RURAL MUNICIPALITY OF VICTORIA BEACH

ZONING BY-LAW

By-law No. 1622

[Date]

HOW TO USE THIS ZONING BY-LAW

This zoning by-law regulates the use, size, height and location of buildings on properties within the Rural Municipality of Victoria Beach. There is a simple four-step process to determine the uses and structures that are permitted on a specific piece of property.

Step One: What zone is your property located in?

- Use the Zoning Map in Schedule A to determine the zoning for your property.
- Reference Part 3 Zones for a description of the intent of that particular zone.
- Look in the development plan section that applies to your property to confirm your proposal fits with the applicable policies in this document.

Step Two: What uses are permitted in your zone?

- Find the zone of your property in Part 3 Zones, Table 3.1.
- Uses identified as permitted uses and may be developed once you have received a development permit.
- Uses identified as conditional uses may or may not be acceptable in a zone depending on the particular circumstances of a proposed development. Conditional uses require a public hearing process and may have extra conditions imposed on the use to make it acceptable for the location.
- Uses marked with an asterisk (*) have use-specific requirements that are provided in Part 4 Use-Specific Standards.

Step Three: How and where can you develop properties in your zone?

- Find the zone of your property in the bulk regulation tables (Part 3 Zones, Table 3.2 or 3.3).
- The bulk tables provide information on allowable height of buildings and structures, required yards, and other spatial requirements for a property.
- To understand the specific details of these requirements, you may need to reference the Part 2 General Regulations and Part 6 Definitions.

Step Four: What permits do you need?

- In most cases, you will need a development permit before you start any change in land use or any development (including construction of a building) on a property.
- Check Part 5 Administration to see if your planned development is exempt from needing a development permit. If so, you may proceed with development, as long as it meets the other requirements in this zoning by-law and other applicable by-laws.
- If you need a development permit, fill out a development permit application.
- You are responsible for finding out if any other provincial or federal regulations apply to your development, as well as any other required local permits, including building permits, plumbing permits, electrical permits, demolition permits, etc..

THE RURAL MUNICIPALITY OF VICTORIA BEACH BY-LAW NO. 1622

A by-law of the Rural Municipality of Victoria Beach to regulate the use and development of land.

WHEREAS, Section 68 of *The Planning Act* requires a municipality to adopt a zoning by-law that is generally consistent with the development plan by-law in effect in the municipality;

AND WHEREAS, under Part 4 Division 1 of *The Planning Act*, the Rural Municipality of Victoria Beach has, by by-law, adopted the Victoria Beach Development Plan;

NOW THEREFORE, the Council of the Rural Municipality of Victoria Beach in meeting duly assembled, enacts as follows:

1. The Zoning By-law No. 1622 attached is hereby adopted
2. The by-law shall be known as the Rural Municipality of Victoria Beach Zoning By-law
3. The Rural Municipality of Victoria Beach Planning Scheme 1969, as amended, is repealed
4. This by-law shall come into force on from and after the date on which it received third reading by the Council.

DONE AND PASSED in Council duly assembled at the Rural Municipality of Victoria Beach, Manitoba, this [Date] of [Month], [Year].

_____
Signature of Reeve

_____
Signature of Chief Administrative Officer

READ A FIRST TIME this 6th day of July, 2021.

READ A SECOND TIME this [Date] day of [Month], [Year].

READ A THIRD TIME this [Date] day of [Month], [Year].

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PART 1: Applicability and Scope

1.1 Title

This by-law shall be known as the Rural Municipality of Victoria Beach Zoning By-law.

1.2 Scope

This by-law applies to all lands in the Rural Municipality of Victoria Beach as indicated on Map 1 of Schedule A of this by-law.

1.3 Application

This by-law regulates:

a) The construction, erection, alteration, enlargement or placing of buildings and structures;
b) The establishment, alteration, or enlargement of uses of land, buildings and structures; and
c) All forms of development, including the removal of existing trees, and other development not included above.

1.4 Use and Development of Land and Buildings Must Comply

Within the Rural Municipality of Victoria Beach, no land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed, except in accordance with this by-law.

1.5 Restrictions in Other By-laws or Federal and Provincial Laws

Whenever a provision of another by-law or a law or regulation of the provincial or federal government contains a restriction governing the same subject matter contained in this by-law, or imposes inconsistent regulations with respect to uses, buildings, or structures, the most restrictive or highest standard shall prevail.

The Rural Municipality of Victoria Beach may require proof of compliance with federal or provincial regulations prior to issuance of the applicable permit or certificate.

1.6 Does Not Promote Nuisance

Nothing in this by-law or in a development permit, approval of a conditional use, variance order or other approval issued under this by-law shall be construed as authorization for the carrying out of any activity which is a nuisance due to noise, odour, emission, vibration or other cause.

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 by-law.

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 secondary use;
   iii) A conditional use, subject to approval as such;
   iv) A conditional secondary 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 Secondary Uses and Structures

No secondary use or structure shall be established except those in compliance with the following regulations:

a) No secondary use or structure shall be established prior to the establishment of the principal use of land, building or structure to which it is secondary;
b) The area of land or buildings used or occupied for secondary uses on a site shall not exceed the area of land or buildings respectively used or occupied by principal uses on the same site; and

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

2.4 Accessory Building or Structure

No accessory 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.

2.5 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 riparian area development still apply (See section 2.17).

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 at the discretion of council.

f) For purposes of interpreting the yard requirements contained within this zoning by-law, Lake Winnipeg 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 land which fronts onto Lake Winnipeg.

2.6 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.

2.7 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.

2.8 Temporary Buildings, Structures, or Uses

Temporary buildings, structures or uses, with the exception of portable garages, 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.

2.9 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.

2.10 Road Access

No permanent building may be constructed or placed on a parcel which does not have legal access to an improved public road.

2.11 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.

2.12 Maintaining Grades for Drainage

The landowner shall establish and maintain lot grading for adequate drainage so that there will be no free flow of water onto public sidewalks or adjacent properties.

2.13 Lot Grading

No person shall proceed with any work that may alter or otherwise change the grading of a lot or property in any manner that may affect the existing or established storm water runoff from that or any adjacent property without first obtaining a development permit. Altering existing slopes is prohibited unless appropriate mitigation measures are taken to eliminate the potential of future erosion or bank instability. Mitigating measures should be defined by way of an appropriate geo-technical, engineering, or environmental assessment.

2.14 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).

2.15 Fences

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

Projections into Yard

Fences are permitted in all yards and can be placed up to the property line.

Prohibited Materials

Fences shall:

a) Not be electrified.

b) Not contain barbed wire.

c) Not contain scrap metal or industrial waste material.

Maximum Fence Height

No fence shall exceed the following heights:

Standards	P	R	RS	CA
Fence Height: Front Yard (Maximum)	10 ft. (3.05 m)	4 ft. (1.22 m)	4 ft. (1.22 m)	4 ft. (1.22 m)
Fence Height: Side and Rear Yards (Maximum)	10 ft. (3.05 m)	8 ft. (2.46 m)	8 ft. (2.46 m)	8 ft. (2.46 m)

Measuring Fence Height

Fence height is measured from the highest part of the fence to the point where the fence post enters grade. Where a fence is located on

top of a retaining wall, the height to the fence shall include the height of the retaining wall measured from the finished grade.

Please note, a permit is also required from Manitoba Transportation and Infrastructure for any structures, including fences, proposed within a controlled area of a provincial highway.

2.16 Shoreline Hazard Lands

Development is prohibited in hazard areas susceptible to flooding, erosion by water or is marshy or unstable, or is otherwise hazardous by virtue of its soil or topography, unless a geotechnical engineering report, showing that the development may occur without creating any additional risks, is submitted to the Rural Municipality of Victoria Beach at the time of application for a development permit. Proposed mitigation measures may not interfere with or unduly compromise the character, enjoyment or sustainability of private or public property. Additional or alternative requirements may be included in specific agreements pursuant to *The Planning Act* to address specific scenarios and may require engineering investigation to determine appropriate limits. Development and use of land will be prohibited in instances where mitigating strategies are not possible.

Flood Risk Areas: For the purpose of section 2.16, the flood hazard limit is measured 2 feet (0.61m) above the high-water mark of the design flood, a recorded flood exceeding the design flood, or a flood specified by Manitoba Transportation and Infrastructure.

Erosion or Slope Instability Areas: For the purpose of section 2.16, the erosion hazard limit is measured horizontally landward from the toe of slope a distance equal to three times the height of the slope plus a minimum erosion allowance of 50 feet (15 m). To minimize erosion, the retention of vegetation is encouraged on all slope faces.

The barrier beach south of the Pelican Point inlet and Club House Beach have been identified as **Dynamic Beach Areas**. Due to the inherent instability of dynamic beaches, development in these areas is subject to section 2.16.

2.17 Riparian Areas

Riparian areas are measured horizontally 100 feet (30 m) from the ordinary high water mark. For the purpose of this by-law the ordinary high water mark is deemed to be on the landward side of any natural beach area. Beaches are therefore not subject to riparian area restrictions listed below.

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

a) Native vegetation shall be retained within all riparian areas.
b) 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.
c) Without exception, a development permit shall be required for the erection, construction, enlargement and structural alteration, or placing of a building or structure within a riparian area.
d) A development permit shall also be required for the removal of native vegetation within the riparian area.
e) 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;

f) A conditional use permit is required for development , including stairs, decks, and other accessory structures, on Crown Land or Public Reserve zoned as "P" Park and Open Space;
g) Proposed development must not impose undue risk to people, property, or water quality. If determined necessary, the municipality may require geotechnical engineered plans or environmental assessments, prepared at the developer's expense, for assurance;
h) Flood protection, erosion control measures, and groynes; which exceed 25% of the total riparian area may be permitted at the discretion of council.
i) Private docks, boathouses and/or boat launches shall not be permitted.

For development permit applications within the riparian area, in addition to the application requirements set out in Sections 5.5 and 5.7, 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.

In order to bring properties into compliance or to address site specific issues council may vary the requirements of this by-law and/or enter into rehabilitation/maintenance agreements with property owners. These agreements shall be reviewed every five years. Property owners may be required to provide environmental reports, documentation and proof of issuance for permits required by provincial and federal authorities as necessary to support proposed maintenance activities.

No Alteration of Wetlands

Development shall not result in alteration to permanent, semi-permanent 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.

2.18 Use and Storage of Hazardous Materials

The use or storage of hazardous materials is not encouraged within the Rural Municipality of Victoria Beach. Any contemplated hazardous uses must be separated from incompatible uses such as areas of community activity and lands or buildings used primarily for human occupation. Where development of a potentially hazardous use is proposed, information may be required relating to the adverse impacts of the use such as:

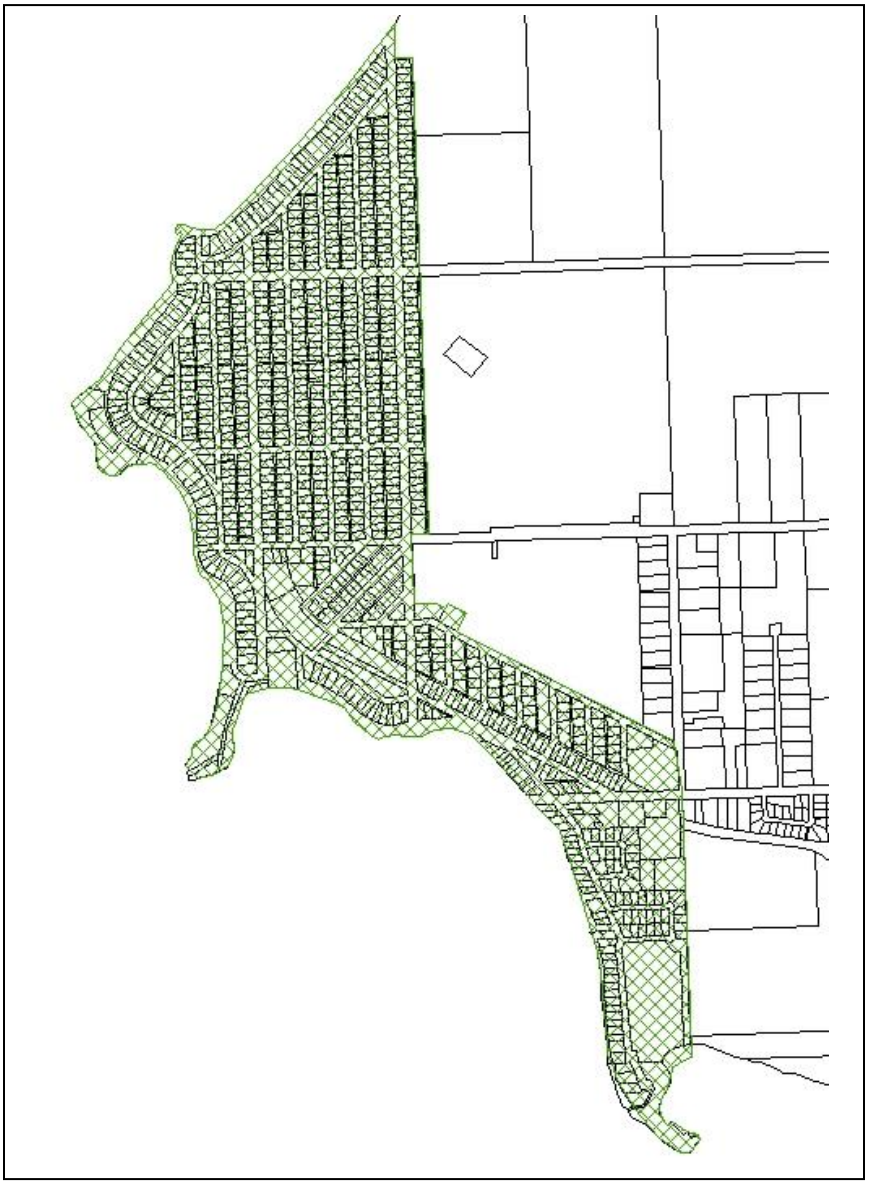
a) The nature of any potential discharges;
b) The nature of outside storage;
c) The compatibility of surrounding land uses; and
d) Plans for buffering such activities from adjacent uses and human activities.

2.19 Development Setbacks from Highways

All development within the controlled area of a provincial road or provincial trunk highway shall require a permit from the applicable provincial authority.

2.20 Vehicle Restricted Area

Boundaries and regulations pertaining to the Vehicle Restricted Area are identified in by-law 1588 as amended.



Restricted Vehicle Area

2.21 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 in accordance with the regulations and standards contained in this section as follows:

Table 2-1
Minimum Parking Space Requirements

	Use Class*	Number of Parking Spaces Required
Residential	Dwelling, Single-Unit	1.0 / Dwelling Unit
	Dwelling, Two-Unit and Multi-Unit	1.2 / Dwelling Unit
	Bed and Breakfast	1.0 / Sleeping Accommodation
	Group Home	1.0 / each 2 Sleeping Units
Commercial	Hotel and Motel	1.0 / Guest Room or Sleeping Unit
	Eating and Drinking Establishment	1.0 / 4 seats or 1.0 per 100 sq. ft. of floor area, whichever is greater
	Convenience and Retail Sales Stores	1.0 / 200 sq. ft. of floor area
	All other Commercial Establishments	1.0 / 250 sq. ft. of floor area
Other Uses	Indoor Participant Recreation Service, Place of Worship or Assembly, Outdoor Participant Recreation Service, and Community Centre	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
	Education Service	1.5 / classroom, plus 1 for each 100 sq. ft. of floor area devoted to public use
	Government Service	1.0 / 550 sq. ft. of floor area
	Child Care 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 requirement shall be determined by the Development Officer.

Accessible Parking Spaces

Out of the total number of required off-street parking spaces, 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

2.22 Protection and Retention of Trees

A development permit shall be required for the removal of trees or shrubs, except in the following instances:

a) Seasonal or routine pruning and maintenance of trees;
b) The removal of hazardous or dead trees;
c) The removal of trees where the tree canopy exceeds, and will continue to exceed, 50% of the site coverage.

d) The removal of trees 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.

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. Property owners are encouraged to follow FireSmart© recommendations for tree selection and maintenance.

2.23 Non-Conformities

A non-conforming use and a non-conforming building, structure, parcel of land or sign shall be regulated in accordance with and subject to the provisions of the *Act*, unless otherwise provided for herein:

a) Any lawful building or structure which does not conform to one or more of the applicable yard requirements of the zone in which is it located, either on the effective date of this by-law or amendments thereto, shall be deemed to be a lawfully existing permitted building or structure and shall be used as if it conformed to all such requirements.

b) Any expansion, addition, relocation or reconstruction of a non-conforming use or a non-conforming building or structure shall conform to the site requirements and parking and loading requirements of the zoning district in which it is located unless varied by a variance order pursuant to the provisions of the *Act.*

c) Repairs or incidental alterations may be made to a non-conforming structure subject to approval and issuance of a development permit, where necessary.

d) The use of land or the use of a building is not affected by change of ownership, tenancy or occupancy of the land or building.

e) Any owner may apply to the Development Officer for a Non-Conforming Certificate in accordance with the provisions of the *Act*.

f) Pursuant to the provisions of the *Act*, where council determines that a building or structure is damaged or destroyed fifty percent (50%) or more of its replacement value above its foundation, the said building or structure may be replaced or rebuilt, but only in compliance with this by-law or its amendments, or where such requirements are varied by a variance order.

g) In the instance where significant damage occurs to a building or structure by fire or natural causes, excluding intentional demolition, such that the owner wishes to rebuild. Variations to Section 2.5 Required Yard and Section 2.17 Riparian Areas may be considered provided the following conditions are met:
    i) The new building can only be of the same size or less than the destroyed structure.
    ii) The rebuilt building is located on the same pad site as the destroyed building.
    iii) The elevation of the property must be brought up to at least 719.5 feet above sea level.
    iv) In all other aspects, the new building must meet the current Building Code Bylaw.
    v) If the rebuilt building is to be located within the Erosion Hazard Area then a geotechnical study will be required to confirm that the existing bank is stable enough to safely support the newly built structure.

h) Pursuant to the provisions of the *Act*, a non-conforming parcel, meaning any lawful site existing at the adoption of this by-law which does not comply with the site area and/or site width herein, may be occupied by any building, structure or use provided:
    i) That the building, structure or use is listed as a permitted or conditional use within the zone in which said use is located;

ii) That all other requirements of the zone in which the parcel is located, such as yards, building height, and floor area, are met; and/or

iii) Variance orders have been obtained to alter requirements within the particular zone.

i) Notwithstanding the provision of this subsection, a variance order shall not be required where a non-conforming use, building, structure, sign or parcel is being altered so that the non-conformity is not increased even though the resulting alteration does not fully comply with the requirements set forth herein.

j) A non-conforming use of a structure or of a parcel of land, or portion thereof, which is, or hereafter becomes, abandoned, vacant or unoccupied, and remains vacant and unoccupied for twelve (12) consecutive months must not be used after that time except in conformity with the Zoning By-law.

k) A use that is accessory to a non-conforming use may continue as long as the non-conforming use exists.

PART 3: Zones

3.1 Establishing Zones

Uses of land in the municipality are regulated in accordance with the following zones:

ZONES	ABBR.
Parks and Open Space	P
Residential	R
Residential – Suburban	RS
Community Area	CA

Park and Open Space: The natural environment is central to the quality of life for all people in the municipality. Land within this zone is intended to remain in its natural state for the purpose of promoting environmental stewardship. As such, this zone includes land that is unsuitable for development because of environmental sensitivity, flooding, or erosion concerns. It may also be used to separate incompatible land uses. Permanent buildings are only permitted on a conditional basis. Community residents and visitors enjoy an active lifestyle. This zone is therefore intended to provide the park and open space necessary for a variety of recreation activities.

Residential: This zone has a rich history and unique character. Residential areas in this zone have been built out with only minimal infill development opportunities remaining. Permanent and seasonal dwellings are arranged within a predominant grid layout and streets generally run parallel to the shoreline. Vehicle restrictions in this zone contribute to the serene atmosphere and encourage active transportation.

Residential Suburban: In this residential zone permanent and seasonal dwellings are located in interconnected neighbourhoods.

Residential lots may be set back from the shoreline or clustered around a focal point such as a central open space. Each neighbourhood has a distinct sense of place which is reflected in its built form. Pathways and walkways encourage active transportation.

Community Area: This zone is intended for a centralized mix of civic, residential, commercial, institutional, and recreational uses to enhance the livability and sustainability of the municipality. Permitted uses reflect the character of the community and provide needed community resources and facilities.

3.2 Zoning Boundaries

The zones established above in Section 3.1 shall apply within the boundaries of the zones shown on the map in Schedule A following these rules of interpretation:

a) Boundaries indicated as approximately following the centre-lines of streets, lanes, highways, rivers, or railway or public utility lines or rights-of-way shall follow such lines; and

b) Boundaries indicated as approximately following parcel limits as shown on a registered plan or by reference to the Dominion Government Survey shall follow such limits.

3.3 Permitted and Conditional Uses

The permitted and conditional uses prescribed for parcels within each zone are those set out in the Table 3.1. Where a use is not listed and is not similar to, or accessory to, a permitted or conditional Principal Use, or a permitted or conditional secondary use, the use is not allowed in the zone.

3.4 Bulk Regulations

No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged, or placed, except in accordance with the bulk requirements described in the bulk regulation tables (Table 3.2 and Table 3.3) or elsewhere in this by-law.

Table 3.1: Use Table					
Commercial and Industrial Use Classes	**P**	**R**	**RS**	**CA**	***USS****
Animal Shelter and Veterinary Service				C	
Automobile Service Station				C	
Business Support Service				P	
Contractor's Yard				C	
Custom Manufacturing Establishments				C	
Drive-Through Facility				C	
Eating and Drinking Establishment				C	
Garden Centre, Farmer's Market and Produce Stand				P	
General Contractor Service				C	
Hotel/Motel				C	
Non-Accessory Parking	C			C	
Office				P	
Retail Sales and Service (general)				C	
Retail Sales and Service (neighbourhood)			C	P	
Storage (general or self-service)				C	
Trucking Operation				C	
Natural Resource Use Classes	**P**	**R**	**RS**	**CA**	***USS****
Aggregate Extraction Operation	C*				4.1
Natural Area or Wildlife Habitat	P				
Natural Resource Development	C				
Recreation and Assembly Use Classes	**P**	**R**	**RS**	**CA**	***USS****
Community Centre		C		P	
Funeral Service				C	
Indoor Participant Recreation Service				C	
Outdoor Amusement Establishment	C				
Outdoor Participant Recreation Service	C				
Place of Assembly				C	
Place of Worship				P	

Residential Uses Classes	**P**	**R**	**RS**	**CA**	***USS****
Dwelling, Single-unit	C	P	P	P	
Dwelling, Two-unit				P*	4.9
Dwelling, Multi-unit				C*	4.9
Planned Unit Development			C*	C*	4.6
Service and Institutional Use Classes	**P**	**R**	**RS**	**CA**	***USS****
Cemetery	C			C	
Child Care Service (group)				P	
Education Service				P	
Emergency Services	C	P	P	P	
Government Service				P	
Group Home				C	
Health Service				P	
Public Park	P	P	P	P	
Public Trail	P	P	P	P	
Public Utility	C	P	P	P	
Solid Waste And Recycling Depot	C				
Secondary or Accessory Uses	**P**	**R**	**RS**	**CA**	***USS****
Accessory Building or Structure	C	P	P	P	
Bed and Breakfast		C*	C*	P*	4.2
CHILD CARE SERVICE (Home Day Care)		C	C	P	
Detached Sleeping Quarters	C*	P*	P*	P*	4.3
Home Based Business	C*	C*	C*	P*	4.4
Hot Tub	C*	P*	P*	P*	4.8
Identification Sign	P*	P*	P*	P*	4.5
Mobile Home				C	
Plant or Tree Nursery			C	P	
Private Garage	C*		P*	P*	4.7
Swimming Pool	C*		C*	P*	4.8

P = Permitted | C = Conditional | Underline = only as a secondary use
USS* = Use-Specific Standard Applies

Table 3.2 Bulk Requirements			All Zones	P		R	
			Service and Institution Use Classes	Dwellings	Other	Dwellings	Other
Principal Building and Yard Requirements	Minimum	Site Area[1]	n/a	15,000 sq. ft.	80,000 sq. ft.	9,500 sq. ft.	40,000 sq. ft.
		Site Width	n/a	100 ft.	200 ft.	75 ft.	100 ft.
		Front Yard[2]	30 ft.	30 ft.	50 ft.	30 ft.	30 ft.
		Side Yard	10 ft.	10 ft.	25 ft.	10 ft.	10 ft.
		Rear Yard	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
		Dwelling Size	-	750 sq. ft.	-	750 sq. ft.	-
	Maximum	Combined Site Coverage	-	25% Living Areas	-	25% Living Areas	-
		Height	28 ft.	28 ft.	28 ft.	19 ft.	19 ft.
Accessory/Temporary Structures	Minimum	Front Yard[2]	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.
		Side Yard	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
		Rear Yard	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
		Building Separation	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
	Maximum	Height	16 ft.	16 ft.	16 ft.	16 ft.	16 ft.
		Combined Floor Area	200 sq. ft.[3]	200 sq. ft.[3]		200 sq.ft.[3]	

[1] Lots serviced by a septic field require a minimum site area of 2 acres and a minimum site width of 200 feet.

[2] Subject to Manitoba Transportation and Infrastructure approval within all Provincial Trunk Highway and Provincial Road controlled areas.

[3] Maximum square footage is cumulative for all accessory structures.

Table 3.3 Bulk Requirements			RS	CA			
			Dwellings	One and Two Unit Dwellings	Multi-Unit Dwellings	Other	Rec. and Assembly
Principal Building and Yard Requirements	Minimum	Site Area[1]	15,000 sq. ft.	15,000 sq. ft.	15,000 sq. ft.	15,000 sq. ft.	20,000 sq. ft.
		Site Width	100 ft.	100 ft.	150 ft.	150 ft.	150 ft.
		Front Yard[2]	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.
		Side Yard	10 ft.	15 ft.	15 ft.	15 ft.	15 ft.
		Rear Yard	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
		Dwelling Size	750 sq. ft.	750 sq. ft.	-	-	-
	Maximum	Height	28 ft.	28 ft.	50 ft.	28 ft.	28 ft.
		Site Coverage	25% Combined Living Areas	25% Combined Living Areas	25% Combined Living Areas	40% Combined	40% Combined
Accessory/Temporary Structures	Minimum	Front Yard[2]	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.
		Side Yard	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
		Rear Yard	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
		Building Separation	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
	Maximum	Height	16 ft.	16 ft.	16 ft.	16 ft.	16 ft.
		Combined Floor Area	200 sq. ft.[3]	200 sq.ft.[3]			

[1] Lots serviced by a septic field require a minimum site area of 2 acres and a minimum site width of 200 feet.

[2] Subject to Manitoba Transportation and Infrastructure approval within all Provincial Trunk Highway and Provincial Road controlled areas.

[3] Maximum square footage is cumulative for all accessory structures.

PART 4: Use-Specific Standards

Regardless of whether a use is allowed as a permitted or a conditional use, and regardless of the zoning district in which the use is located, the following standards for specific uses must be met, except as otherwise provided in this by-law or by a conditional use or variance order:

4.1 Aggregate Extraction Operations

Use	P	R	RS	CA
Aggregate Extraction Operations	C			

C = Conditional use

A conditional use order and development permit shall be required for any development or expansion of a commercial mining or extraction operation. In addition to the application requirements set out in Sections 5.5 and 5.7, the applicant must also provide the Rural Municipality of Victoria Beach with the following:

a) In the case of Crown quarry minerals, proof of the issuance of a provincial lease or casual permit under *Manitoba Quarrying Minerals Regulations*;
b) A plan showing areas and means of goods and waste transportation;
c) A site plan showing the operation, the manner in which extraction or development will occur, the means of visual buffering and noise and dust protection; and
d) A plan for rehabilitation and intended use(s) of the site upon completion of the operation phase, subject to provincial regulations.

4.2 Bed and Breakfast

Use	P	R	RS	CA
Bed and Breakfast		C	C	P

P = Permitted as secondary use C = Conditional as a secondary use

A bed and breakfast shall only be allowed on a site in a zone in which it is a permitted or conditional secondary use if it meets all of the following requirements:

a) A development permit is issued under this by-law;
b) The bed and breakfast shall be operated by a live-in owner as a secondary use only;
c) No more than six patrons shall be accommodated within one dwelling;
d) No more than three bedrooms shall be used for the bed and breakfast operation;
e) Outside of the restricted vehicle area one additional on-site parking spot shall be provided for each bedroom that is used for the bed and breakfast operation;
f) Signs shall follow the regulations for home-based businesses in the zone in which the bed and breakfast is located;
g) No in room cooking facilities or catering; and
h) The bed and breakfast operation shall not change the principal residential character or external appearance of the dwelling.

4.3 Detached Sleeping Quarters

Use	P	R	RS	CA
Detached Sleeping Quarters	C	P	P	P

P = Permitted as a secondary use C = Conditional as a secondary use

A detached building which provides accommodation for family members and guests shall be allowed as a secondary use to a cottage or dwelling provided it complies with the following regulations:

a) It is used as an extension of the principal use and not intended for exclusive occupancy by individuals living independent from the occupants of the cottage or dwelling;
b) If rented, both the dwelling and detached sleeping quarters are to be considered as a single unit and not rented separately;
c) It is not serviced by public utilities independent of the dwelling;
d) It does not contain cooking facilities; and
e) Detached sleeping quarters shall not exceed a maximum floor area of 240 square feet, a maximum height of 16 feet, and the combined site coverage for all living areas shall not exceed 25% of the site area.
f) Lofts may not exceed 50% of the floor area or be more than 6 feet in height.

4.4 Home-Based Business

Use	P	R	RS	CA
Home-Based Business	C	C	C	P

P = Permitted as secondary use C = Conditional as a secondary use

Home-based businesses must:

a) Be conducted by a person or persons residing in the dwelling;
b) Have a valid business license or permit, if required by the authority having jurisdiction;
c) Not have processing or outside storage of goods in the R and RS zones;
d) Not have more than 30 per cent of the total floor area of buildings on the site devoted to the business;
e) Have a maximum of one business sign in compliance with Sign Regulations (Table 4.1); and

f) The home-based business shall not generate undue traffic or congestion, adversely affect the amenity and convenience of the neighbourhood, or create a nuisance, and if located in the vicinity of a provincial highway should not impair the safe and efficient operation of the highway. A permit from Manitoba Transportation and Infrastructure may be required to intensify the use of an existing access to a provincial highway.

4.5 Identification Signs

The following provisions shall apply to all signs erected or maintained within the Rural Municipality of Victoria Beach except wherein otherwise stated:

a) Signs and sign structures may be allowed as accessory uses in accordance with the Sign Regulations (Table 4.1), subject to the issuance of a development permit, except as provided in Section 4.5(b) of this zoning by-law;

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

i. **Civic Signs** posted by duly constituted public authorities in the performance of their public duties;

ii. **Flags or Emblems** of a political, civic, educational or religious organization;

iii. **Commemorative or Memorial Signs** or tablets;

iv. **Temporary Signs** including real estate signs, construction signs, election signs, garage sale signs and similar;

v. **Sidewalk Sign** not exceeding 0.5 m^2 (5 ft^2)) in surface area (for a single sign face);

vi. **Awning Sign** with signage originally incorporated in the design or awning material;

vii. **Residential On-site Identification Sign** (including yard sign) or warning signs (such as "private property" signs and similar) not exceeding six square feet each in surface area; and

viii. **Direction Signs** required for direction and convenience of the public, including signs identifying restrooms or parking entrances, not exceeding 0.5 m^2 (5 ft^2)) in sign surface area.

c) Name plates and address signs shall be allowed in any required front, side or rear yard provided they comply with the requirements and regulations of this by-law;

d) Billboards and other signs directing attention to a business, commodity or message offered elsewhere than upon the same zoning lot on which that sign is located may only be allowed in zones where advertising signs are a permitted or conditional use. Such signs must also be constructed in accordance with the Sign Regulations (Table 4.1), and subject to the issuance of a development permit;

e) No sign or sign structure shall be erected at any location where it may interfere with or obstruct the view of any street or intersection, 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;

f) No sign may contain flashing lights or digital images;

g) No sign or sign structure shall be erected or maintained on, over or above any land or right-of-way belonging to the Rural Municipality of Victoria Beach without a development permit;

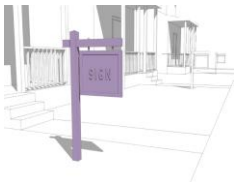
h) The placing of signs within the controlled area of a Provincial Road or Provincial Trunk Highway shall require a permit from the applicable provincial authority; and

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

Table 4.1: Sign Regulations

Sign Type	Specifications	Allowed in Zones	Permit Required
 **Address Sign**	Quantity: 1 per address Area: max 3.0 sq. ft. Width: n/a Height: n/a Depth: max 3.0 in. Clearance: min 4.5 ft.	P R RS CA	No
 **Awning Sign**	Quantity: 1 per window Area: n/a Width: max equal to facade Depth: min 4.0 ft. Clearance: min 8.0 ft. Valance Height: max 12.0 in. Dist. from Curb: min 2.0 ft.	P CA	No
 **Fascia or Wall Sign**	Quantity: 1 per business Area facade: 1.5 sq. ft. per lin. ft. Width: max 90% width of facade Depth: max 7.0 in. Clearance: min 7.0 ft.	P CA	No

Sign Type	Specifications	Allowed in Zones	Permit Required
 **Freestanding or Ground**	Quantity 1 per site Area single occupancy = max 100 sq. ft. multiple occupancy = max 300 sq. ft. Height ground = max 8.0 ft. freestanding = max. 25.0 ft. Width max 4.0 ft. Depth max 12.0 in. Clearance ground = n/a freestanding = min 6.0 ft.	P CA	Yes
 **Marquee Sign**	Quantity 1 per business Area n/a Width entrance plus 2 ft. per side Depth min 4.0 ft.; max 10 ft. Clearance min 8.0 ft. Dist. from Curb: min 3.0 ft.	CA	Yes
 **Outdoor Display Sign**	Quantity 1 per business Area max 6.0 sq. ft. Width max 3.5 ft. Height max 3.5 ft. Depth max 5.0 in. Clearance min 4.0 ft.	P CA	No
 **Portable or Mobile Sign**	Quantity 1 per site Area max 48.0 sq. ft. Width n/a Height max 10.0 ft. Depth n/a Clearance n/a	P CA	Yes

Sign Type	Specifications	Allowed in Zones	Permit Required
 **Projecting Sign**	Quantity 1 per business Area max 4.0 sq. ft. Width max 4.0 ft. Depth max 4.0 ft. Clearance min 8.0 ft.	P CA	Yes
 **Sidewalk Sign**	Quantity 1 per business Area max 5.0 sq. ft. Width max 26 in. Height max 42 in. Depth n/a Clearance n/a	P CA	No
 **Window Sign**	Quantity 1 per window Area max 25% of glass Width n/a Height n/a Depth n/a Clearance min 3.0 ft.	P R RS CA	No
 **Yard Sign**	Quantity 1 per site Area identification = max 6.0 sq. ft. Width max 3.0 ft. Height max 2.0 ft. (not incl. post) Depth n/a Clearance min 3.0 ft. to sign edge Apex max 6.0 ft. to top of post	P R RS CA	No

4.6 Planned Unit Developments

Use	P	R	RS	CA
Planned Use Development			C	C

C = Conditional use

A planned use development:

a) May only be established on a zoning site or proposed development area larger than 4 acres in size;
b) The uses and standards of a planned unit development must be generally consistent with the desired character for the area as set out in the development plan or the uses and standards in the zones adjacent to the site.
c) An application for a planned unit development shall be considered as a conditional use application subject to the conditional use provisions of this by-law and the Act.
d) An application for a planned unit development must be accompanied by a detailed site plan including:
    i. Location of the site boundaries;
    ii. Planned location of buildings and structures;
    iii. Planned location of roads;
    iv. Planned location of sidewalks and active transportation paths;
    v. Planned location of vehicle parking;
    vi. Planned location of systems supplying electrical power, water, and sewage disposal; and
    vii. A list of all instances on the site where the bulk standards of the proposed buildings and structures do not comply with the requirements of the zoning by-law.

4.7 Private Garage

Use	P	R	RS	CA
Private Garage	C		P	P

P = Permitted as a secondary use C = Conditional as a secondary use

A private garage:

a) Detached and or attached private garages, carports or portable garages shall not be permitted in R Zone;
b) Not used for living space;
c) Maximum size 576 sq. ft.
d) Portable garages shall be subject to a portable garage permit and meet the following conditions:
    i. Permit renewed annually
    ii. Subject to yard setbacks as required for zone
    iii. Maintained in acceptable condition

4.8 Swimming Pool or Hot Tubs

Use	P	R	RS	CA
Hot Tubs	C	P	P	P
Swimming Pools	C		C	P

P = Permitted accessory use C = Conditional accessory use

Swimming Pools or Hot Tubs and similar structures with a water depth of greater than two (2) feet, may be allowed as an accessory use to a residential use, recreational, or commercial development provided that:

a) They meet the site requirements for accessory structures in the zone which they are located;
b) A swimming pool area is protected by a fence with lockable gates and a minimum height of 1.83 meters (six feet) to prevent unauthorized entry. The fence and gate must be constructed so as to prevent a child from crawling underneath;

c) Hot tubs must be secured by a fence, as described above, or by a lockable cover with sufficient strength to hold 200 pounds weight;
d) A development permit is issued under this by-law; and
e) Water must be obtained from an outside source and not unduly burden municipal water source.

Nothing in this subsection shall relieve any such structure from complying with the requirements under the *RM of Victoria Beach Building By-law* or applicable provincial regulations including *The Buildings and Mobile Homes Act* and *The Public Health Act.*

4.9 Two-Unit and Multi-Unit Dwellings

Use	P	R	RS	CA
Two-Unit Dwellings				**P**
Multi-Unit Dwellings				**C**

P = Permitted use C = Conditional use

Two-unit and multi-unit dwellings shall have no required yard on a side that shares a party wall with a building on an adjacent site. The minimum lot size for multi-unit dwellings shall increase by 1,000 sq. ft. for each unit over and above 4 units.

5 PART 5: Administration

This by-law shall be administered in accordance with the provisions of *The Planning Act* and this PART.

5.1 Administration and Enforcement

In the administration and enforcement of this by-law, the Rural Municipality of Victoria Beach shall have all of the powers of inspection, remedy and enforcement provided under Part 12 of *The Planning Act.*

5.2 When Development Permits Are Required

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

a) The erection, construction, enlargement, structural alteration or placing of a building or structure, either permanent or temporary;
b) The establishment of a use of land or a building or structure;
c) The change of a use of land or a building or structure from the existing use to a use which is not a permitted use;
d) The alteration or enlargement of an approved conditional use; and
e) Notwithstanding Section 5.4 (below), development permits shall be required for the erection, construction, enlargement and structural alteration, or placing of a building or structure, and/or the removal of natural vegetation within a riparian area.

5.3 Development Permits and Other Permits

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

5.4 When Development Permits Are Not Required

A development permit is not required for the following:

a) Alterations, incidental.
b) The erection, construction, enlargement, structural alteration or placing of the following as an accessory building or structure
    i) identification signs as listed in Section 4.5(b) Standards for Identification Signs;
    ii) outdoor lighting;
    iii) flagpoles;
    iv) private sewage disposal systems;
    v) private communications facilities;
    vi) unenclosed patios or decks less than 1 ft. above grade level.

Despite not requiring a development permit, all items in this provision shall be subject to requirements of this by-law. Please note: As per policy 2.17 Riparian Area Development, a development permit must be obtained for any buildings or structures proposed within a riparian area.

5.5 Applications for Development Permits

An application for a development permit:

a) Shall be made by the owner or owners of the parcel in question, or by a person authorized in writing by them.
b) Shall be accompanied by plans drawn to scale showing the following:
    i) The shape and dimensions of the parcel to be used or built on;
    ii) The location and dimensions of existing buildings and structures;
    iii) The location and dimensions of any proposed building, structure, enlargement or alteration; and

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

c) Shall be accompanied by the fee prescribed by the Municipality.

5.6 The Development Officer

Council shall appoint a development officer, who on behalf of the Rural Municipality of Victoria Beach may:

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

b) Refuse to issue a development permit where:

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

ii) The proposed building, structure or use does not, to the designated officer's knowledge, comply with this zoning by-law, the building by-law or with any other law.

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

d) Issue zoning memoranda, certificates of non-conformity, and other documents as may be necessary for the administration and enforcement of this by-law.

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

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

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

5.7 Application for Amendments, Variances and Conditional Uses

An application for a variance, or conditional use, or an amendment to this by-law must be in the proper form and must be accompanied by the fee prescribed by council. The application must also be accompanied by:

i) Plans drawn to scale showing the shape and dimensions of the affected property;
ii) Plans drawn to scale showing the location and dimensions of existing buildings and structures;
iii) Plans drawn to scale showing the location and dimensions of the proposed building, structure, enlargement or alteration;
iv) A description of the use or uses of each existing and proposed building or structure, or of the land;
v) A description of the reason why the variance, conditional use, or amendment to this by-law is being requested; and
vi) Any other information required by the designated officer to determine compliance with, and to provide for enforcement of, this by-law.

PART 6: Definitions

6.1 Definitions in *The Planning Act*

Terms not defined in this by-law which are defined in *The Planning Act* have the meaning provided in that act.

6.2 Definitions in this By-law

Where the following terms appear in this by-law, they have the meaning provided as follows:

ACCESSORY BUILDING OR STRUCTURE means a building or structure that is naturally and normally incidental, subordinate in purpose or area, or both, and exclusively devoted to the use, building, or structure to which it is accessory. For the purpose of this by-law, private garages and detached sleeping quarters are not deemed to be accessory buildings. A use shown as a conditional use in Table 3.1 cannot be accessory to a use shown as a permitted use for the same zone.

Accessory Use means a use incidental to, subordinate to and exclusively devoted to the principal use and which operates together with the principal use on the same site.

Address Sign means a sign, generally applied to a building wall that displays a building's address.

Advertising Sign means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere upon the same zoning site where the sign is maintained, including a billboard sign.

AGGREGATE EXTRACTION OPERATION means a zoning site, including accessory buildings and structures, used for the removal, refinement and/or processing of sand, gravel, stone or other aggregate resources, and may include borrow pits, gravel pits and stone quarries, but does not include an asphalt plant or a concrete plant.

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

i. An addition, alteration, removal, reconstruction or replacement on the non-structural exterior of a residential building;
ii. An addition, alteration, removal, reconstruction or replacement of any unroofed driveway, sidewalk, patio or any accessory building floor;
iii. Alteration of non-load bearing interior partitions in all types of buildings;
iv. Replacement of, or changes in, the capacity of utility pipes, ducts or conduits;
v. Replacement and placement of necessary roofing materials, awnings, eaves, overhangs and related structures, provided the area and height of the roof are not increased;
vi. The addition and replacement of interior structures such as furnaces, fuel tanks, water heaters, fireplaces or wood stoves; and
vii. Replacement of exterior building facades.

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

ANIMAL SHELTER AND VETERINARY SERVICE means a development used for the care and treatment of small animals where the veterinary services primarily involve out-patient care and minor medical procedures. All animals shall be kept in an enclosed building. This use class includes pet clinics and veterinary offices.

Apex means the highest point of a sign as measured from the point on the ground where its structure is located, or, if no sign structure is present, from the point on the ground directly below the sign itself.

AUTOMOBILE SERVICE STATION means a building or portion thereof and land used for the servicing, washing and repairing of vehicles; and the sale of gasoline, other petroleum products and a limited range of vehicle parts and accessories. Service stations may include eating and drinking establishments. Typical uses include car washes, truck stops and highway service stations.

Awning Sign means lettering applied directly on the valance or other vertical portion of an awning.

BED AND BREAKFAST means a home-based business operated within a principal dwelling where sleeping accommodation with or without light meals is provided to members of the travelling public for remuneration. See Section 4.2 for use specific standards for bed and breakfast establishments.

Building has the meaning provided in *The Planning Act*, except that it does not include a well, pipeline, excavation, cut, fill, or transmission line.

Building Height means the vertical distance measured from grade to the highest point of the roof surface.

Business Sign means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same zoning site where the sign is maintained.

BUSINESS SUPPORT SERVICE means a development used to provide support services to businesses which are characterized by one or more of the following features: the use of mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or custodial services; the provision of office security; and the sale, rental, repair or servicing of office equipment, furniture and machines. Typical uses include printing establishments, film processing establishments, janitorial firms and office equipment sales and repair establishments.

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

CHILD CARE SERVICE means the provision of care for remuneration or reward to a child apart from his or her parents or guardians for a period in any one day not exceeding fourteen (14) hours.

> **HOME DAY CARE** means the provision of child care services in a dwelling unit, in which the owner or tenant resides, or churches or parish halls, to children, including the children of the owner or tenant. The number of children shall not exceed eight (8) and shall have access to an outdoor recreation area.
>
> **GROUP DAY CARE** means the provision of child care service to nine (9) or more children not over the age of twelve (12) in a provincially licensed facility with access to an outdoor recreation area.

COMMUNITY CENTRE means a building or structure that provides facilities for indoor recreational activities and other community facilities such as meeting rooms or a library for use by the general public.

CONTRACTOR'S YARD means a yard of any building trade or contractor where equipment and material is stored or where a contractor performs shop or assembly work.

Controlled Area, as defined in *The Transportation Infrastructure Act*, is the area between a declared provincial road right-of-way and a control line (measured from the edge of the provincial highway right-of-way) or within a control circle (measured from the centre of a provincial highway intersection, as described on the March 1, 2019 Control Area Map (www.gov.mb.ca/mit/hpd/controlled_area_map.pdf).

Control Line, as defined in *The Transportation Infrastructure Act* is a line that parallels the provincial highway and is measured from the edge of the provincial highway right-of-way. Depending on the provincial highway, the control line is either 38.1m or 76.2m, as shown in the table below:

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

(Transportation Planning Resource Guide)

CUSTOM MANUFACTURING ESTABLISHMENTS means development used for small scale on-site production of goods by hand manufacturing. Typical Uses include furniture, jewelry, toy, clothing/shoe and musical instrument manufacturing, gunsmiths, carpentry and upholstery shops, and pottery and sculpture studios.

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

DETACHED SLEEPING QUARTERS means a secondary detached building located on the same site as a cottage or dwelling which provides secondary and incidental accommodation for family members and guests.

DRIVE-THROUGH FACILITY means a facility designed to provide goods or services to the persons in standing (as opposed to parked) motor vehicles, including but not limited to a drive-through restaurant or bank.

DWELLING means one or more rooms used or intended to be used as a single housekeeping unit with cooking, sleeping and sanitary facilities.

> **DWELLING, SINGLE-UNIT** means a building, located on a single site, containing one dwelling.
>
> **DWELLING, TWO-UNIT** means a building, located on a single site, containing two dwellings (for example, a duplex or a side-by-side).
>
> **DWELLING, MULTI-UNIT** means a building, located on a single site, containing three or more dwellings (for example, row houses, town houses, or apartment buildings).

Dynamic Beach is a term used to describe beach profiles which undergo changes on a broad range of time scales in response to changing wave, wind and water level conditions and to changes in the rate of sediment supply.

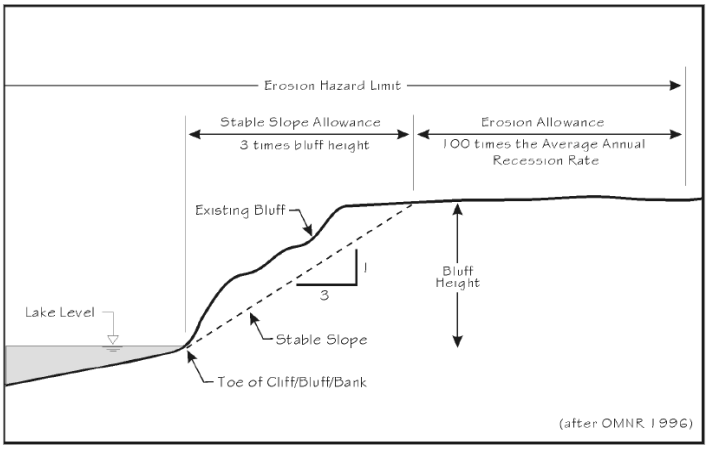
Dynamic Beach Hazard Limit means the shoreline area where structural development is prohibited for the protection of a dynamic beach. The calculation of the dynamic beach hazard limit involves the cumulative impact of the 200-year flood level, wave uprush, other water related hazards plus a dynamic beach allowance based on a study using accepted scientific and engineering principles. In the absence of such a study, the dynamic beach hazard limit will be defined by the flood hazard limit plus a 30 metre dynamic beach allowance.

EATING AND DRINKING ESTABLISHMENT means the sale to the public of prepared foods, for consumption within the premises or off the site. This includes licensed drinking establishments, restaurants, cafés, delicatessens, tea rooms, banquet catering, lunch rooms and take-out restaurants. This does not include drive-through facilities which provide services to customers who remain in their vehicles, refreshment stands, take-out windows where service is provided to customers on the outside, or mobile catering food services.

EDUCATION SERVICE means a development which is privately or publicly supported or subsidized involving public assembly for educational, training or instructing purposes, and includes administration offices required for the provision of such services on either the same site or elsewhere on the same zoning site. This use class includes public and private schools, community colleges, technical and vocational schools and associated administrative offices and dormitories, which may also be established as accessory uses.

EMERGENCY SERVICES means a development which is required for the public protection of persons and property from injury, harm, or damage together with the incidental storage of emergency development which is necessary for the local distribution of utility services. Typical uses in this class include police stations, fire stations and ancillary training facilities.

Erosion Hazard Limit means the shoreline area where structural development is prohibited due to the risk of erosion or slope instability. The calculation of the erosion hazard limit involves the sum of the stable slope allowance plus the erosion allowance of 50 times the average annual recession rate and may be determined through a study using accepted geotechnical principles. In the absence of such a study, the stable slope allowance will be calculated by measuring landward from the toe of the shoreline cliff, bluff, or bank, equivalent to 3.0 times the height of the cliff, bluff, or bank (i.e., difference in elevation between the top or first landward break in slope and the toe of the shoreline cliff, bluff, or bank plus a minimum erosion allowance of 15 m.



Fascia or Wall Sign means any sign attached against the surface of, or against or within a recess in the wall, a column or other perpendicular portion of a building in a position essentially parallel to said wall, column or other perpendicular position. A fascia sign shall also mean any sign attached to the walls of two or more buildings and spanning the spaces between the said buildings.

Flood Hazard Limit means the shoreline area where structural development is prohibited due to flood risks. The calculation of the flooding hazard limit involves the cumulative impact of the 100-year flood level, wave uprush, and other water related hazards. The allowance for wave uprush and other water related hazards shall be 2 feet (0.61m) above the high-water mark of the design flood, a recorded flood exceeding the design flood, or a flood specified by Manitoba Transportation and Infrastructure.

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

GARDEN CENTRE, FARMERS' MARKET AND PRODUCE STAND means the outside display and sale of garden equipment and supplies, plants, seeds, vegetable and fruit produce, food items produced by vendors, and similar items. This use may also include greenhouse facilities and a plant or tree nursery.

GENERAL CONTRACTOR SERVICE means a development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal contractor services use only.

GOVERNMENT SERVICE means a development providing municipal, provincial or federal government services directly to the public. Typical uses include government offices, taxation offices, courthouses, postal distribution offices, employment offices and social services offices.

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

Grading means the shaping or sloping of land.

GROUP HOME means a residence that is licensed or funded under an Act of the Parliament of Canada or the Province of Manitoba for the accommodation of less than five (5) persons, exclusive of staff or receiving family, living under supervision in a single housekeeping unit and who by reason of their emotional, mental, social or physical condition, or legal status, require a group living arrangement for their well-being.

Hazardous Materials are dangerous goods that include radioactive, flammable, explosive, corrosive, oxidizing, asphyxiating, bio-hazardous, toxic, pathogenic, or allergenic materials. Also included are physical conditions such as compressed gases and liquids or hot materials. For the purpose of this by-law typical household fuels are not included as hazardous materials.

HEALTH SERVICE means a development used for the provision of physical and mental health services on an out-patient basis. Services may be preventative, diagnostic, treatment, therapeutic, rehabilitative or counselling nature. Typical uses include medical and dental offices, health clinics, and counselling services.

HOME-BASED BUSINESS means a business activity which includes manufacturing, sales, a commercial or professional operation, business service, trade, practice, office or use which is conducted by an occupant of the dwelling, in or from the dwelling unit and or its permitted accessory building or structure, is intended as a profit making operation, and is clearly incidental to, accessory to, or secondary to the residential use of the dwelling unit.

HOTEL/MOTEL means a building or part thereof wherein accommodation is provided for transient lodgers, in an individual room or apartment, with or without cooking facilities. Permitted accessory uses may include, but are not limited to, restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

Household Repair Service means a development used for the repair of goods, equipment and appliances normally found within the home. This use class includes radio, television and appliance repair shops, furniture refinishing and upholstery shops.

IDENTIFICATION SIGN means either a sign or nameplate that identifies the business, owner, resident or the street address and which sets forth no other advertisement.

INDOOR PARTICIPANT RECREATION SERVICE means a development providing facilities within an enclosed building for sports and active recreation where patrons are predominately participants. Typical uses include athletic clubs; health and fitness clubs; curling, roller skating and hockey rinks; swimming pools; archery or shooting ranges; bowling alleys and racquet clubs.

Marquee Sign means a sign attached to a marquee, canopy or awning projecting from and supported by a building.

MOBILE HOME means a portable dwelling unit that is designed to be used as a living quarters that is:

a) Capable of being transported on its own chassis and running gear by towing or other means;
b) Placed on the chassis or body of a motor vehicle; or
c) Forms part of a motor vehicle.

This use does not include recreational vehicles, travel trailers or similar vehicles used for recreational purposes.

NATURAL AREA OR WILDLIFE HABITAT means land designated as public reserve that will be retained in its natural state in an effort to conserve and protect environmentally significant lands and ecosystems.

NATURAL RESOURCE DEVELOPMENT means a development for the on-site removal, extraction, and primary processing of raw material found on or under the site, or accessible from the site. Typical uses in this class include forestry, gravel pits, sandpits, clay pits, and stripping of topsoil. This use class does not include the processing of raw materials transported to the site.

NON-ACCESSORY PARKING means development providing vehicular parking which is not primarily intended for the use of residents, employees or clients of a particular development. Typical uses include surface parking lots and parking structures located above or below grade.

OFFICE means the use of a building or a portion of a building for the provision of services to a business, an organization, or to the public. It does not include the manufacturing of any product or the retail sales of goods.

Ordinary High Water Mark means the level at which the water in a waterbody or waterway has been held for a period sufficient to leave a mark on the vegetation and/or soil along the bank; the line identified in a plan or survey as "O.H.W.M." or "Ordinary High Water Mark", or the line on a plan of survey delineating the bed of a waterbody or waterway. For the purpose of this by-law the ordinary high water mark is deemed to be on the landward side of any natural beach area.

OUTDOOR AMUSEMENT ESTABLISHMENT means a commercial development providing facilities for entertainment and amusement activities which primarily takes place out of doors and where patrons are primarily participants. Typical uses include amusement parks, go-cart tracks, racetracks, moto-cross and all-terrain vehicle tracks, miniature golf, outdoor concert facilities, exhibition and fair grounds and similar uses.

Outdoor Display Case means a sign consisting of a lockable metal or wood framed cabinet with a transparent window or windows, mounted onto a building wall or freestanding support. It allows the contents, such as menus or maps, to be maintained and kept current.

OUTDOOR PARTICIPANT RECREATION SERVICE means a development providing facilities which are available to the public at large for sports and active recreation conducted outdoors. Typical uses include golf courses, driving range, shooting ranges, ski hills, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities (including docks, wharves and marinas) outdoor swimming or wading pools, bowling greens, riding stables and trails.

Party Wall means a wall forming part of a building and used for separation of adjoining buildings occupied, constructed or adapted to be occupied by different persons or businesses.

Personal Service means a building or part of a building in which persons are employed in furnishing services and otherwise administering to personal needs and the repair and maintenance of personal effects, including such establishments as barber shops, beauty salons, shoe repair shops, tailor and dressmaking shops, pet grooming (not including kennels), dry cleaning establishments and laundromats.

PLACE OF ASSEMBLY means a public or privately owned auditorium, hall or similar facility developed for the purpose of accommodating groups of persons for meetings, exhibitions, shows, trade fairs, public meetings, banquets, conferences and similar activities.

PLACE OF WORSHIP means a building primarily used for religious purposes. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries. Accessory uses can include associated schools, day-care facilities, parish halls, cemeteries and like uses.

PLANNED UNIT DEVELOPMENT means a land development project planned as an entity in accordance with a unitary site plan.

PLANT OR TREE NURSERY means a development used primarily for the raising, storage and sale of bedding, household and ornamental plants.

PRIVATE GARAGE means a permanent structure intended for the storage of goods or materials. A Private garage does not include a temporary structure consisting of a metal or steel frame covered by such material as canvas, plastic, polyethylene, various types of fabric or similar materials.

Portable or Mobile Sign means a sign with or without a structural frame and intended for a limited period of display, but shall have no red, green or amber lights thereon, and with no blinking or scintillating lights when the sign faces a residential area.

Principal Use means the primary or predominant activity on any lot or within any building or structure.

Principal Building means a structure on a site used to accommodate the principal use.

Projecting Sign means any sign other than a fascia sign, which is attached to a building and extends beyond the exterior wall of the said building beyond the surface of that portion of the building to which it is attached.

PUBLIC PARK means a development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and man-made landscaping, facilities and playing fields, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, and athletic fields.

PUBLIC TRAIL means land dedicated as public reserve which is used as part of an integrated trail system or as a means of access to areas of community importance such as beaches.

PUBLIC UTILITY means a system furnishing water, sewage collection, electricity, telecommunication services, gas or similar services to properties by means of pipes, lines and other equipment located on or under public roads and other rights-of-way.

Recreational Vehicle or Travel Trailer (including motor homes, tent trailers, and similar recreational vehicles) means a self-propelled vehicle or vehicles without a motive power designed to be drawn by a motor vehicle to be used as a transient living accommodation, facility for travel, recreation, business, trade, vacation and construction work, which is designed for frequent moves, but not for long term residential occupation. Travel trailers are capable of being licensed under *The Highway Traffic Act*.

RETAIL SALES AND SERVICES means the use of a building or portion of a building where goods, wares, merchandise, or similar items are offered for sale directly to the public. Uses may also include personal service, household repair service and business support services.

> **GENERAL RETAIL AND SERVICE** means a building or portion of a building where the commercial use occurs in a space with a ground floor area equal to or greater than 5,000 sq. ft. (465 m²)
>
> **NEIGHBOURHOOD RETAIL AND SERVICE** means a building or portion of a building where small-scale neighbourhood oriented commercial use occurs in a space with a ground floor area less than 5,000 square feet (465 m²). Uses include convenience retail stores, health services, household repair services, personal service shops, or professional, financial or office support services which would not significantly alter the residential character of the surrounding neighbourhood. Specialty food services and eating establishments may also be allowed if less than 1,000 sq. ft. (92.9 m²)

Riparian area means an area of land on the banks of or near a water body that, due to the influence of water, is capable of naturally supporting an ecosystem that is distinct from the ecosystem of the adjacent upland areas. For the purpose of this by-law, the riparian area is measured horizontally 100 feet (30 m) from the Ordinary High Water Mark.

Secondary means a use or structure that takes place on the same site as a principal use or structure that is not naturally and normally carried out as part of that principal use (ex: a daycare in an office building).

Shoreline Hazard Lands are areas susceptible to flooding, erosion or slope instability. Shoreline hazard lands include all areas within the flood hazard limit, the erosion hazard limit and the dynamic beach hazard limit.

Sidewalk Sign or **Sandwich Board** means a moveable freestanding sign that is typically double-sided, placed at the entrance to a business to attract pedestrians.

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

Site, Corner means a site situated at the intersection of two streets.

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

Site, Through means a site having a pair of opposite site lines along two more-or-less parallel streets.

Site Area means the computed amount of gross land area contained within the site lines.

Site Coverage:

a) For the purpose of determining the *maximum combined site coverage* as noted in Table 3.2 Bulk Requirements, site coverage means the combined area of all buildings, structures, and paved surfaces on the site as a percentage of the site area, measured at the level of the lowest storey above the grade including all enclosed and insulated decks, sunrooms, porches and verandas, but excluding seasonal non-insulated structures, open or covered, such as decks, screen porches or veranda, patios at grade, steps, uncovered walks, wheelchair ramps, cornices, eaves and similar projections.

b) For the purpose of tree canopy as noted in Section 2.22 Protection and Retention of Trees, site coverage means the total area of the tree canopy on the site as a percentage of the site area, measured from a summer aerial view to include the entire breadth of the tree canopy.

Site Line means one of the boundaries of a site, which include:

Site Line, Front means that boundary of a site along an existing or designated street. For a through site or corner site, the site lines along both streets shall be deemed front site lines. Where an irregular shaped site cannot have its site lines defined by this definition, the front site line shall be determined by the designated officer.

Site Line, Rear means that boundary of a site which is most nearly parallel to the front site line. Where an irregular shaped site cannot have its site lines defined by this definition, the rear site line shall be determined by the designated officer.

Site Line, Side means any boundary of a site which is not a front or rear site line.

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 40 feet from the front site line, whichever is the lesser.

SOLID WASTE AND RECYCLING DEPOT means a development used for the collection and temporary storage of household solid waste and recycling materials. This does not include auto wreckers.

STORAGE FACILITY:

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

Self-Service means a building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

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 cellar.

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

SWIMMING POOL or HOT TUB means an above or below ground structure filled with water, to a depth of greater than two (2) feet, to enable swimming or other leisure activities.

Temporary Building, Structure or Use means a building, structure or use that is temporary in nature and subject to General Regulation 2.8.

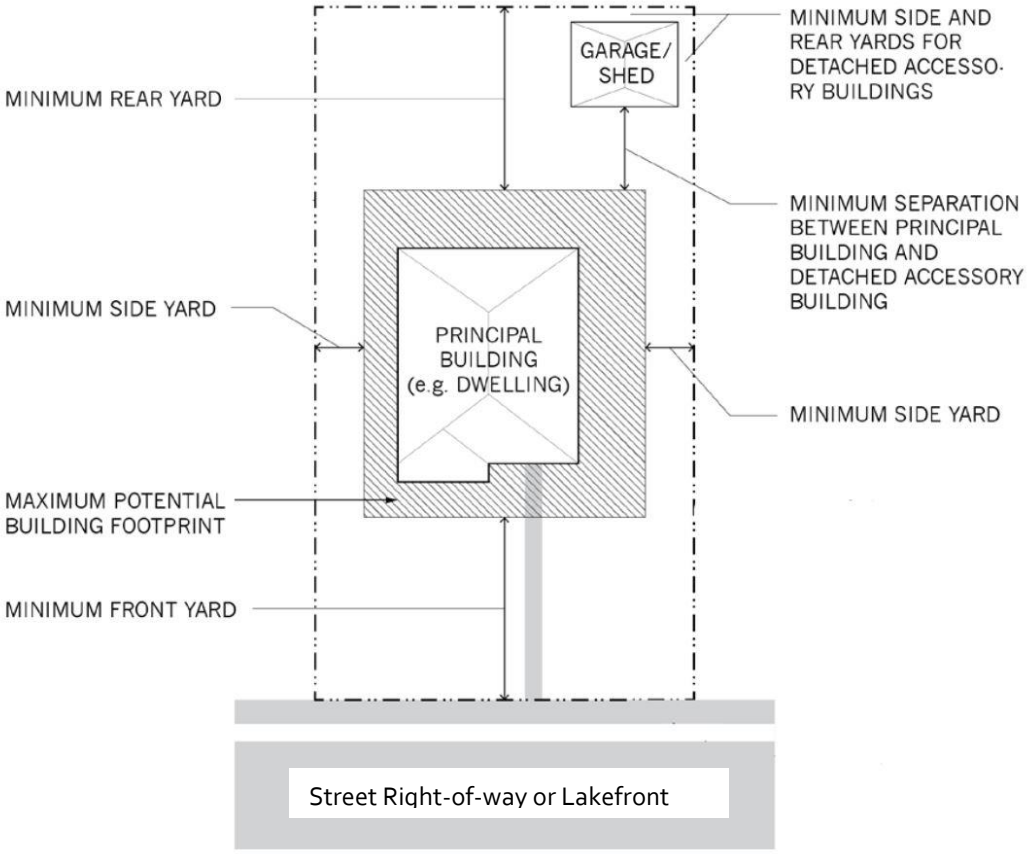
Temporary Sign means a sign which is not permanently anchored to a footing extending below grade or permanently affixed to, or painted on, a building and on which the copy has been painted or affixed in a permanent manner. The copy on the sign shall relate to an activity, use or event of a limited time duration not exceeding six months. Temporary signs include political campaign signs, real estate signs, construction identification signs, signs involving seasonal businesses, and signs advertising specific community events. For the purpose of this by-law, temporary signs shall not include portable signs.

TRUCKING OPERATION means the use of land, buildings or structures for the purpose of storing, repairing, servicing or loading trucks, transportation trailers and/or buses. The use class includes automotive repair, eating and drinking areas, gas bar, retail sales and service stations as accessory uses.

Window Sign means a sign placed or painted on the interior of a shopfront window or the window of a business door.

Yard means an open area between the exterior wall of a building and the boundaries of the site on which it is located.

Yard, Required means the Yard measured from a site line towards the interior of the site within which no building or any part of a building may be located, except as provided in this by-law.



Yard Sign means a permanent freestanding sign in a yard, including a supporting post or posts.

SCHEDULE A: ZONING MAP

