

## **PART 2: General Regulations**

The following regulations shall apply to all use and development of land and buildings in the Rural Municipality of Victoria Beach, except where otherwise noted in this bylaw.

## 2.1 Regulation of Uses

No land, building or structure shall be used or occupied except for a use which:

- a) Is listed in the Table 3.1 as:
  - i) A permitted principal use;
  - ii) A permitted accessory use;
  - iii) A conditional use, subject to approval as such;
  - iv) A conditional accessory use, subject to approval as such.
- b) Is an accessory building or structure; or
- c) Is a temporary, building, structure or use.

## 2.2 Multiple Uses or Provisions

Where land, a building or a structure is used for more than one purpose, all provisions of this by-law relating to each use must be satisfied. Where more than one provision in this by-law is applicable, the higher or more stringent requirement shall apply unless specified otherwise.

## 2.3 Accessory Uses

No accessory use, building, or structure shall be constructed or erected, except those in compliance with the following regulations:

- a) Where the accessory building or structure is attached to a principal building or structure, it shall be subject to, and shall conform to, all regulations of this by-law applicable to the principal building or structure;
- b) Where the accessory building or structure is detached from the principal building or structure, it shall be subject to, and shall conform to, all regulations of this by-law applicable to accessory buildings or structures;
- c) No accessory building or structure shall be constructed on any zoning site prior to the time of construction of the principal building to which it is accessory except where it is allowed by written agreement from the Rural Municipality of

- Victoria Beach;
- d) No detached accessory building shall be located closer than 10 feet (3.05 m) to any principal building;
- e) Accessory buildings are permitted when accessory to a permitted use and conditional when accessory to a conditional use; and
- f) An accessory building or structure shall not be used as a dwelling, except where otherwise permitted in this by-law.
- g) No land, building, or structure shall be used or occupied for any accessory use after the use or uses to which it is accessory have been discontinued.
- h) Detached accessory buildings or structures shall not be located within a required yard, except a required rear yard or as provided for elsewhere herein.

## 2.4 Required Yard

- a) Required yards shall be free of buildings, except accessory buildings or structures, which must conform to the other requirements of this by-law.
- b) Open, unenclosed projections, whether vertical or horizontal, such as stairs, landings, porches, and unenclosed balconies, may extend into the required yards for not more than 50 per cent of the required yard depth, up to a maximum of ten feet (3.05 m), except for wheelchair ramps (or similar accessibility structures), which are not subject to the restrictions for required yards.
- c) No yard setback is required for stairs and/or landings providing access to the beach or shoreline. All applicable requirements for development within the riparian area still apply as per the *Development Plan*.
- d) Where a use is established on a site and a required yard is reduced below the minimum requirements of this by-law by virtue of the development of a public work, street or public utility, the affected required yard shall be deemed to conform to the requirements of this by-law.
- e) A through site may be required to meet the front yard setback of the zone in which it is located on both property lines fronting onto a street or waterbody at the discretion of the Development Officer.
- f) For purposes of interpreting the yard requirements contained within this Zoning By-law, the Lake Winnipeg side of the lot shall be deemed to be the front site line for all lots which front onto and are contiguous to Lake Winnipeg or which front onto and are contiguous to public reserve, right-of-way, or Crown land which fronts onto Lake Winnipeg.

## 2.5 Air Conditioning Units, Pool Equipment and Compressors

Air conditioning units, pool equipment and/or compressors shall be accessory structures in all zones and shall be subject to the following regulations:

- a) Shall be a minimum distance of 15.0 feet (4.57m) to an openable window of a habitable room on an adjoining lot.
- b) If located in a front yard, it must be screened with compact hedges or shrubs or other landscaping.
- c) Should be no closer than 5.0 feet (1.52m) to a side site line in all residential zones. In all other zones, it should be no closer than 10.0 feet (3.05m) to a side site line.

## 2.6 Height Exceptions

The provisions of this by-law shall not apply to limit the height of any ornamental dome, chimney, public utility, steeple, electrical apparatus or the mechanical operations of the building provided that no roof structure or any space above the height limit shall be permitted for the purpose of providing usable floor space.

## 2.7 Temporary Buildings, Structures, or Uses

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

- a) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by council; and
- b) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than 12 months and may not be renewed for more than two successive periods at the same location.

## 2.8 Demolition and Removal of Buildings or Structures

Where a development permit has been obtained for the demolition or removal of a building or structure, all demolition, removal of debris, filling of excavations or basements and re-grading of the site shall be undertaken within 90 days from the date of issuance of said permit.

This period may be extended at the discretion of the development officer, due to unusual circumstances such as weather conditions and road restrictions.

## 2.9 Road Access

No permanent building may be constructed or placed on a parcel which does not have

legal access to an existing public road.

## 2.10 Public Utility

This by-law shall be interpreted so as not to interfere with the construction, erection and location of a public utility's works, plant, pipes, cables, or equipment.

## 2.11 Outdoor Lighting

Outdoor lighting is only allowed if the following standards are met:

- a) Any outdoor lighting (other than those exempted in provision (c) below) must be located, arranged, or shielded so that no light is directed at any adjoining properties or interferes with the effectiveness of any traffic control device.
- b) The maximum permitted height of a light fixture is 30 feet (9.14 m).
- c) These standards do not apply to:
  - i. Federally and provincially-regulated buildings and structures (including the lighting required for airports and towers);
  - ii. The temporary use of lighting (for seasonal decorations for example).

#### 2.12 Fences

Fences are permitted in all zones subject to the issuance of a development permit under the following conditions:

- a) Shall not include:
  - i. electric fences
  - ii. barbed wire fences
  - iii. scrap metal or industrial waste material.
- b) Shall not be higher than:
  - i. 3.5 feet (1.07 m) in a required front yard, and
  - ii. 6.0 feet (1.83 m) in a required side or rear yard

Measured from the highest part of the fence to the point where the fence post enters grade; and

c) Are permitted in all required yards and can be placed up to the property line, except when located on the street side of a corner or reversed corner lot where the fence shall not exceed a height of 3.5 feet (1.07 m), unless set back a distance

of fifteen (15) feet (4.57 m).

#### 2.13 Hazard Lands, Flood Risk Areas, and Erosion or Slope Instability Areas

Development on land in the vicinity of Lake Winnipeg shall comply with the Flooding, Erosion & Slope Stability and the Water & Shoreline policies set out in the *Development Plan*.

#### 2.14 Riparian Areas

In the RM of Victoria Beach, riparian areas are generally comprised of public land on the banks of Lake Winnipeg that separate private lands from the lake and beach areas. Generally, in older subdivisions with the Municipality including existing lots within the VRR3 or RR3 Zones, these lands are often held as public reserves, a right-of-way or crown reserves depending on their specific location. These lands are zoned as "OS" Parks and Open Space. In areas where there isn't public land that separates private land from the lake and beach areas such as existing lots in the LR Zone, a riparian area may or may not exist based on how the land was originally granted. It is important for individual property owners to confirm how their property boundaries are defined per the land description on their title.

When new subdivisions are proposed on lands located adjacent to the Lake Winnipeg, riparian areas can be established when a Public Reserve is taken by the Municipality as part of a subdivision application as can be required by *The Planning Act*. When Public Reserves are established through the previously mentioned process, they should generally be configured to define a 100 ft (30m) Riparian Area measured from the ordinary high-water mark.

Development shall be permitted in riparian areas in accordance with the zone in which it is located provided it complies with the following conditions:

- a) Native vegetation shall generally be retained within all riparian areas. Developments that create minor disturbances to the native vegetative cover, such as buildings, stairs, decks, patios and pathways, may be permitted, provided that not more than 25% of the riparian area is affected.
- b) Without exception, a development permit shall be required for the erection, construction, enlargement and structural alteration, or placing of an accessory building or structure within a riparian area.

- c) A development permit shall also be required for the removal of native vegetation within the riparian area.
- d) Minimum side yards shall be maintained. In the instance where development extends onto Crown Land, a Public Reserve or waterbody, the side yard shall be measured from a projection of the lot lines for the property which the use is accessory to.
- e) Proposed development must not impose undue risk to people, property, or water quality, nor interfere with or unduly compromise the character, enjoyment, or sustainability of private or public property, and existing recreational uses and areas should be protected from potentially incompatible land uses that may threaten the ongoing viability of those areas, in accordance with the *Development Plan*. Geo-technical and/or environmental assessments, prepared at the developer's expense, may be required for any proposed development including but not limited to plans for erosion protection measures as per recommendation to Council from the Shoreline & Beach Management Advisory Committee.
- f) Private boathouses and/or boat launches shall not be permitted unless provided for herein.
- g) Except on lands zoned as "OS" Parks and Open Space, erosion protection measures in compliance with this section are permitted accessory uses.
- h) The bulk requirements of Table 3.2 do not apply to erosion protection measures.

For development permit applications within the riparian area, in addition to the application requirements set out in Sections 5.5 and 5.9, the Rural Municipality of Victoria Beach may require proof of issuance for permits required by provincial and federal authorities and a tree survey (prepared at the developer's expense) showing existing vegetation.

## 2.14 No Alteration of Wetlands

Development shall not result in alteration to permanent, semi- permanent provincially designated or coastal wetlands by the consolidation of wetlands or by ditching, filling,

pumping, subsurface drainage or other works or means, unless it is for the purpose of flood mitigation. Flood mitigation must maintain the natural boundaries of permanent, semi-permanent or coastal wetlands.

#### 2.15 Vehicle Restricted Area

Boundaries and regulations pertaining to the Vehicle Restricted Area (VRA) are identified in By-law 1588 as amended and for the purposes of this by-law as shown in Figure 1.



Figure 1: Vehicle Restricted Area (VRA)

## 2.16 Parking

When new development is proposed, including a change of use of an existing development, or when any existing development is, in the opinion of the development officer, substantially enlarged or increased in capacity, then provision shall be made for off-street vehicular parking or garage spaces on private property in accordance with the regulations and standards contained in this section as follows:

Use Class*	Number of Parking Spaces Required
Dwelling, Single-Unit, Two-Unit	1.0 / Dwelling Unit
Dwelling, Multi-Unit	1.2 / Dwelling Unit
Bed and Breakfast	1.0 / Sleeping Accommodation
Hotel and Motel Eating and Drinking Establishment	1.0 / Guest Room or Sleeping Unit 1.0 / 4 seats or 1.0 per 100 sq. ft. of floor area, whichever is greater
Convenience and Retail Sales Stores All other Commercial Establishments	1.0 / 200 sq. ft. of floor area 1.0 / 250 sq. ft. of floor area
Indoor Participant Recreation Service, Place of Worship or Assembly Outdoor Participant Recreation Service, Community Centre Education Service	1.0 / 5 seating spaces or 10 ft. of bench space. Where there are no fixed seats, 1.0 for each 100 sq. ft. of floor area devoted to the assembly room floor area 1.5 / classroom, plus 1 for each 100 sq. ft. of floor area devoted to public use
Government Service Child Care	1.0 / 550 sq. ft. of floor area
Service	1.0 for every 2 employees
Funeral Service	1.0 for every 5 seating places

# \* where a proposed use is not listed above, the parking requiremen shall be determined by the Development Officer.

## 2.17 Accessible Parking Spaces

Out of the total number of required off-street parking spaces (not including Dwelling single-unit), the owner must provide a portion of those spaces so as to be accessible to persons with disabilities, in accordance with the following requirements:

Each accessible parking space:

a) Must be at least 11.5 ft. (3.5 m) wide;

- b) Must be located within 200.0 ft. (60.96 m) of major building entrances used by residents, employees, or the public; and
- c) Must include signage reserving the space for use by persons with disabilities.

At least one curb ramp must be located within 100.0 ft. (30.48 m) of the auto parking space closest to each entrance to a principal or accessory building that is not a service entrance.

The accessible parking space requirements are as follows:

Table 2-2 Accessible Parking Space Requirements	
Total Number of Parking Spaces Required	Minimum Number of Accessible Parking Spaces Required
1-25	1
26-50	2
51-75	3
76-100	4
101+	4 plus 1 for every 50 additional
	spaces, to a maximum of 10 spaces

#### 2.18 Protection and Retention of Tree

- a) A permit from the Municipality shall be required for the removal of trees or shrubs in all zones, <u>except</u> in the following instances:
  - i. Seasonal or routine pruning and maintenance of trees;
  - ii. The removal of hazardous or dead trees; and
  - iii. The removal of trees in whole or in part where a development permit has been issued for a new development on the same site and the removal of trees is implicit or explicit in that permit.
- b) Clear cutting of trees only for the purpose of tree removal shall not be permitted in all zones.

- c) Cutting of live trees within the "OS" Zone or within Municipal right-of-ways shall be prohibited, except by the Municipality.
- d) Tree conservation and replacement shall be considered in the review of development applications to minimize the impact the proposed development may have on the character and enjoyment of the general area. Proponents may be required to submit tree surveys, prepared at the expense of the developer, in support of the development review process as per the RM of Victoria Beach Development Plan.

## 2.19 Properties Must be Kept Free of Waste

Waste must not be allowed to accumulate upon a property. Without limiting the generality of the foregoing, the following items of waste must not be allowed to accumulate outdoors, or be deposited or stored, on private property:

- a) One or more large items of refuse, including appliances, indoor furniture, dilapidated outdoor furniture, mattresses, large auto parts and crates;
- b) Hazardous waste;
- c) Construction or demolition waste, including concrete, unwanted industrial, commercial or personal products, or any other waste materials; or
- d) Wrecked, dismantled, partially dismantled, inoperative, discarded, or abandoned trailers, machinery or vehicles or parts thereof.