

An Office Consolidation of the
VILLAGE OF WAWANESA
ZONING BY-LAW No. 364

Important Note: All persons making use of this Office Consolidation are reminded that the amendments to this by-law since its original adoption have been embedded in this copy of the by-law for convenient reference. The original By-law No. 364 and amending by-laws should be consulted for legal interpretation and application. This copy of the by-law may also contain different formatting than the original document, such as changes in page numbering.

THE VILLAGE OF WAWANESA

BY-LAW NO. 364

BEING A BY-LAW to regulate the use and development of land within the Village of Wawanesa.

WHEREAS Section 40(1) of The Planning Act, Chapter 29, S.M. 1975, provides that a Zoning By-law may be enacted by the Council of a municipality;

AND WHEREAS, pursuant to Section 30 of the said Planning Act, The Village of Wawanesa has by By-law adopted a Development Plan for the Village;

AND WHEREAS Section 34(2) of the same Act provides that a Zoning By-law shall be prepared upon the adoption of a Development Plan;

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

TABLE OF CONTENTS

PART I	DEFINITIONS.....	1
	RULES OF CONSTRUCTION.....	1
	DIVISIONS OF BY-LAW	1
	DEFINITIONS	2
PART II	ADMINISTRATION.....	14
	SCOPE.....	14
	INTERPRETATION AND APPLICATION	15
	ENFORCEMENT.....	15
	RELATION TO OTHER BY-LAWS	15
	THE DEVELOPMENT OFFICER.....	15
	NON-CONFORMITY	16
	CONDITIONAL USE	18
	VARIATIONS.....	19
	ZONING AMENDMENTS.....	19
	DEVELOPMENT AGREEMENT	19
	DEVELOPMENT PERMIT	19
	BUILDING PERMITS	21
	DUTIES OF THE OWNER.....	22
	FEE SCHEDULE	22
PART III	GENERAL PROVISIONS.....	23
	PROJECTIONS INTO REQUIRED YARDS.....	23
	AREA AND YARD REQUIREMENTS.....	24
	ONLY ONE PRINCIPAL BUILDING OR USE PER SITE	24
	SITE REDUCED	25
	MULTIPLE USES.....	25
	BUILDING REMOVAL	25
	TEMPORARY BUILDINGS AND USES.....	25
	[BUILDING GRADE AND SITE DRAINAGE.....	26
	FRONT YARD EXCEPTIONS	26
	HEIGHT EXCEPTIONS	26
	MUNICIPAL SERVICE CONNECTION	26
	ACCESSORY OFF-STREET PARKING AND LOADING.....	27

ACCESSORY BUILDINGS, STRUCTURES AND USES	27
SIGNS.....	28
DWELLING UNIT LOCATION WITH RESPECT TO WASTE DISPOSAL GROUNDS.....	29
BASEMENT DWELLING UNIT	29
STREET, LANE OR ROAD FRONTAGE.....	29
FUTURE ROAD ALLOWANCE DEEMED EXISTING.....	29
PUBLIC MONUMENTS AND STATUARY	29
PUBLIC UTILITIES AND SERVICES.....	29
EXISTING USES DEEMED TO BE CONDITIONAL USES.....	30
EXISTING BUILDING DEEMED TO CONFORM.....	30
[RETAINING WALLS	30
PART IV ZONING	31
ZONES	31
ZONING MAP.....	31
INTREPRETATION OF ZONE BOUNDARIES	32
PART V RESIDENTIAL ZONE.....	33
INTENT AND PURPOSE.....	33
ZONE INCLUDED	33
PARTY WALLS	33
ACCESSORY USES, BUILDINGS AND STRUCTURES	33
NUMBER OF PRINCIPAL BUILDINGS OR USES.....	34
PARKING REQUIREMENTS.....	34
MOBILE HOME STANDARDS	35
USE REQUIREMENTS.....	35
CONDITIONAL USES.....	35
TABLE V – I “R” RESIDENTIAL USES AND BULK REQUIREMENTS.....	36
EXPLANATIONS AND EXCEPTIONS.....	37
PART VI CENTRAL COMMERCIAL ZONE	40
INTENT AND PURPOSE.....	40
ZONE INCLUDED	40
ACCESSORY DWELLING UNIT	40

PARKING AND LOADING SPACE REQUIREMENTS	40
STORAGE OR DISPLAY OF MERCHANDISE	40
ACCESSORY USES, BUILDING AND STRUCTURES	41
BULK FUEL, PROPANE AND FERTILIZER	41
SIGNS.....	41
USE REQUIREMENTS.....	42
CONDITIONAL USES.....	42

TABLE VI-I "C" CENTRAL COMMERCIAL USES AND BULK REQUIREMENTS TABLE	43
---	-----------

PART VII INDUSTRIAL ZONES.....44

INTENT AND PURPOSE.....	44
ZONES INCLUDED	44
ACCESSORY USES, BUILDINGS AND STRUCTURES	44
SIGNS.....	45
ACCESSORY DWELLING UNIT	45
BULK FUEL, PROPANE AND FERTILIZER	45
SPECIAL YARDS ALONG ZONE BOUNDARIES	45
PARKING AND LOADING SPACES	46
INDUSTRIAL USE REQUIREMENTS.....	47
CONDITIONAL USES	47

TABLE VII-I "M" INDUSTRIAL USES AND SITE REQUIREMENTS TABLE	48
--	-----------

**PART VIII PARKS AND RECREATION AND LIMITED
DEVELOPMENT ZONES.....49**

ZONES ESTABLISHED	49
ACCESSORY USES, BUILDINGS AND STRUCTURES	49
SIGNS.....	50
PARKING	50
LIVESTOCK PROVISIONS	50

TABLE VIII-I: ANIMAL UNIT CONVERSION FACTORS	51
---	-----------

HAZARDOUS CONDITIONS	52
----------------------------	----

PARKS AND RECREATION ZONE - USE REQUIREMENTS	54
TABLE VIII-II PARKS AND RECREATION USES AND BULK REQUIREMENTS	54
LIMITED DEVELOPMENT ZONE - USE REQUIREMENTS	54
TABLE VIII-III LIMITED DEVELOPMENT USES AND BULK REQUIREMENTS	55

PART I DEFINITIONS

RULES OF CONSTRUCTION

1. The following rules of construction apply to the text of this By-Law:
 - (1) Words, phrases and terms defined herein shall be given the defined meaning.
 - (2) Words, phrases and terms not defined herein but defined in the Act and the Building, Electrical or Plumbing By-Laws of the Village of Wawanesa shall be construed as defined in such Act and By-Laws.
 - (3) Words, phrases and terms neither defined herein nor in the Building, Electrical or Plumbing By-Laws of the Village of Wawanesa shall be given their usual and customary meaning except where, in the opinion of Council, the context clearly indicates a different meaning.
 - (4) The phrase "used for" includes "arranged for", "maintained for", "designed for", or "occupied for".
 - (5) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions "and", "or" or "either-or", the conjunctions shall be interpreted as follows:
 - a) "and" indicates that all the connected items, conditions, provisions or events shall apply.
 - b) "or" indicates that the connected items, conditions, provisions, or events may apply singly or in combination.
 - c) "either-or" indicates that the connected items, conditions, provisions or events shall apply singly or in combination.
 - (6) The word "includes" shall not limit a term to the specified examples, but is intended to extend the meaning to all instances or circumstances of like kind or character.

DIVISIONS OF BY-LAW

2. This By-Law is divided into eight (8) PARTS. A number-lettering system has been used throughout the By-Law. This number-lettering system is illustrated as follows:

DEFINITIONS

One	Part
1.	Section
1. (1)	Subsection
1. (1) a)	Paragraph
1. (1) a) i)	Clause
1. (1) a) i) A)	Point

DEFINITIONS

- 3. (1) “Accessory Building, Structure or Use” means a building, structure or use which is subordinate and incidental to the permitted or approved principal building structure or use and is located on the same site as the principal building structure or use.
- [(2) ‘Act, The’ - means The Planning Act Chapter 30 of the Statutes of Manitoba 2005, and any amendments thereto.](B/L #497)
- (3) “Agricultural Activities”
 - a) “General Agricultural Activity” means a use of land for agricultural purposes including farming, dairying, pasturage, agriculture, and the necessary accessory uses for packing, storing or treating the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
 - b) “Specialized Agricultural Activity” means agricultural uses including apiculture, commercial horticulture and greenhouses, market gardening, field crops and nurseries.
- (4) “Alteration” means a change or modification to an existing building, structure or use, including:
 - a) “Alterations, Incidental” means:
 - i) Changes or replacements including repairs in the non- structural parts of a building or structure, including the following:
 - A) an addition on the exterior of a building, such as an open porch;
 - B) alteration of interior partitions in all types of buildings; or
 - C) replacement of, or changes in, the capacity of utility pipes, ducts or conduits.
 - ii) Changes or replacements in the structural parts of a building or

DEFINITIONS

structures, including but not limited to the following:

- A) adding or enlarging windows or doors in exterior walls; or
- B) replacement of building facades.

b) “Alteration, Structural” means a structural alteration as defined in the Act.

- (5) “Antenna, Parabolic Dish” means an antenna capable of receiving a signal directly from a satellite located beyond a major portion of the earth's atmosphere and for the purpose of this by-law will be considered to be a structure even if it is mounted upon a trailer or other movable platform.
- (6) “Automobile Body Shop” means a building wherein the repair and painting of automobiles takes place.
- (7) “Automobile, Boat or Trailer Sales and Service” means an open area, used for the display, sale or rental of new or used automobiles, boats or trailers, and where repairs are made they shall be done within a completely enclosed building, except minor incidental repairs of automobiles, boats or trailers to be displayed, sold or rented on the premises.
- (8) “Automobile Service Station” means a building or portion thereof and land used for supplying fuel, oil and minor accessories and making repairs to motor vehicles at retail directly to the customer.
- (9) “Automobile Wrecking” means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
- (10) “Basement or Cellar” means that portion of a building which is between a floor and a ceiling and is located all or partly underground.
- [(11) ‘Building’ - means, for the purpose of this By-law, any structure which provides fully or partially enclosed space with a roof system, which is intended to shelter any use or occupancy, and includes a mobile home.](B/L #497)
- [(11a) ‘Building, height of ‘ - means the vertical distance measured from finished grade to the highest point of a roof surface of a flat roof, or to the mean height between the eaves and ridge of a gable, hip or gambrel roof.](B/L #497)
- (12) “Building, Principal” means a building in which is conducted the principal use of the site on which it is situated.
- (13) “Bulk” means the following:
 - a) The size (including height of building and floor area) of buildings or structures;

DEFINITIONS

- b) The area of the site upon which a building is located, and the number of dwelling units or rooms within such building in relation to the area of the site;
 - c) The location of exterior walls of buildings in relation to site lines to other walls of the same building, to legally required windows, or to other buildings; and
 - d) All open areas relating to buildings or structures and their relationships thereto.
- (14) “Camping and tenting grounds” means an area of land planned and improved to accommodate travel trailers, camping trailers, pick-up coaches, motorized homes, tents, tent trailers or other camping accommodations used for travel, recreational and vacation uses.
- (15) “Cemetery” means land for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematoria, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.
- (16) “Child Care Services” 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 exceeding three (3) hours but not exceeding fourteen (14) hours:
- a) "Home day care" means the provision of child care services in a family dwelling unit, in which the owner or tenant resides, or churches or parish halls, to children, including the children of the owner or tenant, not over twelve (12) years of age. The number of children shall not exceed eight (8), with access to an outdoor recreation area.
 - b) "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.
- (17) “Club, Private, Non-Profit” means a non-profit corporation chartered by The Canada Corporation Act or The Manitoba Corporation Act, or an association consisting of persons who are bona fide members paying annual dues, which owns, or leases a building or portion thereof; the use of such premises being restricted to members and their guests.
- (18) “Conditional Use” means the conditional use of land, a building or a structure as provided for in the Act.
- (19) “Council” means the Council of the Village of Wawanesa.
- (20) “Development Officer” means the officer appointed by the Council in accordance with the provisions of the Act.
- (21) “Development Plan” means the Village of Wawanesa Development Plan and amendments thereto.

DEFINITIONS

- (22) “Dwelling” means a building or portion thereof designed for residential occupancy, including:
- a) “Farm Dwelling” means a dwelling, which is the principal residence of the owner or operator of a permitted or approved agricultural activity, located on the same site as said activity.
 - b) “Single-Family Dwelling” means a detached building designed for and used by not more than one (1) family.
 - c) “Two-Family Dwelling” means a detached or semi-detached building designed for and used by not more than two (2) families, each having exclusive occupancy of a dwelling unit.
 - d) “Multiple-Family Dwelling” means a building containing three (3) or more dwelling units, each unit designed for and used by not more than one (1) family each having exclusive occupancy of a dwelling unit.
 - e) “Mobile Home” means a portable dwelling unit that is capable of being transported on its own chassis and running gear by towing or other means and is designed to be used as a dwelling unit.
 - [f) “Modular Home” – means a pre-fabricated portable dwelling unit, similar but distinct from a mobile home, in that a modular home does not have a chassis to accommodate wheels. Modular homes are designed to be transported to a site on a flatbed truck and may be folded, collapsed or telescoped when in tow, and may be extended on the site for additional interior space.](B/L 497)
- (23) “Dwelling Unit” means one (1) or more rooms in a building designed for one (1) or more persons as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.
- (24) “Enlargement” means an addition to the floor area of an existing building, structure or use or an increase in that portion of land or building occupied by an existing use.
- (25) “Family” means one or more persons related by blood or marriage or common-law marriage, or a group made up of not more than three (3) persons who may not be related by blood or marriage, living together as a single housekeeping unit.

"Family" also includes domestic servants.

"Common-law" means a man and a woman living together as a family without the sanctity of marriage.

DEFINITIONS

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

- (26) “Flood Risk Area, Interim” means those lands adjacent to the Souris River where a majority of the floodwaters pass and which are designated on an interim basis under the Canada-Manitoba Flood Damage Reduction Program and are shown illustrated within the shaded area in Appendix "A" Zoning Map One of this By-law.
- (27) “Floor Area” means the sum of the gross horizontal areas of the several floors of all buildings and structures on the zoning site, measured from the exterior faces of the exterior walls or from the centreline of party walls. In particular, the floor area of a building or buildings shall include:
- a) Basements when used for residential, commercial or industrial purposes, but not including space used for storage or the housing of mechanical or central heating equipment.
 - b) Floor space used for mechanical equipment (with structural headroom of six (6) feet or more) except equipment, open or enclosed, located on the roof;
 - c) Elevator shafts and stairwells at each storey except shaft and stair bulkheads and exterior unroofed steps or stairs; and
 - d) Penthouses, mezzanines, attics where there is a structural headroom of six (6) feet or more.
- (28) “Frontage, entire” means all the property fronting on one side of a street between a street and a right-of-way, waterway, end of dead-end street, or municipal boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street, which it intercepts.
- (29) “Garage or Carport, Private” means an accessory building or portion of a principal building, if attached, used by the occupants of the premises upon which it is located for the parking or temporary storage of private passenger motor vehicles and may also include the incidental storage of other personal property.
- (30) “Grade” (as applied to the determination of building or structure height) means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Development Officer.
- (31) “Home Occupation” means an accessory use which:
- [a] Is carried on in a dwelling unit or mobile home or its accessory building; or which may include exterior processing or storage operations, subject to the approval of Council;](**B/L 497**)

DEFINITIONS

- b) Is carried on solely by the members of the family residing at the same dwelling unit or mobile home without the employment of other persons;
 - [c) Is incidental to or secondary to the use of the dwelling unit or mobile home; and the amount of floor space utilized by the home occupation does not exceed 300 square feet;](**B/L 497**)
 - d) Has no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the principal or accessory building except as provided for herein;
 - e) In the opinion of the Council is not offensive or obnoxious nor creates a nuisance;
 - f) Does not cause, in the opinion of Council, the generation of undue traffic and congestion in the neighbourhood; and
 - g) Articles, sold or offered for sale and limited to those produced therein or articles that are produced elsewhere but are prepackaged and held only on a temporary basis for distribution to customers outside the dwelling unit or mobile home.
- (32) “Hotel or Motel” means a building or part thereof wherein accommodation is provided for transient lodgers, in any individual room or apartment, with or without cooking facilities. Permitted accessory uses include but are not limited to, restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.
- (33) “House, Boarding, Lodging or Rooming” means a building or portion thereof, other than a hotel or motel without cooking facilities, where lodging, or lodging and meals are provided for compensation exclusive of the proprietor and his family.
- (34) “Kennel” means any premises on which more than two (2) animals are boarded, bred, trained or cared for, in return for remuneration or are kept for the purpose of sale. A kennel shall not include a veterinary clinic, animal hospital or animal pound.
- (35) “Lane” means for the purpose of this by-law a public right of way not over thirty (30) feet in width, which affords only a secondary means of vehicular access to an abutting property.
- (36) “Loading Space” means an off-street space on the same site with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which has access to a street or lane or other appropriate means of access.
- (37) “Parcel of land” means a parcel as defined in the Act.
- (38) “Parking Space” means an open area of land other than a street or lane or an area within a

DEFINITIONS

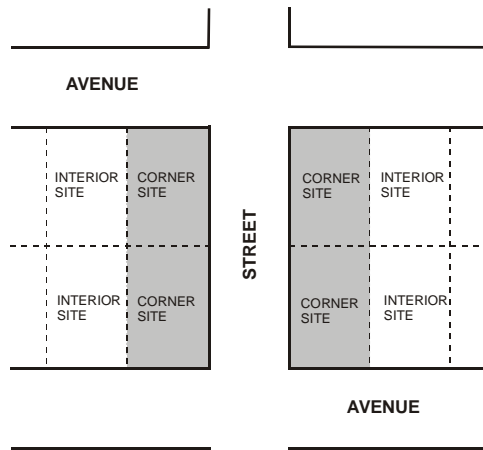
structure used for the parking of vehicles.

- (39) “Personal Services” means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and includes such establishments as barber shops, funeral parlours, janitorial and catering and financial, legal and medical services (including clinics).
- (40) “Premises” means an area of land with or without buildings.
- (41) “Public Utility” means any system, works, plant, equipment or services, which furnishes services and facilities available at approved rates to or for the use of the general public, including but not limited to:
- a) Communication, by way of telephone, telegraph, wireless or television;
 - b) Public transportation, by bus or other vehicle;
 - c) Production, transmission, delivery or furnishing of water, gas or electricity to the public at large; or
 - d) Collection of sewage, garbage or other waste.
This does not include offices or areas for the storage of equipment, supplies or vehicles.
- (42) “Residential Care Facility” means the use of any building or structure or part thereof, however named, which is advertised, announced or maintained for the express or implied purpose of providing lodging, meals, care and supervision or transitional services to persons not related by blood, marriage or adoption to the operator nor to each other but does not include a facility which is licensed or designated by the Manitoba Health Services Commission.
- (43) “Retail Sales and Services” means a building or part of a building in which goods and services are offered directly to customers and includes uses such as hardware, mail order, clothing, appliances, electronics, books, gifts, second hand goods and may include incidental repairs.
- (44) “Sign” means any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol or trademark), banner, pennant or any other figure of similar character which is a structure or any part thereof, or is attached to, painted on or in any other manner represented on or in a building or structure but shall not include show windows, including:
- a) “Advertising sign” means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same site where the sign is maintained, including a billboard sign.
 - b) “Bulletin board” means a sign of permanent character, but with movable letters, words

DEFINITIONS

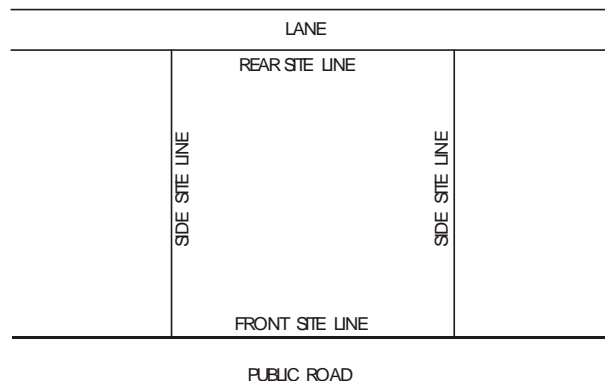
or numerals indicating the names of persons associated with, or events conducted upon the premises upon which the sign is maintained.

- c) “Business sign” means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same site where the sign is maintained.
 - d) “Construction sign” means a sign, which identifies a construction project and information relating to it.
 - e) “Identification sign” means a sign that identifies the owner, resident or the street address of a premise and which sets forth no other advertisement.
 - f) “Real Estate Sign” means a sign advertising the sale, rental or lease of the premises on which it is maintained.
- (45) “Sign Surface Area” means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, including any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which it is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than one (1) yard from one another, the sign surface area shall be taken as the surface area of one face if the two faces are of equal area, or as the surface area of the larger face if the two faces are of unequal area.
- (46) “Site” means a parcel of land or portion thereof, and unless provided for elsewhere herein, has frontage on a street and is of at least sufficient size to provide the minimum requirements for use, area, yards and other open spaces as are herein required.
- (47) “Site Area” means the computed area contained within the site lines.
- (48) “Site, Corner” means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.



DEFINITIONS

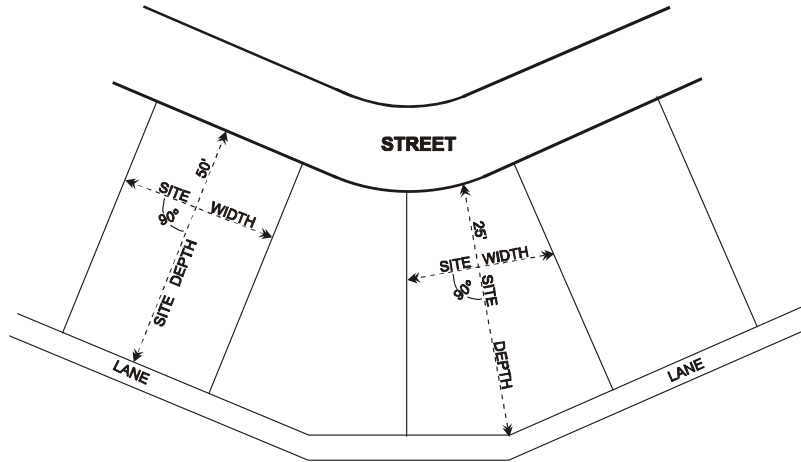
- (49) “Site, Coverage” means that part of a site occupied by buildings, including accessory buildings, expressed as a percentage of the site area.
- (50) “Site, Frontage” means all that portion of a site fronting on a street and measured between side site lines.
- (51) “Site, Interior” means a site other than a corner site or a through site.
- (52) “Site, Key” means the first site to the rear of a reversed corner site.
- (53) “Site Lines” means as follows:
 - a) “Front site line” means that boundary of a site, which is along an existing or designated street. For a corner site the Development Officer may select the front site line except where an interior site abuts the corner site, then the front site line shall be that line which is the continuation of the front site line of the interior site;
 - b) “Rear site line” means that boundary of a site which is most nearly parallel to the front site line and in the case of a site in which the side site lines intersect, such as a triangular site, a line ten (10) feet in length within the site, parallel to and at the maximum distance from the front side line.
 - c) “Side site line” means any boundary of a site which is not a front or rear site line.
 - d) Where an irregular shaped site cannot have its site lines defined by the foregoing definitions, the front, rear and side site lines shall be determined by the Development Officer.



- (54) “Site, Reverse Corner” means a corner site, the flanking street line of which is substantially a continuation of the front site line of the first site to its rear.

DEFINITIONS

- (55) “Site, Through” means a site having a pair of opposite site lines along two (2) more or less parallel streets. On a through site both street lines shall be deemed to be front site lines.
- (56) “Site Width” means the horizontal distance between the side site lines, measured at right angles to the side site lines, or fifty (50) feet from the front site line, whichever is the lesser.



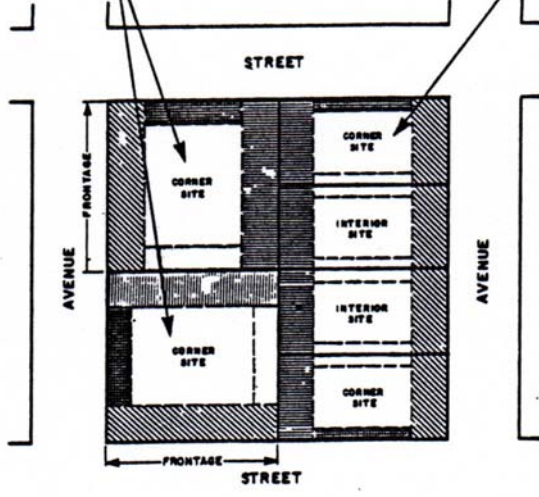
- (57) “Stable, private” means a detached accessory building for the keeping of cattle or horses owned by the occupants of the premises and not kept for remuneration, hire or sale.
- (58) “Stable, public” means a stable other than a private stable.
- (59) “Street” means for the purposes of this By-law, a public right-of-way, including a highway, which affords improved primary vehicular access to abutting property.
- (60) “Structure” means anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.
- (61) “Use” means:
 - (a) Any purpose for which a building, structure or parcel of land may be designed, arranged, intended, maintained or occupied; or
 - (b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a parcel of land.
- (62) “Yard, Required” means an open area, on the same site with a building or structure which area is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein. A required yard extends along a site line to a depth or width (measured from the site line) specified in the yard requirement for the zone in which such site is located.

DEFINITIONS

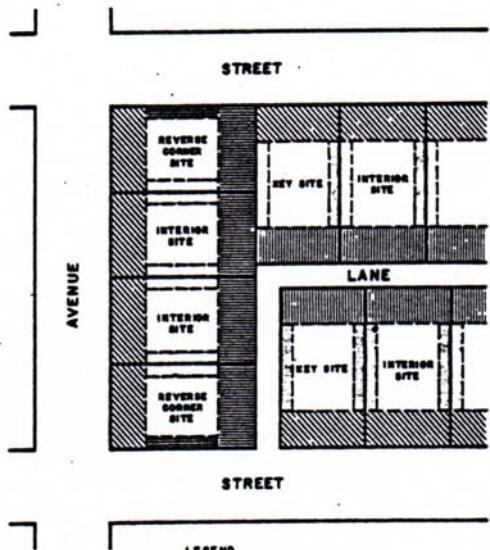
- a) “Yard, required corner side” means a side yard, which adjoins a street.
- b) “Yard, required front” means a yard extending along the full length of the front site line between the side site lines.
- c) “Yard required interior side” means a side yard, which is adjacent to another site, or to a lane separating such side yard from another site.
- d) “Yard, required side” means a yard extending along the side site line from the required front yard to the required rear yard.
- e) “Yard, required rear” means a yard extending along the full length of the rear site line between the side site lines.
- f) The following sketches illustrate the foregoing definitions of required yards:

DEFINITIONS

FOR A CORNER SITE THE DEVELOPMENT OFFICER MAY SELECT THE FRONT SITE LINE EXCEPT WHERE AN INTERIOR SITE ABUTS THE CORNER SITE, THEN THE FRONT SITE LINE SHALL BE THAT LINE WHICH IS THE CONTINUATION OF THE FRONT SITE LINE OF THE INTERIOR SITE.



LEGEND
 FRONT YARDS
 REAR YARDS
 CORNER SIDE YARDS
 INTERIOR SIDE YARDS



LEGEND
 FRONT YARDS
 REAR YARDS
 CORNER SIDE YARDS
 INTERIOR SIDE YARDS

DEFINITIONS

PART II ADMINISTRATION

SCOPE

1. (1) Title

This By-Law shall be known as "The Village of Wawanesa Zoning By- Law.

(2) When Effective

This By-Law shall be in full force and effect when it is given third reading by the Council of the Village of Wawanesa.

(3) Area Affected

This Zoning By-Law shall apply to all of the Village of Wawanesa.

(4) Intent and Purpose

The regulations and provisions established by this By-Law are deemed necessary in order to:

- a) Implement the objectives and policies of the Development Plan;
- b) Define the powers and duties of the Council and Development Officer; and
- c) Regulate the following:
 - i) Buildings and structures erected hereafter;
 - ii) Uses of buildings, structures and land established hereafter;
 - iii) Structural alterations or relocations of existing buildings and structures occurring hereafter;
 - iv) Enlargements or additions to existing buildings, structures or uses; and
 - v) The change of use of land buildings or structures.

(5) Responsible Authority

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

- a) The enactment of this By-Law, in accordance with the provisions of the Act;
- b) Considering the adoption of proposed amendments or the repeal of this By-Law;
- [c) Approving or rejecting applications for variation orders;](B/L 497)
- d) Approving or rejecting conditional use applications, and may revoke the authorized conditional use for any violation of any additional conditions imposed by it; and
- e) Establishing a schedule of fees as provided for in Section 14 of this PART.

INTERPRETATION AND APPLICATION

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

ENFORCEMENT

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

RELATION TO OTHER BY-LAWS

- 4. Whenever provisions of any By-Law of the Village of Wawanesa or any other regulations of the Provincial or Federal Government impose overlapping regulations over the use of land or buildings, the most restrictive or highest requirement shall govern.

THE DEVELOPMENT OFFICER

5. (1) Duties

The Council shall appoint a development officer who, on behalf of the Village of Wawanesa, may:

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

ADMINISTRATION

(2) Responsibilities

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

- a) Administering and enforcing the provisions of this by-law;
- b) Administering and enforcing the provisions of the Act, where applicable; and
- c) Taking no action on any application until all applicable fees and charges have been paid in full.

(3) Powers

The Development Officer may:

- a) Issue a development permit where the development of land, buildings or structures conforms to the adopted Development Plan, and the requirements of this By-Law and amendments thereto;
- b) Enter any buildings or premises at all reasonable hours in the performance of his/her duties with respect to this By-Law;
- c) Issue development permits for the temporary use of buildings, structures or land pursuant to the provisions of this By-Law;
- d) Issue zoning memoranda or such other documents necessary for the administration and enforcement of this By-Law; and
- e) Allow or refuse in his or her discretion and in accordance with the provisions of the Act, a minor variation not to exceed then (10) percent of the requirements of this By-law governing front, side, rear or any other yard.

NON-CONFORMITY

6. (1) Definition

"Non-Conformity" means one, or a combination of one or more, of the following:

- a) A parcel of land;
- b) A sign;

which lawfully existed prior to the effective date of this By-Law or amendments thereto, but which does not conform to the provisions contained within this By-Law or amendments thereto.

ADMINISTRATION

(2) Classification

a) Site or Parcel

A non-conforming site or parcel of land means any lawful site or parcel which does not comply with the site area or site width requirements on the effective date of this By-Law, or amendments thereto, and was on record in the Land Titles Office and in separate ownership prior to the effective date of this By-Law or amendments thereto, and did not form part of a larger contiguous holding in the same ownership; and

b) Signs

A non-conforming sign means any lawful sign which does not comply with one or more of the applicable zone bulk requirements on the effective date of this By-Law or amendments thereto.

(3) Non-Conforming Parcel

A building or structure may only be erected on a non-conforming parcel of land if:

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

(4) Non-Conforming Signs

A non-conforming sign shall be subject to all the provisions of this SECTION relating to non-conformities, except as provided hereafter:

- (a) A change in the subject matter represented on a sign shall not be considered a change of use; and
- (b) A non-conforming sign may be structurally altered, reconstructed, or replaced in the same location and position provided that such structural alteration, reconstruction, or replacement does not result in:
 - i) the creation of a new non-conformity or an increase in the degree of non-conformity; or
 - ii) an increase in the sign surface area; or
 - iii) an increase in the degree of illumination.

ADMINISTRATION

CONDITIONAL USE

7. (1) The development and execution of this By-law are based upon the division of the area affected into zones within which zones the use of land and buildings and structures in relation to the land are substantially compatible. It is recognized, however that there are certain uses deemed conditional uses which, because of their unique characteristics cannot properly be classified in any particular zone or zones without consideration, in each case, of the impact of those uses upon neighbouring land and of the public need for the particular use at the particular location. Such uses fall into two categories:
- a) Uses publicly operated or traditionally associated with the public interest; and
 - b) Uses entirely private in character but of such a nature that their operation may give rise to unique problems with respect to their impact upon neighbouring property or public facilities.
- (2) Application
- a) An application for a conditional use order shall be processed and approved or rejected in accordance with the provisions of the Act.
 - b) The application shall be filed with the Development Officer and shall be accompanied by a site plan and other data as the Council may prescribe and such fees as determined by Council.
- (3) Expiry of Approval
- The approval of Council in accordance with the provisions of the Act shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the decision, unless it is renewed at the discretion of Council for an additional period.
- (4) Existing Conditional Use
- a) Where a use is classified as a conditional use under this By-law or amendments thereto, and legally exists at the date of the adoption of this By-law it shall be considered as a legally existing conditional use.
- (5) Change in Conditional Use
- a) Unless otherwise provided in a conditional use order, or unless otherwise provided for herein, any expansion of the area of land, building or structure occupied or used by a conditional use is subject to the same procedures as for a new conditional use.

- b) Authorization of a change in any condition previously imposed in the authorization of a conditional use is subject to the same procedures as for a new conditional use.

VARIATIONS

- 8. (1) Any person may apply for a variation order, in accordance with the provisions of the Act.
- (2) An application for a variation order and all required information and fees, shall be made to the Development Officer.

ZONING AMENDMENTS

- 9. (1) Procedure

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

DEVELOPMENT AGREEMENT

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

DEVELOPMENT PERMIT

- 11. (1) Permit Required

The owner or his agent shall obtain all necessary permits as required by Council and other government agencies.

- (2) When Required

A development permit is required for the following:

- (a) The erection, construction, placement or relocation of any building, structure or mobile home, with the exception of those structures described in subsection (3);

ADMINISTRATION

- [(b) The addition, enlargement, extension, structural alteration or conversion of any building or structure; and the construction of exterior building features such as decks higher than 2 feet above finished grade and canopies](B/L 497)
- (c) The use of vacant land, buildings and structures; and
- (d) The change of use of land, buildings and structures.

(3) When Not Required

- (a) An application for a development permit is not required for the following:
 - (i) Accessory detached buildings and structures not greater than 100 square feet in floor area;
 - (ii) Minor repairs, incidental alterations and maintenance of buildings and structures, including the replacement of non-structural building components, repainting, and similar operations provided that work does not materially change the use or exterior dimensions of the building or structure;
 - [(iii) Decks less than 2 feet above finished grade,](B/L 497) patios, sidewalks, exterior steps and similar features;
 - (iv) Fences, hedges, trees, shrubbery and similar features;
 - (v) Ornamental features such as fountains, flagpoles, railings, trellises and the like;
 - (vi) Permanent identification signs not exceeding four (4) square feet in surface area;
 - (vii) Temporary signs such as posters, legal notices, and real estate or construction signs not exceeding 32 square feet in area.
- (b) Although a development permit shall not be required for those items specified in subsection (3)(a), this does not relieve the owner of the responsibility of ensuring that such items are installed in accordance with the provisions of this By-law or any other by-law of the Village of Wawanesa.

(4) Permit Requirements

- (a) An application for a development permit shall be accompanied by the application fee as prescribed by Council. The application is not considered to

ADMINISTRATION

be in a complete form until such fees have been received by the Village of Wawanesa.

- (b) In addition to the requirements of any By-laws of the Village of Wawanesa or any other provincial regulations, all applications for development permits:
 - (i) Shall be accompanied by a plan drawn to scale, showing the actual dimensions and shape of the site to be built upon; the exact size and location on the site of buildings already existing, if any, and the location and dimensions of the proposed building, enlargement or structural alteration; and
 - (ii) Shall include such other information as may be required by the Council including: proposed building or structural alterations; existing or proposed use of the building and land; the number and location of automobile parking spaces and loading spaces; the number of families, dwelling units or rental units the building is designed to accommodate; conditions existing on the site including grades and elevators; current copies of relevant titles, easements, caveats; a surveyors certificate prepared by a Manitoba Land Surveyor and such other matters as may be necessary to determine conformance with and provide for the enforcement of this By-law.
- (5) No person shall erect, locate, repair, use, or occupy any building, land or structure contrary to any development permit or the material furnished in support of the application.

BUILDING PERMITS

12. (1) Permits Issued Prior to By-Law

Unless otherwise provided for herein building permits issued prior to the effective date of this By-law or amendments hereto shall be considered valid for the purpose of this By-law provided all the conditions under which the permit was issued are complied with.

(2) Building to be Moved

No building or structure shall be moved in whole or in part to any location unless every portion of the building or structure is made to conform to the regulations of this By-law applying to the zone in which it is located, unless the relevant requirements may be varied by a variation order pursuant to the provisions of the Act.

ADMINISTRATION

DUTIES OF THE OWNER

13. (1) Responsibility

Neither the granting of a development permit nor the approval of the drawing and specifications nor the inspections made by the Development Officer shall in any way relieve the owner of the responsibility of complying with the requirements of this By-law or of any relevant By-laws of the Village of Wawanesa.

(2) Permits Required

Every owner shall:

- a) Permit the Development Officer to enter any building or premises at any reasonable time for the purpose of administering or enforcing this By-law and shall not molest, obstruct or interfere with the Development Officer in the discharge of his/her duties under this By-law.
- b) After the development application has been approved and the permit issued, obtain the written approval of the Development Officer before doing any work at variance with the approved documents filed; and
- c) Be responsible for obtaining, where applicable from the appropriate authorities, permits or licenses relating to the buildings, grades, sewers or water supply systems, plumbing, signs, blasting, street, occupancy, electrical, highways, and all other permits required in connection with the proposed work.

FEE SCHEDULE

14. (1) Council shall by By-law establish a fee schedule for zoning amendments, zoning memoranda, conditional use orders, variation orders non-conforming certificates and other appropriate documents.

PART III GENERAL PROVISIONS

PROJECTIONS INTO REQUIRED YARDS

1. (1) The following items may be located in a required yard:

- (a) trees, shrubs and gardens;
- (b) fences, walls and retaining walls;
- (c) flagpoles, signs and lighting fixtures; and
- (d) sidewalks, driveways and parking spaces,

except that in no case may a wall, fence or planting create a wall-like effect higher than three and one-half (3.5) feet within the required front yard or six (6) feet in any other yard.

[(2) Where the provisions of this by-law establish a required yard along a site line which is larger than 0 feet, the following features may project into a required yard:

- a) Overhead elements of a principal building, including gutters, eaves, awnings may project a distance of up to 2 feet into any required yard, provided that a minimum separation distance of 2 feet is provided to any site line;
- b) Elements of a principal building, including wall extensions such as bay windows, alcoves and chimneys may project a distance of 2 feet into any required yard, provided that a minimum separation distance of 3 feet is provided to any site line, and provided the maximum horizontal coverage of such extension is 16 square feet within the required yard;
- c) Horizontal elements of a principal building, including open exterior stair landings, and decks, less than 2 feet in height above finished grade, may project to a distance of 1 foot from a site line, provided that there is a suitable means for emergency access around the building;
- d) Horizontal elements of a principal building, including open exterior stair landings, and decks, greater than 2 feet in height above finished grade, may project to a distance of 2 feet into any required yard, provided that a minimum separation distance of 3 feet is provided to any site line; and

- e) Elements of an accessory building, including gutters, eaves, and awnings may project into a required yard, provided that a minimum separation distance of 1 foot is provided to a side site line and a minimum separation distance of 2 feet is provided to a rear site line;

provided that no such projection creates an unacceptable barrier to the movement of emergency personnel around the building.](B/L 497)

AREA AND YARD REQUIREMENTS

- 2. Except as herein provided, the following special provisions shall apply in all zones to ensure adequate site and yard requirements:
 - (1) Where a site is occupied for a use permitted in a zone and has no buildings or structures thereon, the required yards for the zone within which it is located shall be provided and maintained.
 - (2) No building or structure shall be permitted on a corner site when such building or structure is to be oriented in such a manner as to reduce the front yard requirement on the street on which such corner site has its frontage at the time this zoning By-law becomes effective.
 - (3) It shall be a continuing obligation of the owner to maintain the minimum site area, site width, yards and other open spaces required herein for any use so long as it remains in existence.
 - (4) No building or structure shall be enlarged or reconstructed and no site shall be reduced in area, if such enlargement, reconstruction, alteration or reduction will result in the violation of any provisions of this By-law.
 - (5) Yards and sites provided for a building, structure or use existing on the effective date of this By-law or amendments thereto shall not be reduced if already equal to or less than the minimum requirements of this By-law.
 - (6) No yard or other open space around a building, structure or use in existence, or provided under the provisions of this By-law, shall be considered as providing a yard or open space for any other building, structure, use or site.

ONLY ONE PRINCIPAL BUILDING OR USE PER SITE

- 3. There shall be only one principal building or one principal use on a site except where otherwise stated herein. [Multiple tenant buildings may be allowed as a permitted use in the “C” Central Commercial Zone and the “M” Industrial Zone, and there may be a separate principal use in each rental unit in the building. For such buildings, the minimum side yard requirement for each use within the building shall be 0 feet, provided that the structure complies with all applicable building code requirements governing fire protection.](B/L 497)

SITE REDUCED

4. A site area or site width or required yard reduced below the minimum requirements of this By-law by virtue of a public works, street or public utility, as set out under PART VI SUBDIVISION CONTROL of The Planning Act, shall be deemed to conform to the requirements of this By-law.

Where a site is split or fragmented by a public park, natural river, stream or lake into two (2) or more sites, no such sites may be occupied by any use permitted in the zone unless the required yards are provided as set forth in the Uses and Bulk Requirements Table of the zone in which the sites are located.

MULTIPLE USES

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

BUILDING REMOVAL

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

TEMPORARY BUILDINGS AND USES

7. (1) May Be Permitted

Notwithstanding any provisions contained elsewhere in this By-law, temporary buildings, structures and uses for construction materials or equipment, both incidental and necessary to construction in the same zone may be permitted on a temporary basis subject to the issuance of a development permit.

- (2) Terms and Conditions

A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by Council.

- (3) Validation Period

Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than six (6) months, and may not be renewed for more than two (2) successive periods at the same location.

(4) Size of Buildings

In all cases, temporary buildings and structures shall not exceed one thousand (1000) square feet in area and one (1) storey or fifteen (15) feet in height, and:

- (a) May be used as office space for the contractor or developer;
- (b) Shall not be used for human habitation, except as temporary accommodation for a caretaker or watchman, and
- (c) Shall not be detrimental to the public health, safety, convenience and general welfare.

[BUILDING GRADE AND SITE DRAINAGE

8. The proposed finished grade for all principal buildings and structures and the proposed site drainage system shall be approved by the appropriate Village of Wawanesa representative prior to the commencement of construction. Applications for development permits shall be accompanied by a diagram illustrating the final site grade and proposed drainage of the site, unless deemed unnecessary by the Development Officer.](B/L 497)

FRONT YARD EXCEPTIONS

9. (1) In the Residential Zone, where the sites on both sides of a site have been developed with buildings prior to the effective date of this By-law, the front yard may be varied to the average of the two adjacent front yards if that average is less than the required front yard.
- (2) In all other zones, where sites comprising forty (40) percent or more of the entire frontage of the block (excluding reversed corner sites) are developed with buildings, the average front yard depths established by such buildings shall establish the minimum front yard depths for the entire frontage of the block provided such average is less than the minimum front yard required in the zone in which the site is located.

HEIGHT EXCEPTIONS

10. The provisions of this By-law shall not apply to limit the height of any ornamental dome, chimney, electrical or telephone transmission line, steeple, electrical apparatus or the mechanical operation 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.

MUNICIPAL SERVICE CONNECTION

11. All principal buildings constructed on a site serviced by sewer, water or hydro distribution shall be connected to such services within a time limit determined by Council. Existing

private water supply and sewage disposal systems, installed prior to the effective date of the Development Plan, must be adequate and environmentally safe to the satisfaction of Council.

ACCESSORY OFF-STREET PARKING AND LOADING

12. (1) All accessory off-street parking and loading areas and spaces shall be on the same site as the use served, [provided that in the “R” Residential Zone, a maximum of 33 percent of any required front yard may be used for an accessory parking area.](**B/L 497**)
- (2) The surface of the accessory off-street parking and loading areas and spaces and the access driveways thereto shall be surfaced with gravel, asphalt or concrete and designed in such a manner that there will be no free flow of water onto either adjacent properties or public sidewalks.
- (3) When a building is enlarged or a use extended or changed, the accessory parking and loading requirements for the enlargement, extension, or new use shall be provided in accordance with the requirements of this section and those of the specific zone involved.
- (4) An accessory off-street parking space shall be a minimum of eight (8) feet wide and twenty (20) feet long.
- (5) An accessory off-street loading space shall be a minimum of twelve (12) feet wide and thirty-five (35) feet long.

ACCESSORY BUILDINGS, STRUCTURES AND USES

13. (1) Any use or building, which is permitted or may be approved by virtue of this By-Law includes any permitted building, structure or use accessory thereto subject to the fulfillment of all requirements contained herein.
- (2) Accessory buildings, except as otherwise regulated in the By-law, shall be subject to the following regulations:
 - (a) Where the accessory building is attached to a principal building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the principal building.
 - (b) No detached accessory building shall be located closer than six (6) feet to any principal building or any other detached accessory building on the same site;
 - (c) In no instance shall an accessory building be located within a dedicated easement right-of-way;
 - (d) No accessory building shall be erected prior to the erection of a principal

building except where it is necessary for the storage of the tools and materials for use during construction of the building;

- (e) Where a through site has a depth of less than two hundred (200) feet, an accessory building may be located in one of the required front yards, if such building is set back from the nearest street line a distance of not less than ten (10) percent of the depth of the site and at least five (5) feet from any side site line. In no case shall any accessory building project beyond the front yard line of an existing main building along the site width, but such accessory building need not be located more than twenty-five (25) feet from the street line.

SIGNS

- 14. (1) No signs or sign structures shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or any highway or street intersection or railroad grade crossing.
- (2) No rotating beam or beam shall be used in connection with any sign display; nor shall any flashing illumination resembling an emergency light be used for such purposes.
- (3) No flashing signs shall be permitted in any zone without the approval of the Council. In any event, no flashing sign shall be permitted within three hundred (300) feet of any residential zone or Provincial Road.
- (4) All signs and sign structures shall be kept in repair and in proper state of preservation. Signs, which have become obsolete because of discontinuance of the business service or activity, and have not been removed or relocated within thirty (30) days following such condition, may be removed by the Village at the owner's expense.
- (5) It shall be unlawful to erect or maintain any sign on, over or above any land or right-of-way belonging to the Village unless such right is established by agreement with the Village, and all signs located on lands owned by the Village shall adhere to all the setback requirements of the zone in which they are located.
- (6) The following signs shall not be subject to the provisions of this By-law except as otherwise stated herein:
 - (a) Signs posted by duly constituted public authorities in the performance of their public duties;
 - (b) Flags or emblems of a political, civic, educational or religious organization;
 - (c) Temporary signs as may be authorized by Council;
 - (d) "No Trespassing" or identification signs not exceeding three (3) square feet;

- (e) Construction signs when placed on construction sites and not exceeding twenty-five (25) square feet;
- (f) Signs required for direction and convenience of the public including signs, which identify rest rooms, or parking entrance or exit, not exceeding five (5) square feet in area; and
- (g) Real estate signs not exceeding ten (10) square feet which advertise the sale, rental or lease of a building, structure, site, or part thereof.

DWELLING UNIT LOCATION WITH RESPECT TO WASTE DISPOSAL GROUNDS

- [15. A dwelling unit shall not be located within 1,320 feet of the former waste disposal site, unless a lesser distance is approved by the appropriate provincial authority.](B/L 497)

BASEMENT DWELLING UNIT

- 16. A basement dwelling unit shall comply with the provisions of this By-law, the Buildings and Mobile Homes Act, Chapter B93, s.m. 1977 and any other By-law or Act having jurisdiction.

STREET, LANE OR ROAD FRONTAGE

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

FUTURE ROAD ALLOWANCE DEEMED EXISTING

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

PUBLIC MONUMENTS AND STATUARY

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

PUBLIC UTILITIES AND SERVICES

- 20. (1) Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance or operation of the facilities of any public utility, as defined in this By-law, or public services such as police and fire protection, provided that the

requirements of such public utility or public service is of a standard compatible with the adjacent area as determined by the Development Officer, and that any building or structure erected in any zone complies with the yard and area requirements applicable to the zone.

- (2) Where the public utility of another municipality is proposed to be located within the Village, it shall apply to Council for approval.

EXISTING USES DEEMED TO BE CONDITIONAL USES

21. Existing uses legally established on the effective date of the adoption of this By-Law or amendments thereto and not listed as conditional or permitted uses in the USES AND BULK REQUIREMENTS TABLE for that zone shall be considered as conditional uses in the zones in which they are located. Expansion of said uses shall be limited to the site associated with them on said effective date. At such time as the existing use ceases to exist on the site associated with it, the premises shall only be used for a use, which may be permitted or approved in the zone in which it occurs. (See Section 7 of PART II)

EXISTING BUILDING DEEMED TO CONFORM

22. All buildings and structures existing on the effective date of the adoption of this By-law and amendments hereto are deemed to conform to the bulk requirements and parking and loading requirements of the zone in which such buildings and structures are situated. Any expansion, addition, relocation or reconstruction of the said buildings and structures shall conform to the bulk regulations and parking and loading requirements of the zone in which they are located, unless varied by a variation order.

RETAINING WALLS

23. A development permit shall be required prior to the construction of any retaining wall where the height difference between the grade on each side of the wall exceeds 4 feet at any point along the wall. The Development Officer may require that the design and/or construction of the retaining wall be certified by a professional engineer.](B/L 497)

PART IV ZONING

ZONES

1. In order to carry out the intent and purpose set forth in Subsection (4) of Section 1. of PART II "Administration", the following zones are hereby established in the area affected:
 - (1) "R" Residential Zone
 - (2) "C" Central Commercial Zone
 - (3) "M" Industrial Zone
 - (4) repealed [B/L 497]
 - (5) "PR" Parks and Recreation Zone
 - (6) "LD" Limited Development Zone

ZONING MAP

2. The location and boundaries of the zones listed in Section 1. above are shown upon the Zoning Map attached hereto, and marked as Appendix "A" to this By-Law. Said Zoning Map forms part of this By-Law. All notations, references and other information shown thereon, together with any amendments made by amending By-Laws from time to time and shown thereon, together with any amendments to boundaries in the case of any street, lane or public utility right-of-way closing as provided in Section 3. of this PART, shall be as much a part of this By-law as if the matters and information set forth by the said Zoning Map were fully described herein.

- (1) Dimensions and Scale

The scale and all dimensions of the Zoning Map are in feet.

- (2) Registered Plans

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

- (3) Abbreviations

The abbreviations noted on the Zoning Map mean the following:

- (a) **Blk.** means Block;
- (b) **Pcl.** means Parcel;
- (c) **Pt.** means Part;
- (d) **Rge.** means Range;
- (e) **R.M.** means Rural Municipality;
- (f) **Sec.** means Section;

ZONING

- (g) **S.P.** means Special Plot;
- (h) **S.S.** means Special Survey;
- (i) **Twp.** means Township;
- (j) **W.P.M.** means West of Principal Meridian; and
- (k) **P.R.** means Provincial Road

INTREPRETATION OF ZONE BOUNDARIES

- 3. (1) Heavy broken lines represent zone boundaries. Where the zone boundary is broken by the name of a street or a highway symbol and number, it shall be construed that the boundary continues through the street name or the highway symbol.
- (2) Boundaries indicated as approximately following:
 - (a) the centre lines of railways or railway or public utility rights-of-way;
 - (b) the centre lines of streets, highways or lanes;
 - (c) lot, site or property holdings;
 - (d) municipal limits;
 - (e) the centre lines of streams or rivers; or
 - (f) the shorelines of lakes or other bodies of watershall be construed as following those lines or limits.
- (3) If a street or lane or railway or public utility right-of-way shown on the Zoning Map is lawfully closed, then the land formerly comprising the feature shall be included within the zone of the land which surrounds it. If the said feature included a zoning boundary on its centre line, then the new boundary shall be the former centre line.

PART V RESIDENTIAL ZONE

INTENT AND PURPOSE

1. The Residential Zone established in this By-law is intended to provide sufficient land for various types of residential development in the Area Affected in keeping with the provisions of the Development Plan.

ZONE INCLUDED

2. In order to carry out the intent and purpose of Section 1 above, there is hereby established the following zone:

"R" - RESIDENTIAL ZONE

The "R" Residential Zone provides for the development of single-family dwellings, two-family dwellings, mobile homes and multiple-family dwellings containing up to eight (8) dwelling units.

PARTY WALLS

3. For the purpose of side yard requirements, a semi-detached two-family dwelling, a row house or a multiple-family dwelling with common party walls shall be considered as one (1) building occupying one (1) site. [A parcel of land containing a semi-detached two-family dwelling or a row house dwelling with one or more common party walls may be subdivided to create a separate parcel for each dwelling unit, provided that the property boundary is located within a common party wall, and subject to the requirements of TABLE V-I](B/L 497)

ACCESSORY USES, BUILDINGS AND STRUCTURES

4. In the Residential Zone, an accessory use, building or structure includes, but is not limited to the following:
 - (1) a children's playhouse, a garden house, private greenhouse, summer house and private swimming pool;
 - (2) a private garage or carport, covered patio, toolhouse, shed and other similar buildings and structures for the storage of domestic equipment and supplies; [provided that there shall be no more than 4 accessory buildings located on any parcel of land in the "R" Residential Zone](B/L 497)
 - (3) accessory off-street parking;

RESIDENTIAL ZONE

- (4) a parabolic dish antenna (satellite dish);
- (5) buildings and structures for the operation, maintenance and administration of, or accessory to, park and recreation uses;
- (6) signs, including:
 - (a) one (1) identification sign per site with a maximum sign surface area of seven (7) square feet; and
 - (b) one (1) bulletin board not exceeding thirty-two (32) square feet of sign surface area, in conjunction with a church, school, community centre or club, library or park or playground.
- (7) home occupations (see Definitions, Part I); and
- (8) refuse and garbage areas separate from required parking areas, buffers and open spaces for multiple-family dwellings and other permitted or approved uses where the owners or occupants produce fifty-four (54) cubic feet or more of garbage or refuse per week. The location and size of the area within the site shall be subject to the approval of Council.

NUMBER OF PRINCIPAL BUILDINGS OR USES

- 5. (1) Not more than one (1) of the following principal buildings or uses shall be permitted on one (1) site:
 - (a) single-family dwelling;
 - (b) two-family dwelling;
 - (c) multiple-family dwelling; and
 - (d) mobile home; [or modular home]. **(B/L 497)**

PARKING REQUIREMENTS

- 6. (1) A minimum of one (1) parking space shall be provided for each dwelling unit, mobile home or boarder located on the same site.
- (2) For multiple-family dwellings containing four (4) or more dwelling units, at least one decimal five (1.5) parking spaces per dwelling unit shall be provided on the same site.
- (3) For all other uses within the Residential Zone, there shall be an adequate number of parking spaces as determined by Council, provided for employees, visitors and

RESIDENTIAL ZONE

customers.

MOBILE HOME STANDARDS

7. All mobile homes must meet all structural standards as determined by the [Buildings and Mobile Homes Act Chapter B93, S.M. 1987, and must have a minimum width of 12 feet and a minimum floor area of 720 square feet.](B/L 497)

USE REQUIREMENTS

8. No land shall be used or occupied and no building or structure shall be erected, altered, relocated, used or occupied hereinafter for any use in the Residential Zone in which such land or structure is located other than a use listed in TABLE V - 1 "R" Residential Uses and Bulk Requirements, with the exception of uses lawfully established prior to the effective date of this By-law.

CONDITIONAL USES

9. Any use listed as a "Conditional Use" in TABLE V - 1 shall comply with the regulations set forth in Section 7, PART II "ADMINISTRATION".

RESIDENTIAL ZONE

TABLE V – I “R” RESIDENTIAL USES AND BULK REQUIREMENTS

PERMITTED USES	MINIMUM REQUIREMENTS				
	Site Area (sq.ft.)	Site Width (ft.)	Front Yard (ft.)	Side (a) Yard (c) (ft.)	Rear Yard (ft.)
Accessory Uses Buildings & Structures(i)	N/A	N/A	25	4(g)	4
Boarding, lodging and rooming houses	10,000	100	25	15(I)	20
Child Care services (home day care)	5,000	50	25	4(f)	20
Churches and church halls	15,000	100	25	10	20
Dwellings					
Single-Family (b)(e)(j)	5,000	50	25	4(f)	20
Two-Family (b)(j)(k)	7,500	75	25	4(f)	20
Multiple-Family (d) (up to 3 dwelling units)(k)	10,000	100	25	15(I)	20
Mobile Homes (e)[and modular homes](B/L 497)(j)	5,000	50	25	4(f)	20
Hospitals and personal care facilities	43,560	200	25	15	20
Parks and playgrounds	3,000	20	10	10	10
Public Utilities (h)	3,000	20	10	10	10
Residential care facilities for four (4) or fewer persons providing care to children or providing residential services for adults who may be post-mentally ill, mentally retarded or otherwise developmentally disabled, including care and supervision	5,000	50	25	4(f)	20
Schools	43,560	200	25	15	20
Seniors homes	40,000	200	25	15	20
CONDITIONAL USES					
Child care services (group day care)	7,500	75	25	4(f)	20
Community centres and clubs	20,000	100	25	4(f)	20
Existing uses as provided for in Section 22 of PART III –“General Provisions	7,500	75	25	4(f)	20
Fire and police stations	6,000	50	25	4(f)	20
Libraries and museums	5,000	50	25	4(f)	20
Multiple-Family dwellings (d)(4 to 8 dwelling units)	20,000	100	25	15(I)	20
Residential care facilities for more than four (4) persons providing care to children or providing residential services for adults who may be post – mentally ill, mentally retarded or otherwise developmentally disabled, including care and supervision	7,500	75	25	7	20

RESIDENTIAL ZONE

TABLE V – I “R” RESIDENTIAL USES AND BULK REQUIREMENTS

PERMITTED USES	MINIMUM REQUIREMENTS				
	Site Area (sq.ft.)	Site Width (ft.)	Front Yard (ft.)	Side (a) Yard (c) (ft.)	Rear Yard (ft.)
Residential care facilities providing limited care and supervision for adults including half-way type homes for parolees and single parents as well as rehabilitation homes for drug or alcohol related problems and similar uses	10,000	100	25	15	20

EXPLANATIONS AND EXCEPTIONS

10. The following explanations and exceptions apply to the RESIDENTIAL USES AND BULK REQUIREMENTS TABLE V-I:
- (a) Corner side yards shall be a minimum of ten (10) feet.
 - (b) SINGLE-FAMILY AND TWO-FAMILY DWELLINGS:
 - (i) the maximum site coverage including principal and accessory buildings and structures shall be 60%;
 - (ii) the maximum height of all principal buildings and structures shall be two (2) storeys or forty-five (45) feet, whichever is the lesser;
 - (iii) the maximum height of all accessory buildings and structures shall be twelve (12) feet; and
 - (iv) the minimum dwelling unit floor area above grade shall be:
 - (A) seven hundred and fifty (750) square feet for single-family dwellings; and
 - (B) six hundred (600) square feet for two-family dwellings.
 - (c) Side yards, which accommodate an accessory off-street parking space, shall be a minimum of eight (8) feet.
 - (d) MULTIPLE-FAMILY DWELLINGS
 - (i) the maximum site coverage including principal and accessory buildings and structures shall be sixty percent (60%);

RESIDENTIAL ZONE

- (ii) the maximum height of all principal buildings and structures shall be three (3) storeys or forty-five (45) feet, whichever is the lesser;
 - (iii) the maximum height of all accessory buildings and structures shall be twelve (12) feet;
 - (iv) the minimum dwelling unit floor area shall be four hundred and eighty (480) square feet; and
 - (v) the site area shall be ten thousand (10,000) square feet for the first three (3) dwelling units and an additional one thousand (1,000) square feet for each additional unit thereafter.
- (e) Subject to Section II, Part III - GENERAL PROVISIONS, where a single family dwelling or mobile home is to be constructed in an area which is not serviced by Village water and sewer service, the minimum site area shall be fifteen thousand (15,000) square feet and the minimum site width shall be seventy-five (75) feet, [or such other requirement as may be required by Manitoba Environmental Operations to provide sufficient land for the installation of an approved septic field.](B/L 497)
- (f) In a case where there is no rear lane, one sideyard shall be a minimum of eight (8) feet.
- (g) The sideyard of an accessory building or structure located to the rear of a principal building with a lane shall be a minimum of two (2) feet.
- (h) PUBLIC UTILITIES
- Bulk requirements do not apply to the transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and Manitoba Telephone System transmission buildings since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are incidental to a permitted or conditional use.
- [(i) An accessory home based business which involves exterior storage of materials or exterior processing operations may be considered for approval, subject to conditions that Council may deem appropriate under the circumstances.](B/L 497)
- [(j) Where new residential sites are being created through the subdivision process, each new site shall not exceed a site width of 90 feet.] (B/L 497)
- [(k) A parcel of land which contains a semi-detached building containing 2 or more dwelling units may be subdivided into smaller parcels, provided that the new property

RESIDENTIAL ZONE

PART VI CENTRAL COMMERCIAL ZONE

INTENT AND PURPOSE

1. The Central Commercial Zone established in this By-law is intended to provide sufficient land in suitable locations to meet the needs of commercial development in the Area Affected in keeping with the provisions of the Development Plan.

ZONE INCLUDED

2. In order to carry out the intent and purpose of Section 1 above, there is hereby established the following zone:

"C" CENTRAL COMMERCIAL ZONE

This Zone provides for appropriate land in the Village's central business area for the development of retail, business, service and administrative uses.

ACCESSORY DWELLING UNIT

3. (1) The minimum floor area of an accessory dwelling unit when contained in a commercial building shall be four hundred and eighty (480) square feet.
- (2) There shall be one (1) parking space per accessory dwelling unit located on the same site.

PARKING AND LOADING SPACE REQUIREMENTS

4. (1) Accessory off-street loading spaces shall not be permitted in a required corner side yard.
- (2) One (1) loading space shall be required for every five thousand (5000) square feet of building area for each use on a site.
- (3) Parking shall be permitted in any required yard for all uses.

STORAGE OR DISPLAY OF MERCHANDISE

5. [Exterior display and storage shall be allowed in the "C" Central Commercial Zone and the "M" Heavy Industrial Zone, provided that:
 - (1) Such display or storage areas do not create a safety hazard or obstruct the visibility of

CENTRAL COMMERCIAL ZONE

pedestrians or motorists;

- (2) Such display or storage areas do not create an unusual hazard such as fire, or other nuisance to neighbouring properties; and
- (3) Such display or storage areas are maintained in a neat and tidy condition, and do not become overgrown with vegetation or have accumulations of rubbish or debris.](B/L 497)

ACCESSORY USES, BUILDING AND STRUCTURES

6. In the Central Commercial Zone the following are deemed to be accessory uses, buildings or structures:
 - (1) a children's playhouse, garden house, private greenhouse, summer house, and private swimming pool;
 - (2) a private garage, carport, covered patio, toolhouse, shed, or other similar buildings and structures for the storage of domestic equipment and supplies;
 - (3) a parabolic dish antenna (satellite dish);
 - (4) the production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise or a building or structure so used normally incidental to and if conducted by the same owner or operator as the principal use;
 - (5) accessory off-street parking and loading areas as permitted and regulated in Section 4 of this PART;
 - (6) accessory signs as permitted and regulated in Section 8 of this PART; and
 - (7) accessory dwelling unit(s) as provided for in Section 3 of this PART.

BULK FUEL, PROPANE AND FERTILIZER

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

SIGNS

8. (1) In the "C" - Central Commercial Zone signs shall be permitted as follows:
 - (a) one lighted or unlighted fascia identification or business sign identifying any

CENTRAL COMMERCIAL ZONE

use contained within the building or structure, the surface area of each sign not to exceed 20 square feet; all signs having an aggregate sign surface area not exceeding 20 percent of the surface of the wall to which they are attached;

- (b) one lighted or unlighted free-standing business or identification sign, having a maximum height not exceeding twenty- five (25) feet; located in the required front yard, but no part of such sign shall be located nearer the front or side site lines than one (1) foot, the total aggregate sign surface area not to exceed thirty-two (32) square feet;
- (c) one lighted or unlighted business or identification sign not exceeding forty (40) square feet may be erected on the roof of the building containing the business it identifies, which sign shall not be in addition to a fascia sign but as an alternative thereof;
- (d) advertising signs shall be a conditional use;
- (e) advertising signs that are free standing on a site shall be a minimum of one (1) foot from any site boundary; and
- (f) bulletin boards not exceeding sixteen (16) square feet.

USE REQUIREMENTS

- 9. No land shall be used or occupied and no building or structure shall be erected, altered, relocated used or occupied hereinafter for any use in the Central Commercial Zone in which such land, building or structure is located other than a use listed in TABLE VI - I "C" CENTRAL COMMERCIAL USES AND BULK REQUIREMENTS with the exception of uses lawfully established prior to the effective date of this By-law.

CONDITIONAL USES

- 10. Any use listed as a "Conditional Use" in TABLE VI - I shall comply with the regulations set forth in Section 7, PART II "ADMINISTRATION".

TABLE VI-I "C" CENTRAL COMMERCIAL USES AND BULK REQUIREMENTS TABLE

PERMITTED USES	MINIMUM REQUIREMENTS				
	Site Area (sq.ft.)	Site Width (ft.)	Front Yard (ft.)	Side (a) Yard (ft.)	Rear Yard (ft.)
Accessory Uses Buildings & Structures	N/A	N/A	(a)	2	20
Auditoriums, churches, halls and private clubs	6,000	50	10	10	20
Bakeries, retail	1,800	17	0	0	20
[Building materials sales establishments (interior storage only)](B/L 497)	5,000	50	0	0	20
Bus Depots	5,000	50	0	0	20
[Child care services	5,000	50	0	0	20
Financial Services	1,800	17	0	0	20
Hotels, motels, restaurants and bars	10,000	50	0	10	20
[Libraries, art galleries or museums](B/L 497)	5,000	50	0	0	20
Parks and Playgrounds	1,800	17	10	10	20
Public and government buildings	3,000	25	0	0	20
Public Parking areas	3,000	25	0	0	0
Public Utilities	3,000	25	25	10	20
Recreation facilities (bowling alleys, theatres, etc.)	3,000	25	0	0	20
Retail sales and service shops, personal services, and offices or businesses within a completely enclosed building	1,800	17	0	0	20
Automobile, boat, trailer sales and service, body shops and service stations	15,000	75	0	10	25
Snowmobile, motorcycle and motorized appliance (such as lawnmowers) sales and service	15,000	75	0	10	25
Wholesale storage, including sales and showrooms (enclosed)	10,000	50	0	10	20
CONDITIONAL USES					
Advertising signs	N/A	N/A	1	1	1
[Agricultural implements, sales and service](B/L 497)	15,000	75	0	10	20
[Automobile body shops or washing establishments](B/L 497)	5,000	50	0	0	20
[Building materials sales establishments with exterior storage](B/L 497)	15,000	75	0	10	20
Existing uses as provided for in Section 22 of PART III – “GENERAL PROVISIONS”	5,000	50	10	10	20
[Multiple-family dwellings containing more than 3 dwelling units](B/L 497)	5,000	50	0	10(b)	20

- (a) The minimum front yard requirement for permitted accessory buildings and structures shall be the same as the minimum front yard requirement for the principal use of the site.
- (b) Where the wall of a multiple-family dwelling contains no windows or doorways, the minimum required side yard shall be 0 feet.](B/L 497)

CENTRAL COMMERCIAL ZONE

PART VII INDUSTRIAL ZONES

INTENT AND PURPOSE

- [1. The Industrial Zones established in this By-law are intended to provide sufficient land for various types of industrial and commercial-oriented or accessory uses in the Area Affected in keeping with the provisions of the Development Plan.

ZONES INCLUDED

2. In order to carry out the intent and purpose of Section 1 above, there are hereby established the following zones:

- (a) "M" INDUSTRIAL ZONE

This Zone provides for light manufacturing, processing, distribution, transportation and warehouse uses, which in Council's opinion, are not detrimental to adjoining or nearby uses.

ACCESSORY USES, BUILDINGS AND STRUCTURES

3. In the Industrial Zone the following uses are deemed to be accessory uses, buildings or structures:

- (1) a garage, shed or building for storage;
- (2) incinerators subject to the authority having jurisdiction;
- (3) storage of goods used in or produced by manufacturing activities on the same site with such activities unless such storage is excluded by the zone regulations;
- (4) the production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise or a building or structure so used, normally incidental to and if conducted by the same owner or operator as the principal use;
- (5) a dwelling unit or sleeping accommodation for a watchman or caretaker and his family on the same site or in the principal building;
- (6) a retail outlet accessory to or incidental to a principal use;
- (7) accessory off-street parking or loading spaces as required and regulated in Section 8 of this PART;
- (8) signs as permitted and regulated in Section 4 of this PART; and

- (9) a parabolic dish antenna (satellite dish).

SIGNS

- 4. (1) One lighted or unlighted fascia or free-standing business or identification sign identifying any use contained within the premises, building or structure, the sign surface area not exceeding one (1) square foot for each one (1) foot of site width of property on which it is located, but not exceeding a total aggregate sign surface area of one hundred (100) square feet, for any building or use permitted in these zones. An accessory building or structure shall not qualify for a separate business or identification sign.
- (2) Bulletin Boards shall be permitted to a maximum size of thirty-two (32) square feet.
- (3) Advertising signs shall be conditional uses.
- (3) Advertising signs that are free standing on the site shall be a minimum of one (1) foot from any site boundary.

ACCESSORY DWELLING UNIT

- 5. (1) The minimum floor area of an accessory dwelling unit when located in an industrial building shall be four hundred and eighty (480) square feet, or nine hundred (900) square feet when it is detached from an industrial building.
- (2) There shall be one (1) parking space allocated to any accessory dwelling unit located on the same site of the principal building.

BULK FUEL, PROPANE AND FERTILIZER

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

SPECIAL YARDS ALONG ZONE BOUNDARIES

- 7. The following special yard requirements shall apply along Residential Zone boundaries:
 - (1) (a) Where a side site line in an Industrial Zone abuts a side site line in an adjacent Residential Zone, the front yard requirement of the Residential Zone shall extend for a distance of one hundred (100) feet into the Industrial Zone; and a required side yard of twenty-five (25) feet in width shall be provided along the side site line in the Industrial Zone.

- (b) The side yard provided shall not be used for accessory off- street loading, or storage of materials, or processing of any kind, except where a solid fence of six (6) feet high is provided and maintained along the site line abutting the Residential Zone boundary; and
 - (c) Parking spaces within the front yard shall not be permitted within ten (10) feet of the said zone boundary.
- (2) Where a side site line in an Industrial Zone abuts a rear site line in an adjacent Residential Zone, a side yard of twenty-five (25) feet shall be provided in the Industrial Zone.
 - (3) Where a rear site line in an Industrial Zone abuts a side or rear site line in an adjacent Residential Zone, a required rear yard of fifty (50) feet in depth shall be provided along the rear site line.
 - (4) Where a boundary yard as described in subsection (1) above is provided, a compact hedge, row of shrubbery or a solid fence six (6) feet in height shall be provided and maintained along the site line abutting the Residential Zone boundary.
 - (5) Where the zone boundaries in an Industrial Zone and a Commercial Zone are co-terminus, there shall be a minimum required side or rear yard of fifteen (15) feet on the adjoining Industrial land except where a greater required side or rear yard is provided for elsewhere herein.

PARKING AND LOADING SPACES

8. (a) The following table indicates the required loading spaces for all industrial uses:

<u>Floor Area of Building</u>	<u>Minimum Number of Loading Spaces</u>
Up to and including 5,000 square feet	1 loading space
5,001 square feet up to and including 15,000 square feet	2 loading spaces
15,001 square feet up to and including 40,000 square feet	3 loading spaces
Over 40,000 square feet	3 loading spaces, plus, 1 space for each additional 25,000 square feet or portion thereof, in excess of 40,000 square feet.

- (b) Parking shall be permitted in any required yard for all uses.

INDUSTRIAL USE REQUIREMENTS

9. No land shall be used or occupied and no building or structure shall be erected, altered, relocated, used or occupied hereinafter for any use in an Industrial Zone other than a use listed in TABLE VII - I, "M" INDUSTRIAL USES AND BULK REQUIREMENTS.

CONDITIONAL USES

10. Any use listed as a "Conditional Use" in TABLE VII - I shall comply with the regulations set forth in Section 7, PART II, "ADMINISTRATION".

TABLE VII-I "M" INDUSTRIAL USES AND SITE REQUIREMENTS TABLE

PERMITTED USES	MINIMUM REQUIREMENTS				
	Site Area (sq.ft.)	Site Width (ft.)	Front Yard (ft.)	Side Yard (ft.) (a)	Rear Yard (ft.)
Accessory Uses Buildings & Structures	N/A	N/A	20	5	10
Agricultural Implement Sales and Service	15,000	75	20	5	10
Automobile service station and car washes	6,000	50	20	5	10
Automobile, boat and trailer sales	15,000	75	20	5	10
[Building contractor establishments (interior processing operations only)](B/L 497)	6,000	50	20	5	10
Food processing, excluding abattoirs and meat packing	10,000	100	20	5	10
Light manufacturing conducted entirely within an enclosed building	6,000	50	20	5	10
Maintenance yards, Public Utilities	6,000	50	20	5	10
[Machine shops and repair shops (interior processing operations only)](B/L 497)	6,000	50	20	5	10
Veterinary offices and clinics	6,000	50	20	5	10
Warehouses	10,000	100	20	5	10
Wholesale business and storage	6,000	50	20	5	10
CONDITIONAL USES					
Advertising signs	N/A	N/A	1	1	1
[Agricultural processing or storage establishments](B/L 497)	15,000	75	20	5	10
Auto wreckers, junk yards and body shops	20,000	100	20	5	10
Building contractor yards	20,000	100	20	5	10
Bulk Fuel and fertilizer sales and storage, excluding anhydrous ammonia	20,000	100	20	5	10
Food processing plants and feed mills	20,000	100	20	5	10
Light manufacturing conducted in part or entirely outside a building	20,000	100	20	5	10
[Machine shops and repair shops (exterior operations)](B/L 497)	6,000	50	20	5	10
Truck terminals	20,000	100	20	5	10
Existing uses as provided for in Section 22 of PART III – “GENERAL PROVISIONS”	6,000	50	20	5	10

(a) In a case where there is no rear lane, one side yard shall be a minimum of ten (10) feet.

PART VIII PARKS AND RECREATION AND LIMITED DEVELOPMENT ZONES

ZONES ESTABLISHED

1. The following zones are hereby established as follows,

(a) "PR" PARKS AND RECREATION ZONE

This zone accommodates educational, institutional, and public recreation facilities in designated areas of the community, in accordance with the provisions of the Development Plan.

(b) "LD" LIMITED DEVELOPMENT ZONE

This zone regulates land use and development proposals in peripheral areas and/or undeveloped areas of the community, including agricultural areas. It also establishes requirements dealing with hazardous conditions, such as flooding and bank instability, in accordance with the provisions of the Development Plan.

ACCESSORY USES, BUILDINGS AND STRUCTURES

2. Within the Parks and Recreation Zone and Limited Development Zone, the following are deemed to be accessory uses, buildings or structures:

(1) Buildings and structures for the operation, maintenance and/or administration of a permitted or approved institutional facility, including offices, maintenance buildings, and similar structures;

(2) Buildings and structures for the operation, maintenance and/or administration of a permitted or approved recreational facility, including recreational buildings and structures, grandstands, food service buildings, offices, maintenance buildings, public washrooms, and barns for the temporary housing of livestock which shall be subject to conditions considered appropriate by Council;

(3) In the case of land parcels of 80 acres or larger, which shall be deemed to be agricultural parcels, a farm dwelling or mobile home, and farm buildings and structures related to conventional farming operations on the same property, including grain storage bins, hay storage facilities, machine sheds, barns and other enclosures for livestock, subject to the provisions of Sections 5, 6 and 8 of this PART.

(4) Accessory domestic buildings, structures and uses, including home occupations, private garages, carports, domestic storage buildings, greenhouses, and swimming pools.

SIGNS

3. The following regulations shall apply to signs in the Parks and Recreation and Limited Development Zones:
 - (1) No more than one (1) business and identification sign, not exceeding thirty-two (32) square feet in sign surface area and not exceeding a height of fifteen (15) feet shall be permitted for any building or use.
 - (2) Real estate signs not exceeding sixteen (16) square feet in sign surface area which advertise the sale, rental or lease of a building, structure, site, or part thereof.
 - (3) In the case of a sign identifying any dwelling, there shall be not more than one (1) identification sign, not exceeding sixteen (16) square feet in sign surface area.
 - (4) Advertising signs and illuminated signs are not permitted.

PARKING

4. For each permitted or approved use there shall be adequate parking spaces provided for employees and visitors to the satisfaction of Council and one parking space provided for each dwelling unit on the same site as the principal use.

LIVESTOCK PROVISIONS

5. The keeping of livestock in the “LD” Limited Zone will be allowed, subject to the following requirements, with the size of the livestock operation being determined by the conversion factors as provided in TABLE VIII-I:
 - (a) Livestock operations of up to 50 Animal Units shall be allowed as a permitted use, provided that the minimum land parcel size is at least 80 acres.
 - (b) Livestock operations for 51 to 100 Animal Units may be considered for review and approval by Council as a conditional use, provided that the minimum land parcel size is at least 80 acres.
 - (c) Livestock confinement facilities such as barns and corrals, and manure storage facilities (excluding earthen manure storage facilities), shall be separated by a minimum distance of 1,760 feet from a designated RESIDENTIAL ZONE.
 - (d) Any earthen manure storage facility shall be separated by a minimum distance of 2,640 feet from a designated RESIDENTIAL ZONE, and shall be covered by a synthetic material acceptable to Council for the period of May 1 to November 1 for every year it is in operation.

TABLE VIII-I: ANIMAL UNIT CONVERSION FACTORS

Type of Livestock		A.U. Produced By One Livestock
Dairy	Milking Cows, including associated livestock	2.000
Beef	Beef Cows, including associated livestock (cow/calf pair)	1.250
	Backgrounders	0.500
	Feeder Cattle	0.769
Hogs	Sows, farrow to finish	1.250
	Sows, farrow to weanling	0.313
	Sows, farrow to nursery	0.250
	Weanlings	0.033
	Feeders	0.143
Chickens	Broilers	0.0050
	Roasters	0.0100
	Layers	0.0083
	Pullets	0.0033
	Broiler Breeder Pullets	0.0033
	Broiler Breeder Hens	0.0100
Turkeys	Broilers	0.010
	Heavy Toms	0.020
	Heavy Hens	0.010
Horses (PMU)	Mares, including associated livestock	1.333
Sheep	Ewes, including associated livestock	0.200
	Feeder Lambs	0.063
Other Livestock and Poultry		As determined by Mb. Agriculture

- (e) Livestock confinement facilities such as barns and corrals, and manure storage facilities shall be set back from property boundaries and the Souris River in accordance with provincial regulations, and shall not be established within the designated FLOOD RISK AREA as shown shaded grey on ZONING MAP ONE.
- (f) The keeping of recreational horses or similar animals on residential acreage parcels shall be allowed as an accessory use, subject to the following provisions:
 - (i) The minimum size of the parcel shall be at least 4.9 acres;
 - (ii) Where the maximum number of mature animals does not exceed 3 animals,

- it shall be considered as a permitted use;
 - (iii) Where the maximum number of mature animals exceeds 3 animals but does not exceed 10 animals, it shall be considered as a conditional use, subject to the approval of Council; and
 - (iv) All confinement buildings (such as sheds or small barns) shall be located outside of the designated FLOOD RISK AREA as shown shaded grey on ZONING MAP ONE and shall be located at least 50 ft. from any property boundary.
- (g) The keeping of livestock on a temporary basis will be allowed within the agricultural exhibition grounds, subject to such conditions as Council considers appropriate.

HAZARDOUS CONDITIONS

6. (a) Designated Flood Risk Areas - Within all areas which are subject to flooding by a 100 year flood, which are designated as a FLOOD RISK AREA and represented by the shading on ZONING MAP ONE, the following provisions shall apply:
- (i) No permanent building or structure, with the exception of a sign or wire fence, shall be developed where the depth of flooding exceeds 3.3 feet during a 100 year flood event.
 - (ii) No new building sites shall be created within areas which are subject to substantial flooding, however, alterations to the boundaries of existing building sites may be considered at the discretion of Council.
 - (iii) New building sites may be considered for approval at the discretion of Council only where there is a sufficient flood-free area on the property for the development of the intended building, or where suitable flood protection measures can be provided to the satisfaction of Manitoba Water Stewardship.
 - (iv) In the case of existing development, enlargement of an existing building or the erection of an accessory structure may be considered for approval by Council, subject to a recommendation from Manitoba Water Stewardship regarding flood protection measures to be incorporated into the development, and the development shall comply with such recommendation.
 - (v) Livestock confinement facilities, including barns, corrals, and similar structures shall not be located within the designated flood risk area, nor within a distance of 330 feet of the ordinary high water mark of the Souris River.

- (vi) No development shall be allowed where it would substantially interfere with, impede or alter the flow of flood water.
- (b) Any proposed building, structure or use, such as but not limited to those, which are:
- (i) designed for human habitation;
 - (ii) associated with high flood damage potential;
 - (iii) unassociated with permitted open space uses;
 - (iv) associated with open space uses but that could materially affect flood stages;
or
 - (vi) used for storage of hazardous materials that are buoyant, flammable, explosive or may be injurious to human, animal or plant life;

shall not be permitted within the designated FLOOD RISK AREA as shown on ZONING MAP ONE, unless it can be demonstrated to Council by a qualified engineer that such a building, structure or use will not be potentially hazardous or endanger human safety, the environment, or property.

- (c) Steep Slopes: No permanent building or structure, other than fences and signs, shall be erected within areas which in the opinion of Council are at risk of slope erosion or slope failure. Where, in the opinion of Council, the removal of natural tree cover and vegetation may adversely affect the bank stability of a hillside or cause any form of excessive erosion, such tree clearing shall not be permitted. For greater certainty regarding the application of this requirement, Council may require the development proponent to obtain a professional engineering evaluation of the slope conditions prior to any consideration of such a proposal for development or tree clearing.
- (d) Proximity to Discontinued Waste Disposal Site: - No subdivision of land for a new building site and no permanent building intended for human occupancy shall be established within a distance of 1,320 feet of the boundary of the former waste disposal site located in the S.E. 1/4 Sec. 26-7-17WPM, unless a favourable recommendation is received from Manitoba Environmental Operations regarding matters related to the former waste disposal site.
- (e) An applicant shall, upon the request of Council, submit evidence prepared by a licensed professional engineer of the Province of Manitoba to support the application for development. Such evidence may include, but not be limited to, evaluation of erosion, bank stability, design of flood prevention works, and evaluation of effects on flood stages and velocities, and/or evaluation of effects of methane gas generation from waste disposal grounds.

- (f) Council may request the comments of any provincial authority, where development, alterations to existing structures or a change in land use is being considered in the Limited Development Zone.

PARKS AND RECREATION ZONE - USE REQUIREMENTS

7. No land shall be used or occupied and no building or structure shall be erected, altered, relocated used or occupied hereinafter for any use in the Parks and Recreation Zone other than a use listed in TABLE VIII – II - PARKS AND RECREATION USES AND BULK REQUIREMENTS.

TABLE VIII-II PARKS AND RECREATION USES AND BULK REQUIREMENTS

PERMITTED USES	MINIMUM REQUIREMENTS				
	Site Area (sq.ft.)	Site Width (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Accessory Uses, Buildings and Structures	N/A	N/A	25	10	10
Arenas, halls and public swimming pools	20,000	100	25	20	20
Cemeteries	40,000	100	15	10	10
Exhibition grounds	80,000	200	25	20	20
Parks, playgrounds and picnic areas	2,500	25	15	5	10
Public Utilities	10,000	100	25	10	10
Schools	40,000	200	25	20	20

LIMITED DEVELOPMENT ZONE - USE REQUIREMENTS

8. No land shall be used or occupied and no building or structure shall be erected, altered, relocated used or occupied hereinafter for any use in the Limited Development Zone other than a use listed in TABLE VII-III - LIMITED DEVELOPMENT USES AND BULK REQUIREMENTS. Any use listed as a "Conditional Use" in TABLE VIII-III, shall comply with the regulations set forth in Section 7, PART II, "ADMINISTRATION".

TABLE VIII-III LIMITED DEVELOPMENT USES AND BULK REQUIREMENTS

PERMITTED USES	MINIMUM REQUIREMENTS				
	Site Area (acres)	Site Width (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Accessory Uses, Buildings and Structures as provided for in Section 3 and 6 of this PART	N/A	N/A	30	10	10
Agricultural activities (a)					
- General (a)	80	300	30	15	25
- Specialized (a)	5	300	30	15	25
CONDITIONAL USES					
Animal Facilities					
- Boarding care and training facilities, including kennels	1	100	30	15	25
- Public and private stables and riding academies	10	300	30	15	25
- Game farms and zoos	2	200	30	15	25
- Pounds and shelters	0.5	100	30	15	25
Existing Uses, Buildings and Structures as provided for in Section 6(3) of this Part and Section 22 of PART II – “GENERAL PROVISIONS”					
	1	100	30	10	10
Golf courses	50	600	30	15	25
Non-farm dwellings	1(b)	100	30	15	25
Parks, playgrounds and picnic areas	0.5	100	15	10	10
Sewage treatment facilities	2	200	50	50	50
Waste disposal facilities or transfer sites	2	200	50	50	50

(a) See Section 5 of this PART for requirements and limitations concerning the keeping of livestock, including setbacks of livestock confinement facilities.

(b) Where the dwelling is serviced by a provincially approved sewage holding tank, the minimum site area requirement may be reduced to 0.5 acre. **](B/L 497)**

DONE AND PASSED in Council duly assembled this 3rd day of November, A.D. 1986.

“Dean Boyd”
Mayor

“Barbara Roney”
Secretary-Treasurer

Read a first time this 8th day of September A.D. 1986

Read a second time this 3rd day of November A.D. 1986

Read a third time this 3rd day of November A.D. 1986

VILLAGE OF WAWANESA

CONSOLIDATED ZONING

ZONING MAP ONE OF BY-LAW NO. 364

LEGEND:

- "R" RESIDENTIAL ZONE
- "C" CENTRAL COMMERCIAL ZONE
- "M" INDUSTRIAL ZONE
- "PR" PARKS AND RECREATION ZONE
- "LD" LIMITED DEVELOPMENT ZONE

- LIMITS OF THE ZONING MAP
- LIMITS OF THE ZONE
- ▨ DESIGNATED FLOOD RISK AREA

AMENDMENTS:

- By-law 429
- By-law 452
- By-law 455
- By-law 460
- By-law 466
- By-law 497



Intergovernmental Affairs
Community Planning Services

DATE May, 2007
REVISED

DRAWING NO. 369 - 57 - 101
DRAWING NO.

