendations of the manufacturer.
- (2) **Set-back:** The turbine base shall be no closer to the property line than the height of the wind turbine tower, and no part of the wind system structure, including guy wire anchors, may extend closer than three (3) m (10 ft) to the property boundaries of the installation site. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of 2 m (6 ft) above the guy wire anchors. Council may waive setback requirements from adjacent properties if such adjacent property owner agrees to grant an easement binding on the current and future owners.
- (3) **Sound:** The mean value of the sound pressure level from small wind energy generating systems shall not exceed more than 6 decibels (dBA) above background sound, as measured at the exterior of the closest neighbouring inhabited dwelling (at the time of installation or during operation), for wind speeds below 22 mph (10 m/s) and except during short-term events such as utility outages and/or severe wind storms. Applicants may apply for exemptions from this requirement with written authorization from the pertinent building owner(s) and tenants, if applicable.
- (4) **Soil Studies:** For standard soil conditions (not including gravel, sand, or muck), foundations developed by the wind turbine manufacturer shall be acceptable for turbine installations of 20kW or less and will not require project-specific soils studies or an engineer's wet stamp.
- (5) **Signage:** All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.

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- (6) Access: Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood may be fastened to the bottom tower section such that it cannot readily be climbed.
- (7) Insurance: Additional insurance beyond homeowners' coverage shall not be required.
- (8) Compliance with Air Traffic Safety Regulations: Small wind energy generating systems must comply with applicable air traffic safety regulations. A statement on compliance by the applicant is sufficient. Transport Canada must be notified of the location (latitude and longitude) and height of all wind turbine installations through the aeronautical clearance application process. Small wind turbine towers shall not be artificially lighted except as required by Navigation Canada.
- (9) Compliance with the Manitoba Environment Act.
- (10) Compliance with International Building Code: Building permit applications for small wind energy generating systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings, anchoring method and drawn to scale. An engineering analysis of the wind turbine tower showing compliance with the International Building Code and certified by a licensed professional mechanical, structural, or civil engineer shall also be submitted. Documentation of this analysis supplied by the manufacturer shall be accepted. Wet stamps shall not be required.
- (11) Compliance with Existing Electric Codes: Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to existing electrical codes, if applicable. This information frequently is supplied by the manufacturer.
- (12) Utility Notification: No grid-intertied small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. A copy of a letter to the applicant's utility is sufficient. No response or evidence of approval from the utility is required. Off-grid systems and grid-tied systems that are not capable of feeding onto the grid with advanced control grid fault protection and disconnect switches covered under the electrical code shall be exempt from this requirement.
- (13) Abandonment: If a wind turbine is inoperable for six consecutive months the owner shall be notified that they must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety

reasons. The tower then would be subject to the Public Nuisance provisions of the municipality's by-laws.

If the proposed small wind energy generating system meets the above criteria, Council shall approve an application for the small wind energy generating system by right without a public hearing. For those proposed small wind energy generating systems that do not meet the above criteria, a zoning variance will be required.

51.0 Rooftop Wind Energy Generating System

Rooftop wind energy systems shall be considered a permitted accessory use in all zoning classifications subject to certain requirements as set forth below.

- (1) Are set back at least 20 feet from the front building line, or in the case of corner lots, at least 15 feet from the front and side building line.
- (2) Are limited to a height of no more than 15 feet above the roof or top of the parapet, whichever is greater.
- (3) Comply with all noise limitations as per Section 50.0 (3).
- (4) Are safely and securely attached to the rooftop in compliance with the National/Provincial Building Codes.

52.0 Side Yard Exceptions

For the purpose of side yard regulations, the following dwellings with common party walls shall be considered as one (1) building occupying one (1) site: duplex, triplex and fourplex dwellings, row or townhouses, and multiple-family dwellings.

53.0 Site Reduced by Public Works, etc

A site area or site width or required yard reduced below the minimum requirements of this By-law by virtue of a public works, street or public utility shall be deemed to conform to the requirements of this By-law.

54.0 Public Monuments and Statuary

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

55.0 Height Exceptions

The provisions of this By-law shall not apply to limit the height of any ornamental dome, chimney, tower, electrical or telephone, transmission line, television or radio mast,

steeple, water storage tank, electrical apparatus or the mechanical operations of a building.

56.0 Street Frontage and Future Road Allowance

- (1) Frontage: All developments shall be on sites having frontage on a public street.
- (2) Future Road Allowance Deemed Existing: No building or structure shall be erected upon any land which has been designated for a future road allowance. Any development adjacent to said future road allowance shall comply with the requirements of the By-laws as if the said future road allowance was already in existence.

57.0 Development on Zoning Site Only

No development permit shall be issued for the purpose of carrying out the construction or erection or the placing of any building or structure unless:

- (1) The development is to be designed, intended or located on a zoning site as defined in this By-law; or
- (2) A variation order has been obtained in accordance with the provisions of the Planning Act.

58.0 Sign Regulations

(1) **Intent**

The regulations of this section are intended and designed to establish a minimum control of signs. Such control is deemed essential to promote the health, safety, and general welfare by reducing hazards to pedestrian and vehicular traffic, by preventing unsightly and detrimental development having a blighting influence upon residential, business and industrial uses, by preventing signs from reaching such excessive size that they obscure one another to the detriment of all parties and by securing certain fundamentals of design for the community.

(2) **Regulations**

The following shall apply in all Zones except wherein otherwise stated:

- (a) No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign display;

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- (b) No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection; or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad grade crossing;
- (c) All signs and sign structures shall be kept in repair and in proper state of preservation. Signs which have become obsolete because of discontinuance of the business service or activity shall be removed or relocated within thirty (30) days following such condition;
- (d) No flashing signs shall be permitted in any zone without the approval of the Council, except in Commercial Zones. In any event, no flashing sign shall be permitted within three hundred (300) feet of any residential zone; and
- (e) It is unlawful to erect or maintain any sign on, over or above any land or right-of-way belonging to the municipality and all signs must adhere to all the setback requirements of the zone in which it is located.

(3) Exemptions

The following signs shall not be subject to the provisions of this By-law, except wherein otherwise noted:

- (a) Signs posted by duly constituted public authorities in the performance of their public duties;
- (b) Flags or emblems of a political, civic, educational or religious organization;
- (c) Temporary signs may be authorized by Council for not more than two months at a time by written permit which shall show the size, shape, content, height, type of construction and location of such signs;
- (d) "No Trespassing" signs not exceeding three (3) square feet;
- (e) Construction signs when placed on construction sites and not exceeding twenty-five (25) square feet;
- (f) Signs required for direction and convenience of the public, including signs which identify rest rooms or parking entrance or exit, not exceeding five (5) square feet in area; and
- (g) Real estate signs not exceeding sixteen (16) square feet, which advertise the sale, rental or lease of the premises.

59.0 Parking Areas

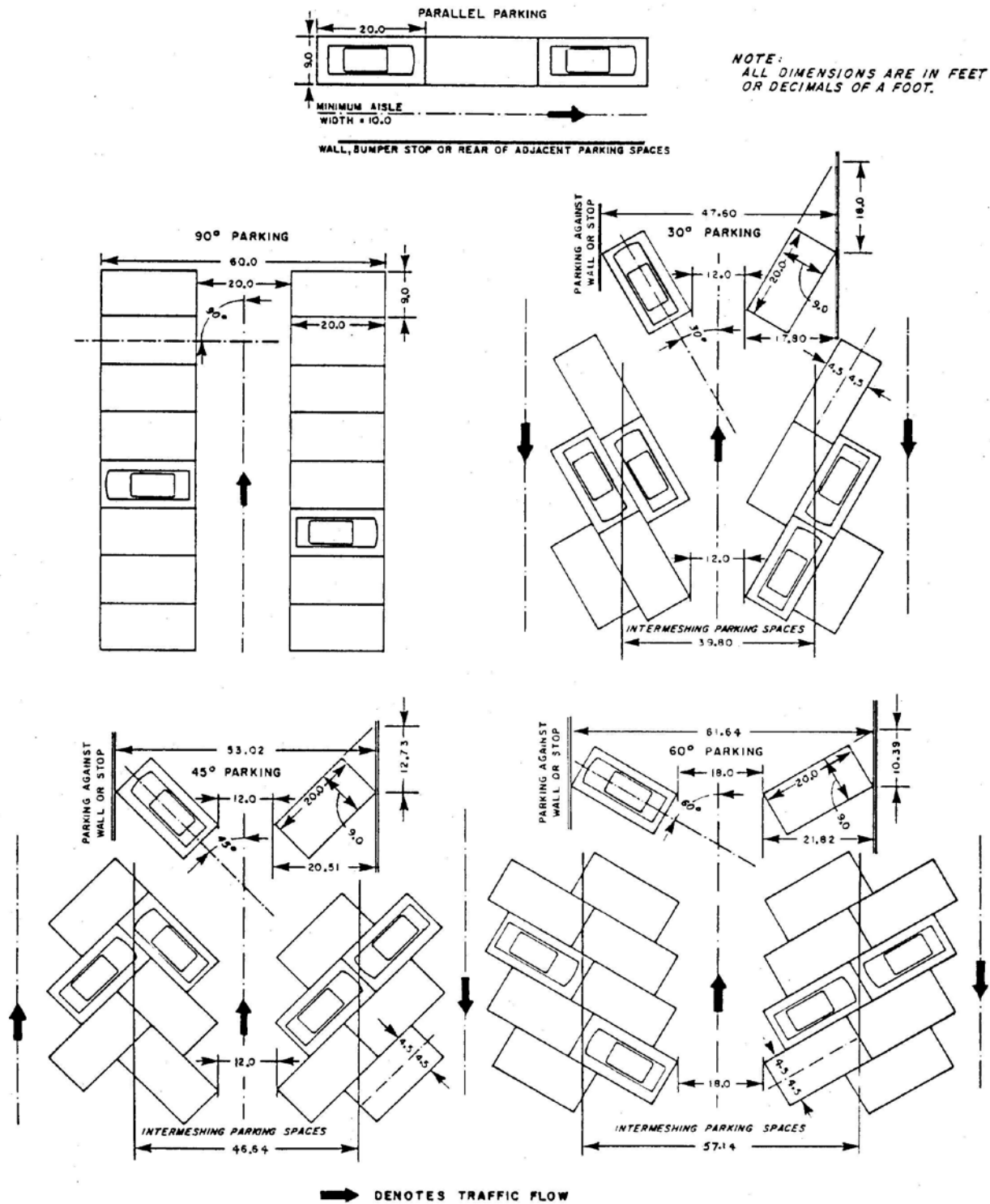
- (1) The following regulations shall apply to all parking areas as required by this By-law
 - (a) The area shall be drained and maintained with a stable surface which is treated so as to prevent the rising of dust or loose particles; it may be constructed of crushed stone, slag, gravel, concrete, asphalt or other approved material;
 - (b) Where parking areas are provided in any commercial, industrial or open space/recreational zone and lighting facilities are provided, such lights shall be so shielded and directed as to reflect away from any adjoining residential area. Where parking areas are provided in any residential zone and lighting facilities are provided, such lights shall be so shielded and directed as to reflect away from any adjoining residential property;
 - (c) Where a parking area is situated along a site line which coincides with the boundary of a residential zone and is not separated there from by any street, lane or watercourse, a buffer of a design acceptable to the council shall be provided;
 - (d) No building shall be erected except one non-habitable accessory shelter for attendants; and
 - (e) No sign shall be erected except:
 - i. Signs for the direction of traffic within the parking area, and
 - ii. Directional signs of not more than twenty (20) square feet in area at each point of entrance and exit. Such signs may bear the name of the business if the parking area is connected thereto.
- (2) The layout and design of the accessory off-street parking area shall be as follows:
 - (a) The layout and design of the accessory off-street parking area shall be in accordance with the Table IV - I "MINIMUM PARKING SPACE REQUIREMENTS" of this PART;
 - (b) The length of each parking space shall be exclusive of access driveways, aisles, ramps and columns, and office or work areas;
 - (c) For a parking area where the angle of parking varies from that set forth in Table IV-I of this PART, the following shall apply:

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MINIMUM SIZE OF PARKING SPACE	MINIMUM AISLE WIDTH	ANGLE OF PARKING
9 feet X 20 feet	20 feet	75 to 90 degrees
	18 feet	50 to 74 degrees
	12 feet	Less than 50 degrees

- (d) Where access to a parking space is directly from a lane, the width of the lane adjacent to said parking space may be computed as part of the aisle width required for said parking space;
- (e) The angle of parking shall be measured between the center-line of the parking space and the center-line of the aisle;
- (f) The off-street parking area shall be provided with an access drive with a minimum width of ten (10) feet, to a street or lane; and
- (g) Except as provided for in paragraph (d), an aisle or driveway shall not mean a street or lane.

TABLE IV-I
 MINIMUM PARKING SPACE REQUIREMENTS



60.0 Home-Based Businesses

Home-Based Businesses (as defined) shall:

- (1) Requires a business license issued from the municipality;
- (2) Not detract from the neighborhood;
- (3) Be carried on solely by the members of the family residing in the same dwelling unit without the employment of other persons;
- (4) Have no exterior display, no advertising, no outdoor storage, 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;
- (5) Take up less than 50 per cent of the total floor area in the dwelling unit;
- (6) In the opinion of Council, not by reason of the emission of odor, dust, smoke, noise, gas, fumes, cinders, light, vibration, refuse matter or water carried waste become offensive or obnoxious and shall not create a nuisance beyond any site line; and
- (7) In the opinion of the Council, not cause the generation of undue traffic, parking problems, and congestion in the neighborhood.

61.0 Bed and Breakfast

A Bed and Breakfast Home (as defined) shall comply with the following regulations:

- (1) There shall be no exterior display or advertisement larger than two (2) square feet in area, no sign shall be illuminated and any sign must be compatible with the character of the area.
- (2) The bed and breakfast facility shall not generate vehicular traffic or parking that is in excess of what is normally characteristic of the area.
- (3) The bed and breakfast facility shall be operated by a live-in owner as a secondary use only, have a maximum of eight accommodation units, and shall not change the principal residential character or external appearance of the dwelling.
- (4) Guest stays shall be limited to less than twenty-eight (28) days.
- (5) Meals shall be limited to the occupants of the dwelling and resident guests with no cooking facilities allowed in guest rooms.
- (6) Catering to social functions is not permitted on site.

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- (7) In addition to the parking for the primary use, one additional on-site parking space shall be provided for each accommodation unit.

62.0 Home Day Care

A Child Care Service shall meet Provincial Government regulations and comply with the following regulations:

- (1) The number of children within a Home Day Care established as a secondary use within a Dwelling shall not exceed eight.
- (2) A Home Day Care shall not be a principal use of a building within Residential Zoning Districts.
- (3) Council shall, in deciding whether to approve or refuse a Home Day Care which is a Conditional Use, shall consider, among other matters, if the development would be suitable for the location proposed, taking into account, among other matters, potential traffic generation, proximity to park or other open or recreation areas, isolation of the proposed site from other residential uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of their properties by nearby residents, and consistency in terms of intensity of use with other development in the area.

63.0 Guest House

Guest House (as defined) shall comply with the following:

- (1) all site requirements applicable to the zone;
- (2) a maximum building area of 400 square feet;
- (3) only provide secondary and incidental accommodation for family members and guests of the occupants of the main dwelling;
- (4) not to be intended for exclusive occupancy by a family living independent from the main dwelling;
- (5) not to be rented separately from the main dwelling;
- (6) not to be serviced by utilities separately from the main dwelling; and
- (7) not to be allowed to contain cooking facilities.

64.0 Garden Suite

Garden Suite (as defined) shall be required to comply with the regulations listed hereunder:

- (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.
- (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) Area – minimum: Garden suites will not be permitted on properties smaller than 512 m. sq. (5,500 sq. ft.).
- (4) Foundation: As the additional dwelling is temporary in nature it shall be placed on pad and post foundation only.
- (5) Separation: Minimum separation distance between detached buildings and the principal dwelling or temporary additional dwelling shall be 10 ft.
- (6) Size: Temporary additional dwellings shall have a maximum size of 1,200 sq. ft.
- (7) Yard Requirements: Temporary additional dwellings shall comply with front, side and rear yard requirements for the principal dwelling.
- (8) Access: Access to the temporary dwelling unit shall be provided by an existing driveway(s).
- (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.

65.0 Secondary Suite

Secondary Suite (as defined) shall be required to comply with the regulations listed hereunder:

- (1) It shall typically be created within an existing single dwelling unit – commonly called a “house” – either constructed as an addition to an existing house or incorporated during the construction of a new house.
- (2) It may have more than one storey and may be on the same level as the principal dwelling unit of the house or be above or below it.

- (3) Where a building has multiple occupancies, the secondary suite can only be created in a portion of the building that is of residential occupancy. Apartment buildings have more than two dwelling units and are therefore not permitted to have secondary suites.
- (4) Neither dwelling unit in a house can be strata-titled or otherwise subdivide from the remainder of the house under the provincial or territorial legislation. This means both dwelling units are registered under the same title.

66.0 Travel Trailer

Travel Trailers will not be allowed on vacant land. They will only be allowed on a temporary or seasonal basis as an accessory use to a primary residence, and they cannot encroach onto private property.

67.0 Flood Risk Area

(1) Definitions

In this section:

- (a) “Design Flood Level” means the 100 year flood level shown on the flood risk maps of the Arborg Area, which were designated on November 5, 1987, pursuant to the Canada-Manitoba Flood Damage Reduction Agreements;
- (b) “Floodway Area” and “Floodway Fringe Area” means those areas identified as floodway and floodway fringe on the flood risk maps of the Arborg Area, which were designated on November 5, 1987, pursuant to the Canada-Manitoba Flood Damage Reduction Agreements;
- (c) “Flood Proofing Criteria” means the flood proofing criteria established in this section;
- (d) “Flood Protection Level” means a level of 0.6m (2 feet) above the design flood level; and
- (e) “Hazardous Materials” means materials that are buoyant, flammable, explosive or toxic.

(2) Construction in Floodway Areas

No person shall construct, erect or locate any building or structure within or on a floodway area except public services, fences and open air structures for recreational use.

(3) Construction in Floodway Fringe area

No person shall:

- (a) Construct, erect or locate any building or structure other than a fence within or on a floodway fringe area; or
- (b) Make any addition to or reconstruct any building or structure other than a fence, within a floodway fringe area;

except in accordance with the flood proofing criteria in subsection (4) and in accordance with a building or development permit.

(4) Flood Proofing Criteria

Flood proofing criteria for buildings and structures shall be as follows:

- (a) Every building or structure that is located within the flood risk area, other than an accessory structure referred to in subsection (e) shall be:
 - i. Constructed on a site raised by fill; or
 - ii. Supported by piles.
- (b) If a building or structure that is constructed on a site raised by fill has a basement or cellar, the site shall be raised by impervious fill in accordance with the requirements illustrated in Schedule A, and:
 - i. the elevation of the main floor shall be at least 30 cm above the applicable flood protection level; and
 - ii. if the situ material is pervious, the design of the building or structure shall be certified by a Professional Engineer as being capable of withstanding hydrostatic and uplift pressures by a static water level at the flood level protection.
- (c) If a building or structure that is constructed on a site raised by fill has no basement or cellar, the site shall be raised by fill in accordance with the requirements illustrated in Schedule A and:
 - i. the elevation of the main floor shall not be less than the applicable flood protection level; and
 - ii. the top fill shall not be more than 30 cm below the applicable flood protection level.

- (d) If a building or structure is supported by piles, it shall be supported in accordance with the requirements illustrated in Schedule A or another equivalent support system, and:
 - i. the building or structure shall be so constructed that it will not be buoyant when the water surface of any flood that may occur is higher than the bottom of the horizontal members supporting the structure; and
 - ii. the elevation of any floor containing finished space shall be at least 1.0m above the applicable flood protection level.

- (e) **Accessory Buildings or Structures**
 - i. Every building or structure that is an accessory building or structure described in this subsection shall comply with the flood proofing criteria set out in this subsection.
 - ii. If any accessory building or structure is an attached garage, a livestock barn, granary, farm machinery shed or other building used for the storage of agricultural produce, or a workshop or shed used for the storage of immovable equipment or material or hazardous material,
 - a. the floor elevation of the structure shall be more than 30 cm below the applicable flood protection level; and
 - b. the top of the fill shall not be more than 60 cm below the applicable flood protection level.
 - iii. If the building or structure is a detached garage,
 - a. the floor elevation shall not be more than 1.5 m below the applicable flood protection level;
 - b. if constructed of wood, wood by-products or any other material susceptible to water damage, the structure shall be supported by foundation constructed of water resistant material, and the top of the foundation shall not be more than 50 cm below the flood protection level applicable to the site; and
 - c. any immovable equipment or material or hazardous material stored in the structure shall be stored 1.0 m above the floor level.
 - iv. If the structure is a storage tank for fuel oil, gasoline or any other liquid or solid, the structure

- a. shall be situated above the applicable flood protection level or be buried underground;
- b. shall be anchored to prevent flotation; and
- c. shall have the vent and filler pipes extend above the applicable flood protection level.

(5) Variation of Flood Proofing Criteria

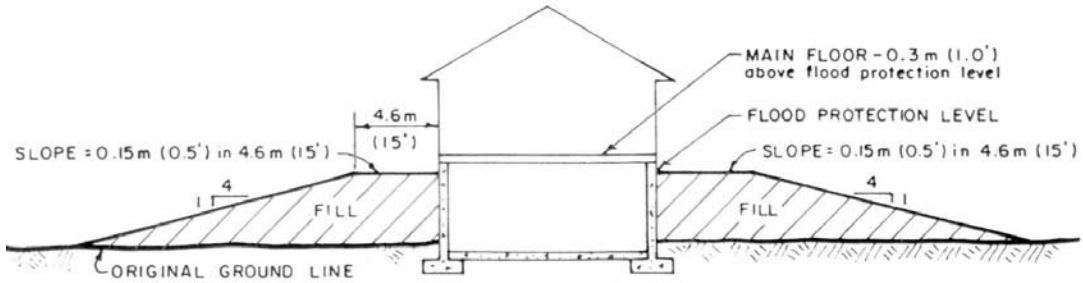
Notwithstanding the above, exceptions to the flood proofing requirements may be permitted in respect of:

- (a) any proposed new building or structure to be constructed on one of a small number of remaining building sites, or on the only remaining building site, within an area which is almost fully developed with buildings; or
- (b) proposed work which constitutes
 - i. reconstruction of, or
 - ii. an addition to, or
 - iii. a building or structure accessory to, a lawfully existing building or structure; or
- (c) the replacement of a lawfully existing building or structure which has been destroyed by fire or other peril;

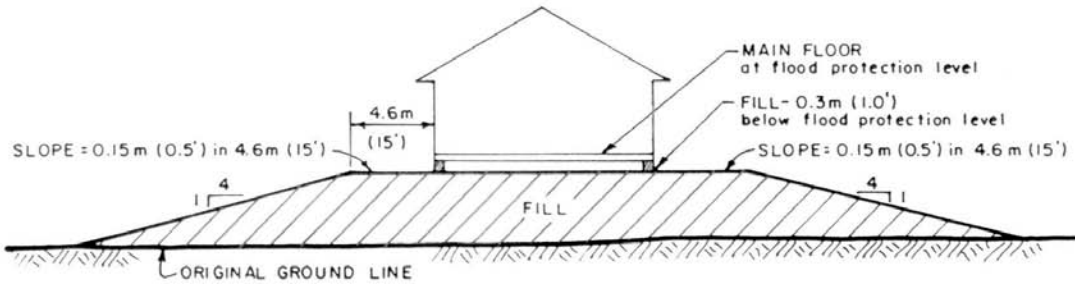
if the development officer, upon recommendation by the Water Resources Branch, is satisfied that it is impossible or impractical to comply with the flood proofing criteria.

SCHEDULE A

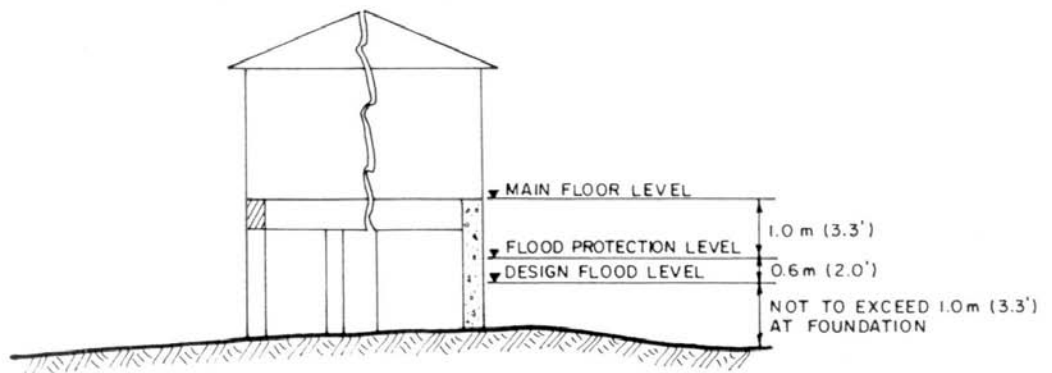
STRUCTURE WITH A BASEMENT OR CELLAR



STRUCTURE WITH NO BASEMENT OR CELLAR



ELEVATED STRUCTURE

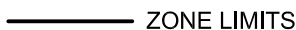



Appendix “A” – Zoning Map

Town of Arborg ZONING MAP

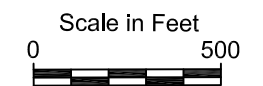
LEGEND:

- RG RESIDENTIAL GENERAL ZONE
- RM RESIDENTIAL MULTI-FAMILY ZONE
- RMH RESIDENTIAL MOBILE HOME ZONE
- CC COMMERCIAL CENTRAL ZONE
- CH COMMERCIAL HIGHWAY ZONE
- MG INDUSTRIAL GENERAL ZONE
- OR OPEN SPACE / RECREATIONAL ZONE

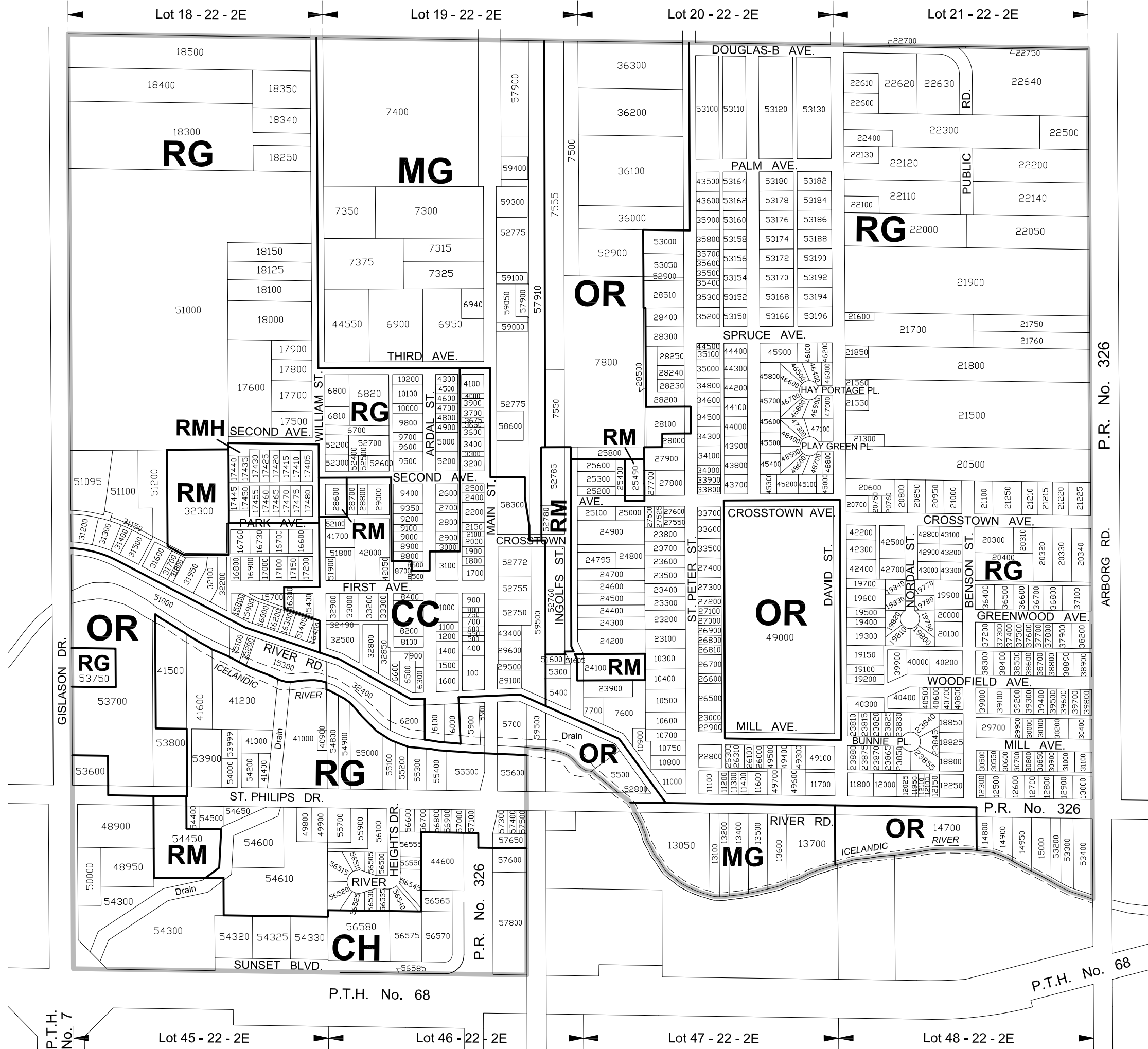
-  ZONE LIMITS
-  TOWN LIMITS

20500 Assessment Roll Number

APPENDIX "A"
ESTABLISHING ZONING MAP
OF THE TOWN OF ARBORG
ZONING BY-LAW NO. 6-2011



Date - June, 2011



P.R. No. 326
ARBORG RD.

P.T.H. No. 68

P.T.H. No. 7

Lot 18 - 22 - 2E

Lot 19 - 22 - 2E

Lot 20 - 22 - 2E

Lot 21 - 22 - 2E

Lot 45 - 22 - 2E

Lot 46 - 22 - 2E

Lot 47 - 22 - 2E

Lot 48 - 22 - 2E

P.T.H. No. 68

P.R. No. 326

P.R. No. 326