



CITY OF DAUPHIN

ZONING BYLAW

17/2001



CITY OF DAUPHIN
BY-LAW NO. 17/2001

A by-law of the **City of Dauphin** to regulate the use and development of land.

WHEREAS **Subsection 39(1) of The Planning Act** provides that the council of a municipality may enact a zoning by-law which generally conforms to a development plan adopted for the area;

AND WHEREAS, pursuant to the provisions of **Subsection 27(1) of The Act** the City of Dauphin has, by by-law adopted the **City of Dauphin Development Plan**;

AND WHEREAS **Subsection 32(2) of The Act** provides that the council of a municipality shall enact a zoning by-law upon adoption of a development plan;

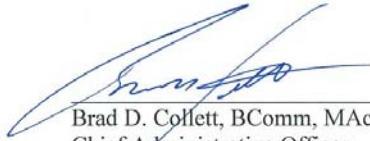
NOW THEREFORE, the Council of the City of Dauphin, in meeting duly assembled, enacts as follows:

1. This by-law shall be known as the City of Dauphin Zoning By-law.
2. The zoning by-law, attached hereto and forming part of this by-law is hereby adopted.
3. By-law No. 3900, being a by-law of the City of Dauphin, to adopt the City of Dauphin Zoning By-law and all amendments thereto are hereby repealed.
4. This By-law shall take force and effect on the date of third reading.

DONE AND PASSED THIS 28th day of January, 2002 A.D.



W. H. (Bill) Nicholson,
Mayor



Brad D. Collett, BComm, MAcc, CA
Chief Administrative Officer,

READ A FIRST TIME this 30th day of April, 2001 A.D.

READ A SECOND TIME this 25th day of June, 2001 A.D.

READ A THIRD TIME this 28th day of January, 2002 A.D.

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PART 1 - DEFINITIONS

RULES OF CONSTRUCTION

1. (1) The following rules of construction apply to the text of this By-law.
 - a) Words, phrases and terms defined herein shall be given the defined meaning.
 - b) Words, phrases and terms not defined herein but defined in **The Act** and the Building, Electrical or Plumbing By-laws of the City of Dauphin shall be construed as defined in such **Act** and By-laws.
 - c) Words, phrases and terms neither defined herein nor in the Building, Electrical or Plumbing By-laws of the City of Dauphin shall be given their usual and customary meaning, except where, in the opinion of Council, the context clearly indicates a different meaning.

DEFINITIONS

- 2.(1) **Accessory building, structure or use** means a building, structure or use established or erected in conjunction with or subsequent to the establishment or erection of a principal building, structure or use approved under this by-law, and is subordinate or incidental to, and located on the same zoning site, as a principal building, structure or use.
- (2) **“Act, The”** means The Planning Act, being CHAPTER P80 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.
- (3) **“Agricultural Cropping”** means the use of land for farming agricultural crops including grain, specialty and berry crops, haying and grazing fields.
- (4) **“Agricultural Implement Sales and Service”** means a building and open area, used for display, sale or rental of new or used farm implements and where incidental repair work is done.
- (5) **“Agriculture, Specialized”** means the use of land for apiculture, floriculture, horticulture including market gardening, orchards and tree farming and similar agricultural activities.
- (6) **“Alter or Alteration”** means a change or modification of an existing building, structure or use which, unless otherwise provided for herein, does not increase the exterior dimensions with respect to height and area.

- (7) **“Alteration, Structural”** means the construction or reconstruction of supporting elements of a building or other structure, such as bearing walls, columns, joists, beams or girders. For the purpose of this By-law structural alteration shall not include the following alterations:
- (a) the addition of an open deck or porch;
 - (b) the alteration of interior non-load bearing components;
 - (c) the replacement of, or change in, utility pipes, ducts or conduits;
 - (d) adding or enlarging windows or doors;
 - (e) replacement of building facades;
 - (f) strengthening the load bearing capacity, in not more than ten (10) percent of the total floor area to permit a specialized unit of machinery or equipment;
and
 - (g) other non-structural maintenance, repair or renovation.
- (8) **“Automotive Body Shop”** means a building wherein the repair and painting of vehicles takes place.
- (9) **“Automobile Service Station”** means a building or portion thereof and land used for supplying fuel, oil and minor accessories for automotive vehicles at retail direct to the customer, and for making minor repairs and maintenance.
- (10) **“Automotive Wrecking”** means the dismantling or wrecking of used automotive vehicles, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
- (11) **“Automotive”** includes any automobile, truck, motorcycle, marine vehicle, snowmobile, all terrain and other recreational vehicles.
- (12) **“Automotive or Trailer Sales Area”** means an open area, used for the display, sale or rental of new or used automotive vehicles or trailers, and where repairs are made they shall be done within a completely enclosed building.
- (13) **“Basement”** means that portion of a building which is partly underground.
- (14) **“Building”** for the purpose of this by-law, means any structure having a roof supported by columns or walls used or intended for supporting or sheltering any use or occupancy, and includes any addition thereto or extension thereof.
- (15) **“Building, Main or Principal”** means a building in which is conducted the principal use of the site on which it is situated.

- (16) **“Building Permit”** means a document authorizing erection, placement, alteration, addition to or enlargement of a building issued pursuant to the Building By-law of the City. A development permit issued pursuant to this By-law may include a building permit.
- (17) **“Bulk”** means the term used to describe the size of a building , structure or land, and their relationship to each other, and therefore includes:
- (a) The size (including height of building and floor area) of buildings or structures;
 - (b) The size of the zoning site (including area and width of site) upon which a building is located and the number of dwelling units or rooms within such building in relation to the size of the zoning site;
 - (c) The location of exterior walls of buildings in relation to site lines, or to other buildings; and all open areas relating to buildings or structures and their relationship thereto.
- (18) **“Bulk Fuel and Chemical Storage”** means the use of land for storage, sale or distribution of synthetic or petroleum based fluids or chemicals, fertilizers, and other potentially hazardous or noxious materials, primarily on a wholesale basis.
- (19) **“Camping and Tenting Grounds”** means a parcel of land planned and improved to accommodate travel trailers, tents, or other camping accommodations used for travel, recreational and vacation uses.
- (20) **“Camping Space”** means a space in a camping and tenting grounds for
- (a) the placement of a travel trailer, tent, or other camping accommodation.
- (21) **“Child Care Services”** means the provision of care to a child apart from his or her parents or guardians for a period in any day not exceeding eighteen (18) years and includes the following:
- (a) **“Home Day Care”** means the provision of child care services in a dwelling unit 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);
 - (b) **“Group Day Care”** means the provision of child care services for more than six (6) but not more than twelve (12) children not over twelve (12) years of age in a provincially licensed facility with access to an outdoor recreation area; and
 - (c) **“Community Day Care”** means the provision of child care services for more than twelve (12) children in a provincially licensed facility with access to an outdoor recreation area.

- (22) **“Club, Private”** means a building or portion thereof, use of which is re-
- (a) stricted to members and the guests of members of an association incorpor-
 - (b) ated under the laws of Canada or Manitoba.
- (23) **“Club, Recreational”** means a non-profit corporation or an association
- (a) consisting of persons who are bona fide members paying annual dues, which owns or leases land or buildings or portion thereof, the use of such premises being restricted to a principal leisure or recreational activity.
- (24) **“Community Hall”** means a meeting place for community activities,
- (a) public organizations, or recreation clubs.
- (25) **“Conditional Use”** means the use of land or building which may be permitted in any particular zone as provided for in this Zoning By-law.
- (26) **“Convenience Food Store”** means a food store intended to serve the day to day needs of the residents of the neighbourhood in which it is located.
- (27) **“Council”** means the Council of the City of Dauphin.
- (28) **“Density”** means the total number of dwelling units divided by the total area of land to be developed, expressed in gross acres.
- (29) **“Development”** means:
- (a) the carrying out of the construction, erection or placing of any building, structure or excavation or other operation on, over or under land, or;
 - (b) the making of any change in the use or intensity of use of any land or buildings or premises.
- (30) **“Development Officer”** means the officer appointed by the Council to perform the duties identified in **Section 7 of PART 2**.
- (31) **“Development Permit”** means a permit issued under this Zoning By-law authorizing development, and may include a building permit.
- (32) **“Development Plan”** means the City of Dauphin Development Plan adopted by by-law and amendments thereto.
- (33) **“Drive-in Establishment”** means an establishment with facilities for attracting and servicing prospective customers in automotive vehicles, which are driven onto the site where the customer may or may not receive service in the vehicle, but does not include drive-in theatres.

- (34) **“Dwelling”** means a building or portion thereof designed for residential occupancy, but does not include mobile homes.
- (35) **“Dwelling, Multiple-Family”** means a building containing three (3) or more dwelling units, each unit designed for and used by one (1) family.
- (36) **“Dwelling, Single-Family”** means a detached building designed for and used by one (1) family.
- (37) **“Dwelling, Two-Family”** means a detached or semi-detached building designed for and used by two (2) families.
- (38) **“Dwelling Unit”** means one (1) or more rooms in a building designed for and used by one (1) or more persons as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.
- (39) **“Family”** means one or more persons occupying a dwelling unit, living together and maintaining a common household. A common household referred to above, shall be deemed to exist if all members thereof have access to all parts of the dwelling.
- (40) **“Farmstead Dwelling”** means a residence which, in the opinion of Council, is accessory to a farming operation.
- (41) **“Flood Risk Area”** means that land adjacent to a lake, river or stream which is divided into two parts: the floodway and the floodway fringe. The floodway includes the river or creek channel and the area where the majority of floodwater passes. The floodway fringe includes the area outside the floodway which requires approved flood protection measures due to periodic flooding or inundation by floodwaters.
- (42) **“Floor Area”** means the sum of the gross horizontal areas of the several floors of all buildings and structures, measured from the exterior faces of exterior walls, or from the centre line of partitions, except spaces in a basement or penthouse used for mechanical or heating equipment and except any space within the building used as a parking area or loading area.
- (43) **“Garage”** means an accessory building or portion of a principal building designed and used for the shelter or storage of one or more motor vehicles and includes a carport.
- (44) **“Grade”** means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Development Officer from grades established by development agreements.
- (45) **“Group Home”** means a residence that is licensed for the accommodation of less than nine (9) persons, exclusive of staff or receiving family, living under supervision in a single housekeeping unit and who by

reason of their emotional, mental, social or physical condition, or legal status, require a group living arrangement for their well being.

- (46) **“Heavy Industry”** means processing and manufacturing uses which cannot be classified as light industrial uses as defined herein.
- (47) **“Home-based Business”** means any occupation, trade, profession or craft carried on, in or from a dwelling unit or its accessory building for remuneration and which is clearly incidental or accessory to the residential use of the dwelling unit.
- (48) **“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 and may include accessory restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.
- (49) **“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.
- (50) **“Junk Yard”** means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, metals, paper, rags, rubber tires and bottles. A junk yard includes an automobile wrecking or dismantling yard but does not include uses established entirely within an enclosed building.
- (51) **“Kennel”** means any premises on which more than two (2) dogs and cats 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.
- (52) **“Lane”** means a street not over ten decimal one (10.1) metres in width, which affords only a secondary means of access to abutting sites and which is not intended for general traffic circulation.
- (53) **“Light Industry”** means processing and manufacturing uses, provided that they do not create unusual fire, explosion or safety hazards, noise in excess of average intensity of street and traffic noise in the area in question; they do not emit smoke, dust, dirt, toxic or offensive odours or gas and there is no production of heat or glare perceptible from any site line of the site on which the use is located.
- (54) **“Loading Space”** means an off-street space on the same zoning 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, lane or other appropriate means of access.

- (55) **“Mobile Home”** means a structure which is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has at any time such wheels attached, or is jacked up or skirted and which conforms to the structural standards of **The Buildings and Mobile Homes Act**, and amendments thereto.
- (56) **“Mobile Home Park”** means an area of land with required improvements and utilities upon which three or more mobile home spaces are provided and have been approved by the Council.
- (57) **“Mobile Home Space”** means a space in a mobile home park for the placement of a mobile home.
- (58) **“Mobile Home Subdivision”** means an area of land subdivided in accordance with **PART VI** of **The Act** to provide sites for mobile homes.
- (59) **“Non-Conformity”** means one, or a combination of two, or more of the following:
- (a) a site or an area of land;
 - (b) a building or structure;
 - (c) a use of a building or structure, or
 - (d) a use of land which lawfully existed prior to the effective date of this By-law or amendments thereto, but does not conform to the provisions contained within this By-law or amendments thereto.
- (60) **“Occupancy”** means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- (61) **“Open Space”** means that required portion of a zoning site at ground level, unless otherwise stated, unoccupied by principal or accessory buildings and structures and available to all the occupants of the premises and shall be useable for landscaping, recreational space and other leisure activities normally carried on outdoors.
- (62) **“Owner”** means a person who appears by the records of the proper Land Titles Office to have any right, title, estate or interest in land and includes the agent of such a person in possession or occupation of the land with the express or implied consent of the owner.
- (63) **“Parcel of Land”** means the aggregate of all land described in any manner in a Certificate of Title.
- (64) **“Parking Area”** means an open area of land, other than a street or lane or an area within a building or structure used for the parking of vehicles.

- (65) **“Parking Space”** means a space on a parking area or zoning site for the temporary parking or storage of a vehicle.
- (66) **“Party Wall”** means a wall forming part of a building and used for separation of adjoining buildings occupied, constructed or adapted to be occupied by different persons or businesses.
- (67) **“Performance Standard”** means a standard established to control noise, odour, smoke, toxic or noxious matter, vibration, fire and explosive hazards or glare or heat generated by, or inherent in, uses of land, buildings or structures.
- (68) **“Permitted Use”** means the use of land or a building or structure provided in this Zoning By-law for which a development permit shall be issued upon an application having been made, if the use meets all the requirements of this By-law.
- (69) **“Planned Unit Development”** means a land development project planned as an entity in accordance with a unitary site plan which permits flexibility in siting of buildings, mixture of housing types and/or land uses, useable open spaces, and the preservation of significant natural features.
- (70) **“Public Works”** means any publicly-owned or occupied land, building, structure, system, plant or equipment constructed, erected, extended, enlarged, repaired, excavated or employed for the purpose of providing services to the public, including but not limited to:
- (a) public transportation systems;
 - (b) communication systems;
 - (c) utilities such as water, sewer, gas, or electricity; and
 - (d) other government services, but does not include government administration and office buildings and public works yards.
- (71) **“Public Works Yard”** means a site primarily used for the maintenance, repair, and storage of equipment, vehicles and other goods used by a public utility or government agency in the delivery of its services and may include accessory administrative offices.
- (72) **“Repair”** means the renewal or reconstruction of any part of an existing building or structure for the purpose of its maintenance or restoration.
- (73) **“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.

- (74) **“Retail Business/Service”** means the use of a building, structure or site in which goods and/or personal services are sold directly to the public as opposed to the wholesale storage and disposal of such commodities and which does not have any potentially offensive or hazardous effects beyond its site lines. For the purpose of this By-law, a junk yard shall not be considered a retail business or service.
- (75) **“Senior Citizen Home”** means a multiple-family dwelling or a building containing individual rooms where elderly people live independent of personal care.
- (76) **“Shopping Centre”** means a planned unit development consisting of a building or group of buildings designed, developed, owned and managed as a unit by a single owner or tenant, or group of owners or tenants, containing three or more separated spaces for lease or occupancy of commercial uses or business or professional offices.
- (77) **“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:
- (a) 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 other structure;
 - (b) is used to identify, direct attention to, or advertise; and
 - (c) is visible from outside a building but shall not include show windows as such.
- (78) **“Site”** means a zoning site as defined herein unless the context indicates otherwise.
- (79) **“Site Area”** means the computed area contained within the site lines.
- (80) **“Site, Corner”** means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.
- (81) **“Site Coverage”** means the area, measured as a percentage of the total site area, which is occupied by a principal or accessory building, or structure.
- (82) **“Site Depth”** means the horizontal distance between the centre points in the front and rear site lines.
- (83) **“Site Frontage”** means all that portion of a zoning site fronting on a street and measured between side site lines.
- (84) **“Site, Interior”** means a site other than a corner site or through site.

- (85) **“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 front site line shall be that which has the shortest boundary along a street, unless determined otherwise by the Development Officer.
 - (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 three (3) metres in length within the site, parallel to and at the maximum distance from the front site line;
 - (c) **“Side Site Line”** means any boundary of a site which is not a front or rear site line;
 - (d) Where the front site line is a curve, as in a cul-de-sac or curved street, the front site line shall be deemed to be formed by a straight line joining the two points where the side site lines meet the edge of the road allowance; and
 - (e) 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.
- (86) **“Site, Through”** means a site having a pair of opposite site lines along two (2) more or less parallel streets. On a through site both street lines shall be deemed front site lines.
- (87) **“Site Width”** means the horizontal distance between the side site lines, measured at right angles to the site depth at a point midway between the front and rear site lines, or twelve (12) metres from the front site line, whichever is the lesser.
- (88) **“Site, Zoning”** means a parcel of land with frontage on a street or has any lawful means of public access satisfactory to the Council and is of at least sufficient size to provide the minimum requirements of this By-law for a permitted or conditional use in a zone where it is located..
- (89) **“Street”** for the purpose of this By-law means any public highway, road allowance, lane, bridge, thoroughfare or way or part thereof which serves to provide access to a site.
- (90) **“Structure”** means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on or below the ground and includes buildings, walls, fences, signs, wells, pipelines, transmission lines, light standards and similar items.
- (91) **“Travel Trailer”** (including motorized homes, tent or camping trailers and similar recreational vehicles) means a vehicle used or intended to be used as a transient living accommodation facility for travel,

recreation, business, trade, vacation and construction work which is designed for frequent moves but not for long-term residential occupancy and which:

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

(92) **“Use”** means:

- (a) any purpose for which a building or structure or an area 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 structure or on an area of land.

(93) **“Use, Main or Principal”** means the major or principal use conducted on a zoning site or within a building or structure.

(94) **“Wholesale”** means a business establishment which sells more than fifty (50) percent of its goods and merchandise to retail and other businesses and not primarily to the public at large.

(95) **“Yard”** means a part of a zoning site not occupied by the main building, structure or use.

(a) **“Yard, required”** – means a yard extending along a site line to a depth or width (measured from the site line or wall) specified in the yard requirements for the zone in which such zoning site is located. Said yard shall not have any buildings or structures placed or uses conducted thereon, except as otherwise provided for herein;

(b) **“Yard, required corner side”** means a required side yard which adjoins a street;

(c) **“Yard, required front”** means a required yard extending along the full length of the front site line between the side site lines;

(d) **“Yard, required interior side”** means a required side yard which is adjacent to another zoning site, or to a lane separating such side yard from another zoning site, or to the wall of another building in a planned unit development;

(e) **“Yard, required rear”** means a required yard extending along the full length of the rear site line between the side site lines; and

(f) “Yard, required side” means a yard extending along the side site line from the required front yard to the required rear yard.

(96) “Zoning Memorandum” means a notice issued by the City certifying that a building, structure, use or parcel of land complies with the provisions of this By-law.

PART 2 - ADMINISTRATION

SCOPE OF THE BY-LAW

TITLE

1. (1) This By-law shall be known as the “**City of Dauphin Zoning By-law**”.

AREA OF APPLICATION

1. (2) The provisions of this By-law shall apply to all lands within the limits of the City of Dauphin.

INTENT AND PURPOSE

1. (3) The regulations and provisions established by this By-law are deemed necessary in order to:
 - (a) Implement the **Objectives** and **Policies** of the **City of Dauphin Development Plan**;
 - (b) Define and limit the powers and duties of the Council and the Development Officer; and
 - (c) Regulate the following:
 - i) all buildings and structures erected hereafter;
 - ii) all uses of buildings, structures and land established hereafter;
 - iii) all structural alterations or relocations of existing buildings and structures occurring hereafter;
 - iv) all enlargements of or additions to existing buildings, structures, or uses; and
 - v) the change of use of land, buildings or structures.

INTERPRETATION AND APPLICATION

MINIMUM REQUIREMENTS

2. (1) 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.

RELATION TO OTHER BY-LAWS

2. (2) Wherever provisions of any by-laws of the City of Dauphin or any other requirements of the Provincial or Federal Government impose overlapping regulations over the use of land, buildings or structures or contain any requirements covering any of the same subject matter contained herein, the most restrictive or highest requirements shall govern.

COMPLIANCE WITH OTHER REQUIREMENTS

2. (3) The granting of a development permit in compliance with the provisions of this By-law shall not in any way relieve the person obtaining such permit from full responsibility of complying with the requirements of any other Municipal, Provincial or Federal statutes, by-laws, regulations or orders or those of any of their agencies.

PREVIOUS VIOLATIONS

2. (4) Unless otherwise provided for herein, an existing building, structure or use which was illegal under the provisions of a zoning by-law in force on the effective date of this By-law and amendment thereto shall not become or be made legal solely by reason of the adoption of this By-law; and to the extent that, and in any manner that, said illegal building, structure or use is in conflict with the requirements of this By-law or amendments thereto, said building, structure or use remains illegal hereunder.

VARIATION ORDER OR CONDITIONAL USE PRIOR TO BY-LAW

2. (5) A building or structure or use established by a variation order or conditional use order prior to the coming into force of this By-law shall, subject to the provisions of the variation or conditional use order, be deemed to conform to the provisions of this By-law.
2. (6) Where a lawfully existing building, structure or use is classified as a conditional use by virtue of enactment of this By-law or amendment thereto, it shall be considered to be a lawfully existing conditional use.

RESPONSIBILITIES OF COUNCIL

2. (7) Subject to the provisions of **The Act**, the Council is responsible for:

The legislative function of enactment of this By-law;

- (a) Considering the adoption or rejection of proposed amendments to this By-law;
- (b) Considering the approval or rejection of applications for variation orders;
- (c) Approving or rejecting conditional use applications, and may revoke the authorized conditional use for any violation of any conditions imposed by it; and
- (e) Establishing a schedule of fees as provided for in **Section 11** of this

PART.

PLANNING ADVISORY COMMITTEE

- 2. (8) A Planning Advisory Committee may be established in accordance with the provisions of **The Act** to advise and assist Council in responding to planning matters.

AMENDMENTS

PROCEDURE

- 3. (1) Council may at any time initiate an application to amend this By-law.
- 3. (2) A person may apply to have this By-law amended, by applying in writing giving reasons in support of the application and paying a fee as determined by Council.
- 3. (3) All applications to amend the By-law shall be in a specified form, and shall include:
 - (a) An application fee;
 - (b) A current copy of the certificate of title of the land;
 - (c) A drawing of the proposed area to be amended; and
 - (d) Reasons for the proposed amendment.
- 3. (4) Council shall review the application and shall notify the applicant at least four (4) days in advance of the meeting, at which time it shall review all of the facts presented, and any representation by the applicant, study the facts presented, make its finding and determination in writing and shall transmit a copy thereof to the applicant. If Council approves the application, it shall proceed with the adoption of the amendment in accordance with the provisions of **The Act**.

3. (5) Where the Council is of the opinion that a by-law amendment is applicable to and for the benefit of the City at large, Council may direct that the fee be returned to the applicant.
3. (6) All amendments shall be made by by-law in accordance with the provisions of **The Act**.

DEVELOPMENT AGREEMENTS

4. (1) In accordance with **The Act**, where an application is made for the amendment of the Zoning By-law, Council may require the owner or the person entitled to be registered as owner of the land, building, or structure to which the amendment will apply, as a condition to its enactment, to enter into a development agreement with the City of Dauphin in respect of that land as well as contiguous land owned or leased by the applicant.
4. (2) Where an application is made for the subdivision of land, Council may require the owner or the person entitled to be registered as owner of the land to enter into a development agreement with the City of Dauphin in accordance with **The Act**.
4. (3) A development agreement may contain provisions with respect to the responsibilities for the provision of various services and other improvements, such as water and sewer piping, lot grading and drainage, street construction, and other matters as provided for in **The Act**.
4. (4) The development agreement may be registered in the Land Titles Office in the form of a caveat against the certificate of title for the land that is the subject of the development agreement.
4. (5) A caveat registered pursuant to **Subsection (4)** may be discharged by the City when the requirements and conditions of the agreement have been met.

CONDITIONAL USES

5. (1) In all zones established in this By-law, permitted uses of land, buildings and structures are established on the basis of their compatibility with the land base and neighbouring uses. It is recognized, however, that there are certain uses, deemed conditional uses, which because of their unique characteristics, cannot be permitted without consideration of the impact of these uses upon neighbouring land and the public need for the particular use at a particular location.

5. (2) An application for a conditional use may be initiated by an owner of land who proposes to establish a use which is classified as a conditional use under the provisions of this By-law.
5. (3) Where a lawfully existing building, structure or use is classified as a conditional use by virtue of enactment of this By-law or amendment thereto, it shall be considered to be a lawfully existing conditional use.
5. (4) An application for a conditional use shall be made in a prescribed form to the Development Officer, and shall be accompanied by the following information:
 - (a) A site plan showing the development proposed for the site and the area affected;
 - (b) Reasons in support of the proposed conditional use;
 - (c) The application fee established by Council; and
 - (d) Any other information that Council may require in order to evaluate the proposed development and its potential impact on the surrounding area.
5. (5) Conditional use applications shall be processed in accordance with the provisions of **The Act**.
5. (6) Council may approve or reject any application for a conditional use. Any approval may be subject to such terms and conditions as Council deems appropriate in accordance with **The Act**.
5. (7) Any change in the circumstances of a conditional use, including the enlargement of a building, structure or a site, shall be subject to the procedures and provisions of this Section and **The Act**.
5. (8) Council may impose conditions on a conditional use which serve to secure the objectives of the Zoning By-law and more specifically meet the general development standards of the subject zone. Such conditions may include, but are not limited to
 - (a) Safeguards to control potentially dangerous, noxious or offensive effects such as:
 - (i) noise or vibration;
 - (ii) odour, smoke, dust or other airborne particles;
 - (iii) radiation, fire or explosive materials;
 - (iv) heat, humidity or glare; and
 - (v) toxic and noxious matters including waste;
 - (b) Hours of operation and other performance standards as required;
 - (c) Design and siting requirements including:
 - (i) the provision of open space, landscaping, planting, screening and buffering including fences;

- (ii) off-street parking and loading areas;
 - (iii) outdoor storage and display areas;
 - (iv) grading and surface drainage;
 - (v) lot surfacing;
 - (vi) pedestrian and vehicular circulation systems;
 - (vii) outdoor lighting;
 - (viii) signs;
 - (ix) refuse and garbage storage;
 - (x) location of buildings and structures on the site; and
 - (xi) building design and architectural appearances;
5. (8) (d) Upgrading of municipal services including sewer, water, drainage, transportation and other services and systems as required or for the provision of on-site servicing; and/or
- (e) Other matters deemed necessary by Council to ensure a desirable and compatible development.
5. (9) The validity of a conditional use shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of approval by Council, unless it is renewed prior to the expiry date, at the discretion of Council, for an additional period not exceeding twelve (12) months.

VARIATIONS

6. (1) Any owner may apply for a variation order in accordance with provisions of **The Act** with respect to the following:
- (a) Requirements for site area, site width and required yards;
 - (b) Requirements for parking, loading and signs;
 - (c) Requirements for projections into yards;
 - (d) Special setback or separation distances established in this By-law;
 - (e) Variation of non-conformity as referred to in **The Act**; and
 - (f) Other matters specified in **The Act**.
6. (2) An application for a variation order shall be made in a prescribed form to the Development Officer, and shall be accompanied by a site plan, application fee, and such additional information that may be required by the Development Officer.
6. (3) Variation orders shall be processed in accordance with the provisions of **The Act**.

6. (4) Council may approve or reject any application for a variation order. In nocase, however, shall a variation be approved that will adversely affect the general environment, amenity and convenience of the City as a whole or the character and value of adjacent properties. Any approval may be subject to such terms and conditions as the Council deems appropriate in accordance with **The Act**.
6. (5) A variation order shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of approval by the Council unless it is renewed prior to the expiry date at the discretion of the Council for an additional period not exceeding twelve (12) months.
6. (6) Minor variation applications, not exceeding ten (10) percent of the requirements of this By-law governing front, side, rear or any other yard, may be decided upon by the Development Officer.

THE DEVELOPMENT OFFICER

APPOINTMENT

7. (1) The Council shall appoint a development officer and such assistant development officers as may be necessary, who shall carry out the administration and enforcement of this By-law, the City of Dauphin Development Plan and **The Act**.

DUTIES

7. (2) At the request and authorization of Council, the Development Officer shall:
 - (a) Assist and advise the public with respect to the requirements of the Zoning By-law and other pertinent legislation;
 - (b) Keep and maintain for the inspection of the public, during office hours, a copy of the Development Plan, this By-law, all amendments and other related information and ensuring that copies of the same are available to the public at a charge established by Council;
 - (c) Receive and review completed applications for development permits;
 - (d) Issue development permits where the proposed development of land, buildings or structures conforms with the City of Dauphin Development Plan, this By-law, other by-laws of the City and any applicable regulations of the Provincial and Federal Governments;
 - (e) Receive and process applications for amendments to this By-law, conditional use orders and variation orders;

- (f) Issue zoning memoranda and any other documents as may be necessary for the administration and enforcement of this By-law; and
- (g) Undertake other development related duties as directed by Council.

POWERS

7. (3) The Development Officer

- (a) Shall consider and decide upon all applications which constitute a “Permitted Use” in a zone and comply in all respects with the requirements of that zone. The Development Officer may approve such applications and issue a development permit.
- (b) Shall refer with recommendations, to Council all applications for development permits involving:
 - (i) amendments to this By-law;
 - (ii) new conditional uses and changes to conditional uses in accordance with **Subsection 5 (7)** of this **PART**;
 - (iii) variations from zone requirements other than minor variations, as provided for in **Subsection 6 (6)** of this **PART**;
 - (iv) matters requiring the specific approval of Council pursuant to this By-law; and
 - (v) any other matter which may require Council’s attention.
- (c) May refuse all other development permit applications in contravention of this By-law citing reasons for refusal. Discretion can be exercised and the Development Officer may refer to Council any application which, in his opinion, should receive Council’s decision. At the direction of Council, the Development Officer shall withhold approving an application for a development permit:
 - (i) as provided for in **The Act**; or
 - (ii) which would result in a violation of this By-law, or any other By-law of the City of Dauphin.
- (d) May enter and inspect any buildings or premises at any reasonable hour in order to determine conformance with this By-law.
- (e) May, in his discretion, allow or refuse minor variations of the requirements of this By-law, not to exceed ten (10) percent of any front, side, rear or any other yard requirement, as prescribed by **The Act**.

DEVELOPMENT PERMITS

PERMIT REQUIRED

8. (1) Except as provided in **Subsection (2)** below, no development shall be commenced unless a development permit has been issued and no development shall be commenced that is contrary to any development permit or the material furnished in support of the application. An application for 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 buildings and structures described in **Subsection (2)**;
 - (b) The enlargement, extension, structural alteration or conversion of any building, structure, or mobile home, with the exception of those buildings and structures described in **Subsection (2)**;
 - (c) The use of vacant land, buildings or structures;
 - (d) The change of use of land, buildings or structures;
 - (e) The construction of any accessory detached building and structure exceeding ten (10) square metres in floor area, and the second and subsequent accessory buildings less than ten (10) square metres;
 - (f) The construction of exterior driveways;
 - (g) Home-based businesses;
 - (h) The demolition or removal of buildings over ten (10) square metres in floor area; and
 - (i) The increase or decrease of the average grade of a yard by one hundred and fifty (150) millimetres or more in height.

PERMIT NOT REQUIRED

8. (2) The following development shall not require a development permit provided such development complies with all applicable provisions of this By-law and any other applicable by-law of the City:
8. (2) (a) The construction or placement of the first accessory detached building not greater than ten (10) square metres in floor area on any site and which does not create a hazard;
- (b) The maintenance, refinishing, repair, or restoration of building components, including repainting and similar operations but not including building enlargements or structural alterations;

- (c) Incidental alterations of buildings and structures including:
 - (i) alteration of interior non-structural walls;
 - (ii) replacement or minor changes of interior or exterior finishes;
 - (iii) a minor addition on the exterior of a residential building, such as an open porch or deck provided that such addition does not exceed four decimal six (4.6) square metres in floor area;
 - (iv) adding, replacing or enlarging windows or doors in conformance with the **Manitoba Building Code**;
 - (v) replacement or minor changes of the capacity of pipes, ducts or conduits; or
 - (vi) strengthening the load bearing capacity of a particular feature to permit the installation of a specialized unit of machinery or equipment;
- (d) The installation of sidewalks, exterior steps, fences, trees, hedges, shrubs, planters, fountains, flagpoles, handicapped access ramps, railings, trellises and similar landscaping features;
- (e) The installation of specialized machinery and equipment such as air conditioning systems and small accessory satellite dishes;
- (f) The carrying out by the City of Dauphin any operation for the maintenance or improvement of a public utility or public works placed in or upon a public works easement or street; and
- (g) The construction or erection of certain non-illuminated signs as outlined under **Clause 1(8)(d)** of **PART 10** of this By-law.

APPLICATION

- 8. (3) (a) An application for a development permit required under this By-law shall be made to the Development Officer in writing in the prescribed form and shall be accompanied by a site plan and such other plans and specifications as may reasonably be necessary to consider the development proposal.
- (b) An application for a development permit shall be accompanied by the following:
 - (i) a site plan showing:

- (A) the site boundaries, with dimensions;
- (B) the location of all existing and proposed buildings, structures or uses of the land;
- (C) floor plans, elevations, exterior views and sections of proposed buildings or structures;
- (D) the existing and proposed access points to the site;
- (E) the location of off-street parking and loading, if required;
- (F) the location of all easements and/or rights-of-way;
- (G) the proposed connections to sewer, water, hydro, telephone and gas services;
- (H) the proposed finished grade and drainage of the site after completion of construction and landscaping;
- (I) any additional information that may be required by the Development Officer or Council, including copies of surveyor's certificates, easements, certificates of titles or special engineering studies considered necessary for processing and evaluating the application;
 - (ii) a non-refundable application fee as established by Council;
 - (iii) proof of ownership or authority to apply for a development permit; and
 - (iv) the estimated commencement and completion dates.
- (c) In the case of a development application for a building containing multiple dwelling units, such as multiple-family dwellings, senior citizen homes, group homes, school residences, residential care facilities and the like, in addition to those items identified in clause (b) above, the application shall include the following information:
 - (i) verification of dimensions of zoning site, existing buildings or structures and location of nearest wall of building or structure on adjacent sites, by way of a surveyor's certificate prepared by a Manitoba Land Surveyor;
 - (ii) the intended use of each building or part thereof and the number of stories, gross floor area and number of dwelling units;
 - (iii) the location and type of landscaping, walls, fences and screening, and method of site illumination;
 - (iv) all pedestrian walks, malls and open areas for use by tenants or the public;
 - (v) the location, size, height and orientation of all signs other than fascia or wall signs;
 - (vi) the type of ground surfacing to be used at various locations; and
 - (vii) the location of nearest fire hydrants.

- (d) The Development Officer or Council may deal with an application for a development permit and make a decision thereon without all of the information required by this subsection if, in their opinion, the nature of the development is such that certain information is not necessary.

EXISTING BUILDING PERMITS

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

BUILDING PERMIT

8. (5) Except as provided in **Subsection (4)** above, a building permit is not valid unless a valid and subsisting development permit, where such a permit is required, has been issued.

APPLICATIONS DEEMED REFUSED

8. (6) Subject to the provision of **The Act**, an application for a development permit may be deemed to be refused when a decision on the application is not made within sixty (60) days of the receipt of the completed application.

RIGHT TO REVOKE DEVELOPMENT PERMIT

8. (7) A development permit may be revoked if:
- (a) There is a contravention of any condition under which the permit was issued;
 - (b) The permit was issued in error; or
 - (c) The permit was issued on the basis of incorrect information.

VALIDITY OF DEVELOPMENT PERMIT

8. (8) (a) When an application for a development permit has been approved, the development to be carried out shall conform in all respects to the terms, provisions and specifications of the permit as finally approved;
- (b) Unless a development permit is:

(i) specified by the Development Officer to remain in effect for less than twelve (12) months; or

(ii) suspended or cancelled,

a development permit remains in effect for twelve (12) months from the date of its issue;

(c) Prior to its expiry date a development permit may be extended by the Development Officer for an additional period of not more than twelve (12) months, however, if one or more of the following situations has occurred and the subject development has not commenced, the permit shall not be extended:

(i) the development standards pertaining to the development have changed since the development permit was issued;

(ii) the land use considerations involved with the development permit have changed;

(iii) the development permit does not conform to amendments to the development plan;

(iv) the development permit does not conform to amendments in the zoning by-law; or

(v) any other consideration which, in the opinion of Council makes the development permit now inappropriate.

RESPONSIBILITIES OF THE OWNER

8. (9) (a) The owner shall be responsible for the preparation of all application forms and drawings which are required to be submitted to the Development Officer in accordance with the provisions of this By-law and **The Act**.

(b) The owner shall obtain all necessary permits and approvals which may be required by the City of Dauphin or any agencies or departments of the provincial government, prior to the commencement of construction, or the change of use of any land, building or structure.

(c) The owner shall ensure that all work is completed in accordance with the approved application and development permit.

(d) The owner shall obtain the written approval of the Development Officer before doing any work at variance with the approved development permit.

(e) The owner shall permit the Development Officer to enter any 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 duties under this By-law.

NON-CONFORMITIES

EXISTING BUILDINGS, STRUCTURES OR USES OF LAND

9. (1) The enactment of this Zoning By-law or any amendment does not affect any building, structure, land or use of land that was lawfully in existence prior to the coming into force of the By-law or amendment thereto. Non-conformities shall be regulated in accordance with provisions of **The Act**, unless otherwise provided for herein.

CONTINUANCE

9. (2) Any building, structure, use or parcel of land which was lawfully in existence or which was lawfully under construction prior to the adoption

of this By-law or amendments thereto, but because of its size, nature, location or other factor does not meet the requirements of this By-law, shall be permitted to continue or exist.

DISCONTINUANCE

9. (3) A non-conforming use of land, or a non-conforming use of a building or structure may be continued but if that use is discontinued for a period of twelve (12) consecutive months or more, any future use of this land, building or structure shall conform with the provisions of this By-law.

CHANGE OF OWNERSHIP

9. (4) The use of land or use of a building or structure is not affected by reason only of a change of ownership, tenancy or occupancy of the land, building or structure.

STRUCTURAL ALTERATIONS

9. (5) (a) No structural alterations except as required by law or permitted by this by-law shall be made to a building or other structure during the period that a non-conforming use of the building or structure is continued or the building or structure does not conform to the zoning by-law.

- (b) A non-conforming building or structure which is non-conforming because of its size or location in relation to lot lines and not because of its use may be structurally altered, added to or reduced in size where the alteration does not otherwise conflict with the zoning by-law and does not increase the degree of non-conformity.
- (c) If a non-conforming building or structure is damaged or destroyed to the extent of more than 50% of the assessed market value (as shown on the current assessment roll of the City) of the building or structure above its foundation, the building or structure shall not be repaired or rebuilt except in conformity with this By-law.

NON-CONFORMITY ALTERED BY VARIATION ORDER

- 9. (6) Notwithstanding **Subsections (3) and (5)** of this Section and upon application of the owner, Council may in its discretion, allow by variation order:
 - 9. (6) (a) The structural alteration of a building containing a non-conforming use;
 - (b) The structural alteration of a non-conforming building or structure beyond that permitted in **Clause 9 (5) (b)** herein;
 - (c) The increase in size or intensity of use of an existing non-conforming use;
 - (d) The rebuilding of a structure that has been more than 50% destroyed as referred to in **Clause 9 (5) (c)** herein; or
 - (e) The extension of the time limit referred to in **Subsection 9 (3)** herein for a period not exceeding twelve (12) additional months.

OTHER CHANGES

- 9. (7) (a) Council may permit the following changes to existing non-conforming buildings, structures or parcels of land;
 - (i) maintenance, repair, refinishing and structural alterations to a building or structure;
 - (ii) erection or location of a permitted or conditional building, structure or use on a non-conforming parcel provided that the required yards are provided for as set forth in the bulk tables or where a variation order is granted for such yard requirements;
 - (iii) erection or location of permitted accessory buildings, structures and uses in accordance with this By-law; or

- (iv) enlargement or re-subdivision of a non-conforming parcel having the effect of reducing the existing non-conformity.

Where any of the above changes do not result in the elimination of the non-conformity, the subject building, structure, use or parcel shall retain its non-conforming status.

- (b) Council may permit the following changes to existing buildings containing a non-conforming use:
 - (i) alterations as defined in this by-law including maintenance, repair and refinishing; or
 - (ii) a detached building accessory to a non-conforming dwelling use of a building may be erected to serve such dwelling use.

NON-CONFORMING SIGNS

- 9. (8) A non-conforming sign shall be subject to all the provisions of this section 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.

NON-CONFORMING CERTIFICATE

- 9. (9) Any owner or his agent may apply to the Development Officer for a Non-Conforming Certificate in accordance with **The Act**.

ENFORCEMENT AND PENALTIES

- 10. (1) The enforcement of this By-law or any resolution or order enacted by Council under **The Act** or any regulation made thereunder shall be in accordance with **The Act**.

- (2) Any penalty imposed for a violation of this By-law shall be in accordance with **The Act**.

FEES

11. Fees for amendments to this By-law, variation orders, conditional use orders, non-conforming certificates and zoning memorandums shall be established by by-law as Council deems advisable.

PART 3 – GENERAL PROVISIONS

INTENT AND PURPOSE

1. The general provisions of this Part are intended to apply to all zones within the City except where otherwise stated.

GENERAL SITE PROVISIONS

DEVELOPMENT ON ZONING SITE ONLY

2. (1) No development shall take place and no development permit shall be issued by the Development Officer, unless the development occurs on a zoning site as defined in this By-law.

BUILDING GRADE

2. (2) No building or structure shall be erected without first submitting a grading plan to the Development Officer for approval as to grade for the building or structure to be erected, nor shall the average grade of any site be raised or lowered by one hundred fifty (150) millimetres or more without the approval of the Development Officer in accordance with **Section 7** of **PART 2** of this By-law. When allowing the raising or lowering of grade by one hundred fifty (150) millimetres or more, the Development Officer shall take into consideration available flood level information, street elevation, installation of services, elevation of adjacent sites, drainage, appearance and other pertinent factors.

NUMBER OF BUILDINGS AND USES PERMITTED PER SITE

2. (3) There shall be only one main building or one main use on a zoning site, except as provided in **Section 2** of **PART 10** of this By-law. For example, a residential zoning site shall contain only one (1) single-family dwelling or one (1) two-family dwelling and their accessory buildings, structures and uses.

SUBDIVIDING LAND

2. (4) Except as otherwise provided for in this By-law, no parcel of land shall hereafter be divided into sites unless each resultant site conforms with the requirements of this By-law.

COMPLIANCE WITH SITE REQUIREMENTS

2. (5) Except as otherwise provided herein, the owner shall maintain the minimum site area, site width, site depth, yards and other open spaces required for any use in any zone. Furthermore, the minimum site area, site width, site depth, yard and open space allocated to a use as required by this By-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the minimum site area, site width, site depth, yards or other open space requirements for any other use.
2. (6) No building or structure shall be added to, altered, enlarged, or reconstructed, and no site shall be reduced in area or yard requirements if such addition, reconstruction, enlargement, reduction or alteration will cause violation of any provision of this By-law.
2. (7) A site area, site width, site depth, or required yard reduced below the minimum requirements of this By-law by virtue of a public works, shall be deemed to conform to the requirements of this By-law.

CONNECTING TO MUNICIPAL SERVICES

2. (8) All principal buildings or structures constructed on a site served by public or private sewer, water or hydro distribution shall be connected to such services.

RELOCATION OF BUILDINGS OR STRUCTURES

2. (9) No building or structure shall be moved or relocated in whole or in part to any other location unless every portion of the building or structure is made to conform to all the requirements and regulations of this By-law applying to the zone in which it is to be located.

DEVELOPMENT RESTRICTED

LAND UNSUITABLE FOR DEVELOPMENT

3. (1) Notwithstanding the provisions contained in this By-law, the Council may prohibit or restrict the development of an area of land for a use permitted in any zone if the area has been identified either by Council or other agencies as a flood risk area or as being subject to erosion, bank instability, landslide, subsidence, marshy or unstable, or otherwise hazardous or unsuitable for the proposed development and use by virtue of its soil or topography. In the floodway fringe areas, development may be permitted provided the necessary measures are undertaken to mitigate the effects of potential flooding.

NOXIOUS OR OFFENSIVE USES

3. (2) Notwithstanding anything herein contained, no use shall be permitted in any zone which may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise. If the use is permitted in the subject zone, satisfactory measures shall be undertaken to mitigate or eliminate such effects and necessary licensing shall be obtained from *Manitoba Conservation*, as required.

DWELLING SETBACK FROM WASTE DISPOSAL GROUNDS AND LAGOONS

3. (3) No dwelling shall be located within four hundred (400) metres of the boundary of any active or inactive waste disposal ground or sewage lagoon established by the City of Dauphin unless approval has been obtained from *Manitoba Conservation*.

PUBLIC SERVICES

PUBLIC MONUMENTS AND STATUARY

4. (1) Nothing in this By-law shall be so interpreted as to interfere with the maintenance and erection of public monuments, statuary and similar historic or memorial markers.

PUBLIC WORKS AND SERVICES

4. (2) Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any public works, as defined by this By-law, or public service such as police and fire protection provided that the requirements of such public works or public services is of a standard compatible with the adjacent area and that any building or structure erected in any zone complies with the yard and area requirements applicable to the zone.
4. (3) Notwithstanding **Subsection 4 (2)** above waste disposal grounds and sewage lagoons shall comply with setbacks established under Regulations to **The Environment Act**.

STREETS

FUTURE AND UNIMPROVED ROAD ALLOWANCES

5. (1) No building or structure shall be erected upon any land designated for a future road allowance by Council. 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.
5. (2) No use shall be established and no building or structure shall be erected or constructed on a site or parcel of land which has frontage on an unimproved street except by Agreement with the City of Dauphin that the street will be improved to serve that use before occupation or commencement of that use.

UNIQUE SITES

LANDLOCKED SITES

6. (1) (a) In unique circumstances, Council may permit development on a site which only has frontage on a private lane or road, provided that the said lane or road is at least six (6) metres in width and intersects with a street, and is secured by means of a registered easement.
 - (b) For the purpose of establishing the position of the required yards, the Development Officer shall determine the front, side and rear site lines of a landlocked site.

THROUGH SITES

6. (2) In the case of a through site, where two boundaries of the site coincide with two streets which are generally parallel, the required yards shall be determined as follows:
 - (a) Where the site depth is less than sixty-one (61) metres, one of the site lines shall be deemed to be a rear site line, in the judgement of the Development Officer, for the purposes of establishing a required rear yard on the site, and wherever possible, this designation shall be consistently applied among the adjoining sites; or
 - (b) Where the site depth exceeds sixty-one (61) metres, both site lines shall be deemed to be front site lines and the site shall have two required front yards.

UNCONVENTIONAL SITES

6. (3) Where a site is of such a unique configuration that the required yards cannot be ascertained in accordance with the definitions of **PART 1**, the Development Officer may designate the location of the required yards. The location and required dimensions of such yards shall be consistent with the intent of the yards specified for the zone within which the site is located.

BUILDING REMOVAL

7. 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.

BASEMENT DWELLING UNIT

8. A basement dwelling unit shall comply with the provisions of this By-law, the **Buildings and Mobile Homes Act**, and any other by-law or act having jurisdiction.

MOBILE HOMES AND TRAVEL TRAILERS

9. All mobile homes and travel trailers to be located in the City of Dauphin shall meet all structural standards as determined by the **Buildings and Mobile Homes Act**, regulations thereunder and amendments thereto.

PART 4 – GUIDE TO ZONES, MAPS AND TABLES

ZONES

1. The provisions of this By-law shall apply to all lands within the boundaries of the City of Dauphin which lands, for the purpose of this By-law, are hereby divided into the following zones:

RESIDENTIAL	“RS-U”	Residential Single-Family Zone
	“RS-5”	Residential Single-Family Zone
	“RS-6”	Residential Single-Family Zone
	“RT”	Residential Two-Family Zone
	“RM”	Residential Multiple-Family Zone
	“RMH”	Residential Mobile-Home Zone
COMMERCIAL	“CN”	Commercial Neighbourhood Zone
	“CC”	Commercial Central Zone
	“CL”	Commercial Linear Zone
	“CH”	Commercial Highway Zone
	“CS”	Commercial Shopping Centre Zone
INDUSTRIAL	“MC”	Industrial /Commercial Zone
	“MH”	Industrial Heavy Zone
OTHERS	“I”	Institutional Zone
	“OR”	Open-Space/Recreation Zone
	“AUR”	Agriculture Urban Reserve Zone

ZONING MAPS

PART OF BY-LAW

2. (1) (a) The location and the limits of the zones listed in **Section 1** above are shown upon Zoning Maps 1 to 9 inclusive, attached hereto and marked **SCHEDULE “A”** to this By-law. The said Zoning Maps form part of this By-law. All notations, references and other information shown thereon together with any amendments made by amending by-law from time to time and shown thereon, together with any amendments to limits in the case of any street, lane or public works right-of-way closing, as provided in this section, shall be as much a part of this By-law as if the matters and information set forth by the said Zoning Maps were fully described herein.

2. (1) (b) Boundaries, contour lines and elevation data for the Vermilion River Flood Risk and Conservation Areas are shown on the official flood risk maps attached hereto and marked **SCHEDULE“B”** to this By-law.

DIMENSIONS AND SCALE



2. (2) All dimensions of the Zoning Maps are in metres.

REGISTERED PLANS

2. (3) All plan references on the Zoning Maps pertain to plans filed in the Dauphin Land Titles Office.

ABBREVIATIONS

2. (4) The abbreviations noted on the Zoning Maps mean the following:

- | | | |
|-----|---|---|
| (a) | “Ave.” | means Avenue ; |
| (b) | “Blk.” | means Block ; |
| (c) | “Dr.” | means Drive ; |
| (d) | “Pcl.” | means Parcel ; |
| (e) | “Pl.” | means Plan or Place, when pertaining to a street ; |
| (f) | “Rge.” | means Range ; |
| (g) | “Sec.” | means Section ; |
| (h) | “S.P.” | means Special Plot Plan ; |
| (i) | “S.S.P.” | means Special Survey Plan ; |
| (j) | “St.” | means Street ; |
| (k) | “T’p.” or “Twp.” | means Township ; |
| (l) | “W.P.M.” or “W” | means West of the Principal Meridian ; |
| (m) |  or “P.R.” | means Provincial Road ; and |
| (n) |  or “P.T.H.” | means Provincial Trunk Highway |

INTERPRETATION OF ZONE LIMITS

2. (5) In the interpretation of the limits of the zones as shown on the Zoning Maps, the following rules shall apply:

- (a) Heavy solid lines represent the zone limits. Where the zone limit is broken by the name of a street, it shall be construed that the limit continues through the name of the street;
- (b) Notwithstanding that streets, lanes, walkways, public works rights-of-way or other means of communication may be within zone limits, the regulations contained in this By-law shall not be deemed to be applicable to said streets, lanes, walkways, public works rights-of-way or other means of communication;
- (c) Zone limits shown as approximately following the limits or centrelines set forth below shall be construed to follow said limits or centrelines:
 - (i) public streets or lanes;
 - (ii) lot, site or property lines;
 - (iii) limits of the City
 - (iv) railway lines or rights-of-way; and
 - (v) public works lines or rights-of-way.
- (d) If a street, lane, walkway, public works right-of-way or other means of communication shown on the Zoning Maps is lawfully closed, the land formerly comprising the right-of-way shall be included within the zone of the adjoining land provided that if the said right-of-way was a zone limit between two or more different zones, the new zone limit shall be the former centreline of the closed right-of-way.
- (e) Where the application of the above rules do not determine the exact location of the limits of a zone, the Council either on its own motion or upon written application being made to it by any person requesting the determination of the exact location of the limits shall fix the portion in doubt or dispute in a manner consistent with the provisions of this By-law and with the degree of detail as the circumstances may require.

ZONE REQUIREMENTS

INTERPRETATION OF ZONE REQUIREMENTS

- 3. (1) In their interpretation and application the provisions of this By-law, shall be held to be the minimum requirements, except wherein otherwise noted.

USES

3. (2) **Tables 5-1 through 8-1** in this By-law, list all uses that are:

- (a) “P” – Permitted; or
- (b) “C” – Conditional;

in respective zones. All listed uses shall be interpreted in accordance with **PART 1 – DEFINITIONS**, shall be dealt with in accordance with procedures outlined in **PART 2 – ADMINISTRATION** and shall be subject to the provisions contained in **PART 3 – GENERAL PROVISIONS**, **PART 9 – VERMILION RIVER FLOOD RISK AND CONSERVATION AREAS** and **PART 10 - SPECIAL USES AND PROVISIONS**.

3. (3) No land shall be used or occupied and no building or structure shall be erected, altered, used, relocated or occupied hereafter for any use in any zone in which such land, building or structure is located other than a use listed on the subject **Use Table**.

3. (4) Uses of land, buildings or structures not listed in the **Use Table** may be allowed if:

- (a) The use was lawfully established prior to the effective date of this By-law in which case the use shall be dealt with as a non-conforming use, structure or building in accordance with **Section 9 of PART 2 – ADMINISTRATION**, or
- (b) The use, in the opinion of Council, falls into a general use category established in the **Use Table**. Such uses shall be permitted uses where the general use category is “Permitted” and conditional uses where the general use category is “Conditional” in that zone.

SITE AND OTHER REQUIREMENTS

3. (5) Site and other requirements shall be as set forth in **Tables 5-2 through 8-2**. The requirements set forth therein shall apply to all uses, structures or buildings.

USING THE TABLES AND REFERENCES

MAIN USES

4. (1) The standard **Use Tables** and **Bulk Tables** provide the main requirements – whether a use is allowed and what the site yard and other requirements are. **PART 10** should be used for secondary information such as exceptions for yard and height requirements and further provisions applying to accessory building or uses.

ACCESSORY USES

4. (2) Accessory uses and buildings occur in all zones and the general category is included in each of the **Use Tables**. However, the specific types of accessory uses allowed in residential, commercial, industrial and other zones varies drastically. They even vary within a specific zone depending on the main use (i.e. a house in a residential zone has different accessory uses than a church or park in the same zone).

Because of this complexity, most of the provisions and requirements pertaining to accessory uses are located in **PART 10**. This **PART** offers a more thorough explanation of what types of accessory uses are permitted with main uses in various zones and what special provisions apply to them.

PART 10 contains sections dealing with application of or interpretation of:

- (a) Accessory Uses, Buildings and Structures including:
 - home-based businesses;
 - parking, entrances and loading requirements;
 - sign regulations.
- (b) Alternate Forms of Development including:
 - condominiums;
 - planned unit development;
 - multiple uses;
 - subdivision of attached dwellings.
- (c) Yards and Special Yards
- (d) Temporary Uses, Buildings and Structures
- (e) Height exceptions

MEASUREMENTS

4. (3) If the conversion between metric and imperial measurements pertaining to a development permit application is not exact as prescribed in this By-law, the Development Officer may apply metric or imperial measurement to the development permit application

FOOTNOTES

4. (4) Footnotes form part of the tables of this by-law.

PART 5 – RESIDENTIAL ZONES

INTENT AND PURPOSE

1. The following Residential Zones are hereby established to provide areas for various types of residential development within the City in accordance with the policies set forth in the City of Dauphin Development Plan and the following general purposes:

“RS-U” RESIDENTIAL SINGLE-FAMILY UNSERVICED ZONE

This Zone provides for the development of single-family dwellings at low density and associated or compatible uses in areas not serviced with municipal sewer and water systems.

“RS-5” AND “RS-6” SINGLE-FAMILY ZONES

These Zones provide areas for the development of low density single-family dwellings and associated or compatible uses serviced by municipal sewer and water systems.

“RT” RESIDENTIAL TWO-FAMILY ZONE

This Zone provides areas for low and medium density single-family and two-family dwellings and associated or compatible uses.

“RM” RESIDENTIAL MULTIPLE-FAMILY ZONE

This Zone provides areas for medium and high density dwellings such as triplexes, fourplexes, town or row type dwellings, walk-up apartments and high rise apartments, and associated or compatible uses. Single-family and two-family dwellings are also permitted.

“RMH” RESIDENTIAL MOBILE HOME ZONE

This Zone provides areas for mobile home parks and subdivisions for mobile homes and associated or compatible uses.

TABLE 5-1
RESIDENTIAL USE TABLE

USES P: Permitted, C: Conditional -: Not Permitted N/A: Not Applicable	RESIDENTIAL ZONES					Parking Group No. (See Table 10-2)
	RS-U	RS-5 & RS-6	RT	RM	RMH	
1. <u>Accessory Uses, Buildings and Structures (See 10-1)</u>	P	P	P	P	P	N/A
2. <u>Assembly, including Churches and Religious Institutions, Community Halls and Recreational Clubs</u>	-	C	C	C	-	8/11
3. <u>Day Care</u>						
a) Community or Group	-	C	C	C	-	8
b) Home	P	P	P	P	-	8
4. <u>Dwellings</u>						
a) Single Family	P	P	P	P		1
b) Two-Family	-	-	P	P		1
c) Multiple-Family	-	-	-	P		2/3 SH ¹
d) Boarding, Rooming and Lodging Houses	-	-	-	P		4
e) Group Houses	C	C	C	C		5
f) Residential Care Facilities	-	-	-	C		5
g) Bed and Breakfast	C	C	-	-		4
5. <u>Mobile-Homes</u>						
a) Parks and Subdivisions	-	-	-	-	P	1
6. <u>Open Space, including playgrounds, tot lots and similar uses, buffer strips, public reserves and walkways</u>	P	P	P	P	P	21
<u>Planned Unit Development and Bare Land Unit Condominiums (See 10-2)</u>	C	C	C	C	C	21
8. <u>Public Works</u>	P	P	P	P	P	21
9. <u>Temporary Uses, Buildings and Structures (See 10-4)</u>	P	P	P	P	P	21

¹Seniors' Homes

TABLE 5-2
RESIDENTIAL BULK TABLE

ZONES	PERMITTED OR CONDITIONAL USES	MINIMUM REQUIREMENTS						MAXIMUM REQUIREMENTS		
		SITE		Front (m)	YARD ¹ Side (m)		Rear (m)	Dwelling Unit Area (m ²)	Site Coverage %	Building Height (m) (see 10-5)
		Area (m ²)	Width (m)		Interior	Corner				
RS-U	Open Space, Public Works & Temp. Uses ²	-	-	-	-	-	-	-	-	-
	Single Family Dwellings and Other RS-U Uses ³	1390	23	9	3.5	4.5	7.5	70	30	9
	Accessory Buildings & Uses	-	-	9	3.5	4.5	0.6 ⁴	-	20	4.5
RS-5	Open Space, Public Works & Temp. Uses ²	-	-	-	-	-	-	-	-	-
	Single Family Dwellings and Other RS-5 Uses ³	450	15	9	1.5 ⁵	3	7.5	70	50	9
	Accessory Buildings & Uses	-	-	9	1.5 ⁶	3	0.6 ⁴	-	20	4.5
RS-6	Open Space, Public Works & Temp. Uses ²	-	-	-	-	-	-	-	-	-
	Single Family Dwellings and Other RS-6 Uses ³	550	18	9	1.5 ⁵	3	7.5	70	50	9
	Accessory Buildings & Uses	-	-	9	1.5 ⁶	3	0.6 ⁴	-	10	4.5
RT	Open Space, Public Works & Temp. Uses ²	-	-	-	-	-	-	-	-	-
	Two Family Dwellings	600	19.8	9	1.5 ⁵	3	7.5	70	50	9
	Other "RT" Uses ³	450	15	9	1.5 ⁵	3 ³	0.6	70	50	9
	Accessory Buildings & Uses	-	-	9	1.5 ⁶	3	0.6 ⁴	-	10	4.5
RM	Open Space, Public Works & Temp. Uses ²	-	-	-	-	-	-	-	-	-
	Multiple Family Dwellings	930 ⁷	30	9	3.5	4.5	7.5	32	60	14
	Other "RM" Uses ³	697	23	9	1.5 ⁵	4.5	7.5	70	50	9
	Accessory Buildings & Uses	-	-	9	1.5 ⁶	4.5 ³	0.6 ⁴	-	10	4.5
RMH	Mobile Home Parks (See 5-2)	-	-	-	-	-	-	-	-	-
	Mobile Homes in MH Subdivisions	450	15	4.5	2 ⁵	3	4.5	37	50	4.5
	Other "RMH" Uses ³	-	-	-	-	-	-	-	-	-
	Accessory Buildings & Uses	-	-	4.5	2 ⁶	3	0.6 ⁴	-	10	-

- 1) See **PART 10-3** for Yard Requirements.
- 2) See **PART 10-4** for Temporary Buildings.
- 3) See **PART 10-2** for Planned Unit Development and Bare Land Unit Condominiums.
- 4) Except for outdoor pools and hot tubs which shall be located a minimum of one decimal five (1.5) metres from any site line.
- 5) When no public lane is located at the rear of the site and no garage is attached to the side of the house, one side yard shall be a minimum of three decimal five (3.5) metres.
- 6) Where an accessory building is to the rear of the main building the side yard may be reduced to zero decimal six (0.6) metres.
- 7) Plus ninety-three (93) square metres for each dwelling unit in excess of 4.

MOBILE HOME REGULATIONS

MOBILE HOME PARKS

2. (1) The minimum area dimensions and setback requirements for mobile home park developments are outlined in **TABLE 5-3 “MOBILE HOME PARK REQUIREMENTS”**.
2. (2) No mobile home park shall be established or expanded without the approval of Council. Scaled and dimensional plans of the mobile home park shall be submitted to Council for approval and shall show mobile home spaces, internal roads and walkways, buffers, storage areas, recreation areas, drainage, sewer and water services.
2. (3) All mobile home parks shall provide:
 - (a) A central open space area equivalent to eighteen decimal six (18.6) square metres per mobile home space or two hundred twenty-three (223) square metres, whichever is greater;
 - (b) A suitably designed and landscaped minimum four decimal five (4.5) metres wide buffer strip along any boundary adjacent to a public right-of-way or another zone boundary;
 - (c) An all weather surface internal roadway to serve all mobile homes with a minimum seven decimal three (7.3) metres wide driving surface and twelve decimal two (12.2) metres total width;
 - (d) One (1) parking space on each mobile home space;
 - (e) Storage of refuse and garbage in a sanitary manner at a location readily accessible to all mobile homes but not more than one hundred fifty-two decimal four (152.4) metres from any mobile home;
 - (f) Illumination of all roadways and walkways to standards approved by Council; and
 - (g) Clear marking of the boundaries of each mobile home space and identification of each space by a numbered sign.

TABLE 5-3
MOBILE HOME PARK REQUIREMENTS

Site Area, Minimum for Mobile Home Park	3,716 m
Site Width, Minimum for Mobile Home Park	76 m
Maximum Density	20 mobile homes per gross hectare
Minimum area of each Mobile Home Space	372 m ²
Minimum width of each Mobile Home Space	12.2 m
Minimum depth of each Mobile Home Space	27.5 m
Minimum side-to-side clearance between Mobile Homes (porches, carports, additions and projections are considered to be part of the Mobile Home)	4.5 m
Minimum end-to-end clearance between Mobile Homes	6 m
Minimum distance from Mobile Home to roadway	3 m
Minimum distance from Mobile Home to public street or mobile home park boundary ¹	9 m
Dwelling Unit Area, Minimum	55.7 m ²

1) In the case of provincial trunk highways and provincial roads, greater setbacks may be required.

MOBILE HOMES

2. (4) All mobile homes to be placed on a mobile home space or a mobile home site shall:
 - (a) Meet all structural standards as determined by **The Buildings and Mobile Homes Act** and amendments thereto;
 - (b) Be connected to an approved sewer and water system; and
 - (c) The site preparation, foundation and anchorage of mobile homes shall be in conformance with the City of Dauphin Mobile Homes By-law.

ACCESSORY BUILDINGS AND USES

2. (5) The type of accessory uses, buildings and structures permitted in mobile home parks shall be as set forth in **Section 1 of PART 10**.
2. (6) The site and other requirements for accessory uses, buildings and structures in the “RMH” Zone, as outlined in **TABLE 5-2**, shall apply in mobile home parks except that the requirements shall be interpreted as applying to a “mobile home space” rather than a “site PART 6 - COMMERCIAL ZONES

PART 6 - COMMERCIAL ZONES

INTENT AND PURPOSE

1. The following commercial zones are hereby established to provide sufficient land in suitable locations to meet the needs of commercial development in the City in accordance with the policies set forth in the City of Dauphin Development Plan and the following general purposes:

“CN Commercial Neighbourhood Zone

This zone provides for appropriate land, characteristically small in area, either within or abutting residential zones, for the retailing of commodities and personal services to satisfy the daily household or personal needs of persons residing in the adjacent neighbourhood.

“CC” Commercial Central Zone

The zone provides for appropriate land in the City’s central commercial area to allow it to be multi-functional in nature and develop as the most intensive retail, business, social, cultural and administrative area of the City and Dauphin Region.

“CL” Commercial Linear Zone

This zone provides for sites for small single or multi-tenant retail and personal services along major and other urban thoroughfares adjacent to and leading out from the central business area.

“CH” Commercial Highway Zone

The zone provides for appropriate land for those businesses requiring large sites, to provide for retail business and personal services adjacent to major thoroughfares to serve the travelling public. Some light industrial uses may also be appropriate.

“CS” Commercial Shopping Centre Zone

This zone provides for appropriate land for a shopping centre as a planned unit development characterized by unitary ownership control or management, concentrated and compatible retail and service uses, one or more anchor type stores, an interior all-weather pedestrian mall, common parking facilities intended to service city-wide and regional markets.

TABLE 6-1 - COMMERCIAL USE TABLE

USES: P: Permitted, C: Conditional -: Not Permitted N/A: Not Applicable	COMMERCIAL ZONES					Parking Group No. (See Table 10-2)
	CN	CC	CL	CH	CS	
1. <u>Accessory Uses, Buildings and Structures (See 10-1)</u>	P	P	P	P	P	N/A
2. <u>Accommodation</u>						
a) Hotels, Motels	-	P	-	P	-	4 + 11
b) Camping & Tenting Grounds	-	-	-	C	-	21
c) Bed and Breakfast	C	P	P	P	-	4
3. <u>Agricultural Products</u>						
a) Farm and Industrial Equipment Sales and Service with incidental assembly	-	-	-	P	-	10
b) Garden Supply Sales Greenhouses and Nurseries	-	P	P	P	P	6
4. <u>Animals</u>						
a) Hospitals and Veterinary Clinics	-	-	-	P	-	14
b) Kennels	-	-	-	C	-	17
c) Animal Grooming, Care and Accessory Sales	-	C	C	C	C	10
5. <u>Auction Marts, excluding livestock</u>	-	-	P	-	-	9
6. <u>Assembly</u>						
a) Clubs, private						
i) excluding licensed premises	C	P	P	P	P	7/11
ii) including licensed premises	-	C	C	C	C	7/11
b) Community halls, Libraries Museums and similar uses	C	P	-	-	-	9/11
c) Business Colleges, Trade or Vocational Centres	-	P	-	C	-	9/11
d) Auditoriums and Sport Complexes	-	-	-	C	-	9/11
e) Churches	-	C	C	C	-	11/21
f) Casino/Gaming Enterprises	-	C	-	C	-	7/17/21
g) Convention Centre	-	C	-	C	-	7/11/21
7. <u>Business and Government Offices and Banks</u>						
a) Municipal and Post Office, Police and Fire Stations and similar uses	C	P	P	P	P	9

USES: P: Permitted, C: Conditional -: Not Permitted N/A: Not Applicable	COMMERCIAL ZONES					Parking Group No. (See Table 10-2)
	CN	CC	CL	CH	CS	
7. b) Business and Professional Offices, Medical and Dental Offices, Banks and similar uses	C	P	P	P	P	9
8. <u>Group and Community Day Care and Group Homes</u>	-	C	C	-	-	8
9. <u>Other Retail Businesses/Services</u>						
a) Those retail uses not listed elsewhere in this Table excluding b) through h) below	-	P	C	-	P	9
b) Exterminators and Machine Shops	-	C	-	C	-	9
c) Newspaper Publishing, Funeral Homes, Radio and TV Stations, Studios and Towers		P	C	P	-	9/11
d) Mobile-Homes and Travel Trailer Sales, Rental and Service	-	-	-	P	C	6
e) Convenience Store under 112m ² in area	P	P	P	P	P	8
f) Laundries, Self Services	C	P	P	-	-	12
g) Ceramic Shops with associated production	-	C	C	C	-	9
h) Small Appliance Service and Repair	C	P	P	P	P	9
10. <u>Eating and Drinking Places, except Drive-in establishments</u>	C	P	P	P	P	11
11. <u>Recreation:</u>						
a) Bowling Alleys, Recreational Clubs and Cinemas	-	P	P	P	P	11/16
b) Amusement Centres including billiards and video games	-	C	-	-	C	9
c) Miniature Golf, Driving Ranges and Pitch and Putt	-	-	-	P	-	21
d) Drive-in Theatres	-	-	-	C	-	21

USES: P: Permitted, C: Conditional -: Not Permitted N/A: Not Applicable	COMMERCIAL ZONES					Parking Group No. (See Table 10-2)
	CN	CC	CL	CH	CS	
12. <u>Transportation:</u>						
a) Bicycle, Motorcycle, Cart, etc., sales, rental and service	C	P	C	P	C	6/10
b) Bus Terminals, Taxi and Courier Services	-	P	C	P	P	8/17
c) <u>Automotive:</u>						
i) Business including tires and parts sales areas and showrooms	-	P	P	P	P	6/10/15
ii) Body Shops	-	P	C	P	P	6/10/15
iii) Gas Kiosks	C	P	P	P	P	17
iv) Service Stations	-	C	C	P	P	6/9/15
v) Towing Service	-	-	-	P	-	17
vi) Truck Terminals	-	-	-	C	-	15
vii) Public Works Yards	-	-	-	C	-	17
13. <u>Building Materials and Contractors</u> ¹						
a) Building Supply Stores and Contractors' Establishments when totally enclosed	-	C	-	C	C	9
b) Light Industry, includes warehousing, storage and assembly when totally enclosed	-	C	-	C	-	9
14. <u>Drive-In-Establishments</u>	-	C	C	P	P	21
15. <u>Wholesale</u> , business including sales and storage	-	-	-	P	P	10
16. <u>Warehousing</u> , storage facilities for non-explosive, non-toxic and non-flammable goods excluding junk yards and automobile wrecking	-	C	-	C	-	9
17. <u>Dwellings:</u>						
a) Multi-Family Dwellings with or without associated commercial uses	-	P	C	-	-	2
b) Senior Citizen Housing	-	P	C	-	-	2/3SH ¹

¹Seniors' Homes

USES: P: Permitted, C: Conditional -: Not Permitted N/A: Not Applicable	COMMERCIAL ZONES					Parking Group Nol (See Table 10-2)
	CN	CC	CL	CH	CS	
18. <u>Open Space</u> , including Athletic Fields, Parks, Playgrounds, Public Reserves and similar uses	P	P	P	P	P	21
19. <u>Public Works</u>	P	P	P	P	P	-
20. <u>Off-Street Parking Areas</u>	P	P	P	P	P	-
21. <u>Planned Unit Development</u> and Bare Land Condominiums (See 10-2)	-	C	C	C	C	21
22. <u>Temporary Buildings and Uses</u> (See 10-4)	P	P	P	P	P	21

¹Outside storage of materials and equipment is permitted in the “CH” zone provided the storage is located to the rear of a line adjacent to and parallel with the rear wall of the principal building and enclosed by a fence or wall not less than one decimal eight (1.8) metres in height.

TABLE 6-2
COMMERCIAL BULK TABLE

ZONES	PERMITTED OR CONDITIONAL USES	MINIMUM REQUIREMENTS							MAXIMUM REQUIREMENTS	
		SITE		YARD ¹ (See 10-3)					Site Coverage (%)	Building Height (m) (See 10-5)
		Area (m ²)	Width (m)	Front (m)	Side (m)		Rear (m)	Dwelling Unit Area (m ²)		
Interior	Corner									
CN	Open Space, Public Works, Off-Street Parking Areas & Temp. Uses (See 10-4)	-	-	-	-	-	-	-	-	-
	Accessory Buildings & Uses ²	-	-	9	1.5	1.5	1.5	-	10	4.5
	Other "CN" Uses ³	450	15	9	1.5	3	7.5	-	60	9
CC	Open Space, Public Works, Off-Street Parking Area & Temp. Uses (See 10-4)	-	-	-	-	-	-	-	-	-
	Accessory Buildings & Uses ²	-	-	0	0 ⁴	0	1.5	-	10	4.5
	Transportation, Building Materials & Contractors, Drive-In Establishments, Wholesale & Warehousing Uses	1590	45	0	0 ⁴	0	6	-	-	9
	Multi-Family Dwellings with or without Commercial Uses	930 ⁵	30	6	4.5	6	7.5	37	50	9
Other "CC" Uses ³	140	4.5	0	0 ⁴	0	6	-	95	9	
CL	Open Space, Public Works, Off-Street Parking Areas & Temp. Uses (See 10-4)	-	-	-	-	-	-	-	-	-
	Accessory Buildings & Uses ²	-	-	7	7	7	1.5	-	-	4.5
	Auditoriums, Churches, Clubs, Catering, Drinking Places, Multi-Family Dwellings, Service Stations & Seniors' Housing	930	30	6	4.5	6	7.5	37	50	14
	Other "CL" Uses ³	450	15	0	0 ⁴	0	6	32	80	11
CH	Open Space, Public Works, Off-Street Parking Areas & Temp. Uses (See 10-4)	-	-	-	-	-	-	-	-	-
	Accessory Buildings & Uses	-	-	12.2 ⁶	3	4.5	3	-	10	4.5
	Other "CH" Uses ³	930	30	12.2	12	4.5	3	-	60	14
CS	Open Space, Public Works, Off-Street Parking Areas & Temp. Uses (See 10-4)	-	-	-	-	-	-	-	-	-
	Accessory Buildings and Uses ²	-	-	7	7	7	7	-	-	4.5
	Regional Shopping Mall	4 ha	150	30	15	15	15	-	-	10
	Other "CS" Uses ³	1394	45	6	3	4.5	6	-	-	10

- 1) See 10-3 for required yards adjacent to residential zones.
- 2) Except that service station fuel pumps shall be located a minimum of four decimal five (4.5) metres from any side yard.
- 3) See 10-2 for Planned Unit Developments and Bare Land Use Condominiums.
- 4) Where a side yard is provided it shall not be less than one decimal two (1.2) metres.
- 5) Plus ninety-three (93) square metres for each dwelling unit in excess of 4.
- 6) Except that service station fuel pumps may be located nine (9) metres from the front site line.
- 7) The minimum yards shall be as required for the principal use.

PART 7 - INDUSTRIAL ZONES

INTENT AND PURPOSE

1. The following Industrial Zones are hereby established to provide sufficient land for a wide range of industrial and related uses in suitable locations in the City in accordance with the provisions of the City of Dauphin Development Plan and the following general purposes:

“MC” INDUSTRIAL/COMMERCIAL ZONE

This zone provides land for a limited range of industrial uses such as light manufacturing, processing, distribution, transportation and warehousing uses and retail/commercial uses in a transitional area between the CN R.O.W. and adjacent commercial and residential areas.

“MH” INDUSTRIAL HEAVY ZONE

This zone provides for a wide range of industrial uses where a certain level of nuisance factors must be accepted as characteristic of the use. Wherever practical these are located as far as possible from residential zones and in such a way as to minimize any detrimental effect on other uses of land.

TABLE 7-1 - INDUSTRIAL USE TABLE

USES: P: Permitted C: Conditional -: Not Permitted N/A: Not Applicable	INDUSTRIAL ZONES		Parking Group No. (See Table 10-2)
	MC	MH	
1. <u>Accessory Uses, Buildings and Structures</u> (See 10-1)	P	P	N/A
2. <u>Agriculture</u>			
a) Feed, Seed, Grain and Vegetable			
i) Sales, Storage and Distribution	C	P	9/21
ii) Manufacturing and Processing	-	P	9/21
b) Bulk Fuel and Chemical			
i) Sales, Storage and Distribution	-	P	9/21
ii) Manufacturing	-	C	9/21
c) Garden Supply, Sales, Nurseries and Greenhouses	P	P	9/21
d) <u>Livestock Processing and Production</u>			
i) Abattoirs, Rendering Plants, Dead Stock Removal and Stock Yards	-	C	9/21
ii) Dairy Products and Meat Packaging and Processing, including poultry slaughtering	-	P	9/21
iii) Poultry Hatcheries	-	P	9/21
3. <u>Animals</u>			
i) Hospitals and Vet Clinics	C	P	9
ii) Kennels, Pounds and Shelters	-	C	9
4. <u>Auction Marts</u>			
i) Excluding Livestock	C	P	9
ii) Including Livestock	-	C	9
5. <u>Building Materials and Contractors</u>			
a) Asphalt and Asphalt Products, Brick and Tile Manufacturing	-	C	9/21
b) Building Supply and Materials Sales			
i) Enclosed	P	P	9/21
ii) Outside Storage	C	P	
c) Concrete Plants, Cement Batching and Product Manufacturing	-	P	9/21

USES: P: Permitted C: Conditional -: Not Permitted N/A: Not Applicable	INDUSTRIAL ZONES		Parking Group No. (See Table 10-2)
	MC	MH	
d) Contractors' Establishments	C	P	9/21
e) Prefabricated Building Assembly and Manufacturing	-	P	9/21
6. <u>Other Manufacturing and Assembly</u> with associated Sales			
a) Other light industry not listed elsewhere in this table including Warehousing, Processing, Distribution and Storage Facilities for non-flammable, non toxic or non-explosive goods with all operations contained within an enclosed building	P	P	10
b) Other Heavy Industry not listed in this Table, including Scrap Metal and Junk Yards	-	C	10
7. <u>Offices</u> , business and professional, including laboratories, medical and dental research or testing facilities	P	P	9/14
8. <u>Retail</u> , businesses and stores	P	C	6
9. <u>Transportation</u>			
a) Automotive and Travel Trailer Assembly, Parts Manufacturing including farm implements and mobile-homes	-	P	9/15
b) Sales, Rentals and Service of, including Automotive Body Shops	C	P	9/15
c) Automobile Service Stations	P	P	9/15
d) Truck Terminals and Freight Stations	C	P	9/15
e) Public Works Yards	P	P	9/15
f) Automobile Wrecking	-	C	17
10. <u>Public Works</u>	P	P	21
11. <u>Planned Unit Development and Bare Land Unit Condominiums</u> (See 10-2)	C	C	21
12. <u>Temporary Buildings, Structures and Uses</u> (See 10-4)	P	P	21

TABLE 7-2
INDUSTRIAL BULK TABLE

		MINIMUM REQUIREMENTS						MAXIMUM REQUIREMENTS	
ZONES	PERMITTED OR CONDITIONAL USES	SITE		YARD ¹				Site Coverage (%)	Building Height (m) (See 10-5)
		Area (m ²)	Width (m)	Front (m)	Side (m)		Rear (m)		
					Interior	Corner			
MR	Public Works & Temporary Uses (See 10-4)	-	-	-	-	-	-	-	-
	Accessory Buildings & Uses	-	-	6	3 ²	4.5	3 ²	10	9
	Other "MR" Uses ³	930	30	6	3	4.5	3	80	14
MH	Public Works & Temporary Uses (See 10-4)	-	-	-	-	-	-	-	-
	Accessory Buildings & Uses	-	-	7.5	3 ²	4.5	3 ²	10	9
	Other "MH" Uses ³	1860	30	7.5	3	4.5	3	80	14

- 1) See 10-3 for required yards adjacent to residential zones.
- 2) Except that service station pumps shall be located in minimum of four decimal five (4.5) metres from any site line.
- 3) See 10-2 for Planned Unit Developments and Bare Land Unit Condominiums.

INDUSTRIAL DEVELOPMENT STANDARDS

2. The development of a site in an Industrial Zone shall conform with the standards outlined in **Subsections (1) and (2)** below, as applicable. Council may require further performance and development standards, as necessary, through the Conditional Use procedures under **Section 5** of **PART 2** herein, and by virtue of a development agreement under **Section 4** of **PART 2** herein.

2. (1) "MC" - INDUSTRIAL/COMMERCIAL ZONE

- (a) In the **"MC" Zone**, all production operations shall be conducted entirely within an enclosed building; and
- (b) Outside storage of goods and materials may be permitted provided:
 - (i) the storage is located to the rear of a line adjacent to and parallel with the front wall of the building;
 - (ii) the storage shall not project above the height of a wall or fence; and
 - (iii) a wall or fence shall be maintained in good condition and repair.

2. (2) "MH" – INDUSTRIAL HEAVY ZONE

- (a) In the **"MH" Zone**, the total area of outside operations and storage shall not be greater than seventy-five percent (75%) of the total site area. Outside operations and storage are not permitted in the required front yard; and
- (b) Where a fence is required, outside storage shall not project above the height of the fence.

2. (3) LANDSCAPING AND MAINTENANCE

All portions of a site except those used for buildings, trucking, loading and for storage purposes shall be landscaped and maintained in good condition.

PART 8 - INSTITUTIONAL OPEN SPACE/RECREATION AND AGRICULTURE URBAN RESERVE ZONES

INTENT AND PURPOSE

1. The following zones are hereby established to accommodate various open space, recreational and limited agricultural uses within the City in accordance with the provisions of the City of Dauphin Development Plan and the following general purposes:

“I” INSTITUTIONAL ZONE

This zone provides areas for concentrations of governmental, educational, institutional and similar public or semi-public uses.

“OR” OPEN SPACE/RECREATION ZONE

This zone provides areas for public parks and recreational purposes and for the conservation of undeveloped scenic or hazard lands, lands buffering different types of land use and major utility rights-of-way that have an open space character.

“AUR” AGRICULTURE URBAN RESERVE ZONE

This zone provides for the continuation of non-intensive agricultural and agricultural related and open space uses in such a manner as to facilitate the orderly expansion of the City.

TABLE 8-1
INSTITUTIONAL OPEN SPACE/RECREATION
AND AGRICULTURE URBAN RESERVE TABLE

USES: P: Permitted, C: Conditional -: Not Permitted N/A: Not Applicable	ZONES			<i>Parking</i> Group No. (See 10-2)
	I	OR	AUR	
1. <u>Accessory</u> Uses, Buildings and Structures (See 10-1)	P	P	P	N/A
2. <u>Agriculture</u> a) Cropping b) Specialized Agriculture including nurseries and greenhouses, Landscape Gardeners including storage of top soil and sod	- - -	- - -	P C -	10/17 10/17 -
3. <u>Animals</u> , including Kennels, Hospitals, Vet Clinics, Pounds and Shelters	-	-	C	14/17
4. <u>Assembly</u> a) Art Centres, Galleries Concert Halls, Libraries and Museums b) Auditoriums, Grandstands, Sports Complexes, Race tracks, Stadiums and community Halls c) Agricultural Exhibition Grounds and Buildings	P - -	P P P	- C C	9/11/21 9/11/21 9/11/21
5. <u>Government Offices</u> a) Court House, Dauphin Correctional Institution and related uses, Administration Buildings and Offices, including Municipal, Police, Fire and similar uses b) Water and Sewage Treatment Plants, Lagoons and Public Works Yards	P -	- -	- C	9/17 9/17
6. <u>Hospitals</u> , including Clinics, Dormitories, Residences for Staff	P	-	-	4
7. <u>Mineral Extraction</u> , Operations for Clay, Gravel or Sand including crushing, screening, washing and processing	-	-	C	17

Other Zones

8-1

USES P: Permitted, C: Conditional -: Not Permitted N/A: Not Applicable	ZONES			Parking Group No. (See 10-2)
	I	OR	AUR	
8. <u>Radio, Television and Communication Towers</u>	-	-	P	21
9. <u>Recreation</u>				
a) Athletic Camps and Recreational Clubs; Public Swimming and Wading Pools; Golf Courses, Driving Ranges and Miniature Golf; Curling, Indoor Skating and Hockey Rinks; and Amphitheatres	-	P	C	21
b) Tennis and similar courts, outdoor	-	P	-	21
c) Horticultural and Zoological Gardens and Artificial Lakes	P	P	P	21
d) Gun Ranges, Riding Academies and Stables	-	C	C	21
e) Camping and Tenting Grounds, Recreational Concession Stands and Amusement Parks	-	C	-	21
f) Eating and Drinking Places	-	C	-	21
10. <u>Religious</u>				
a) Institutions, Churches and Associated Residential Schools	P	-	-	11/21
b) Funeral Homes, Cemeteries and Crematoria	P	-	P	11/21
11. <u>Schools</u>				
a) Colleges, Professional Schools including associated staff and student residences and dormitories	P	-	C	20
b) Elementary, Junior High and High Schools	P	-	-	Elementary 18 Jr. High/High 19
c) Group Day Care, Nursery Schools	P	-	C	8

Other Zones

8-1

USES P: Permitted, C: Conditional -: Not Permitted N/A: Not Applicable	ZONES			Parking Group No. (See 10-2)
	I	OR	AUR	
12. <u>Dwellings</u> a) Farmstead Dwellings b) Residential Care Facilities, Senior Citizen Homes and similar uses c) Group Homes	- P P	- - -	P C C	1 5 5
13. <u>Open Space</u> , including Athletic fields, Picnic areas, Tot Lots, Playgrounds, Outdoor Skating Rinks, Buffer Strips, Public Reserves, Walkways and similar uses.	P	P	P	21
14. <u>Public Works</u>	P	P	P	21
15. <u>Planned Unit Development and Bare Land Unit Condominiums (See 10-2)</u>	C	C	C	21
16. <u>Temporary Buildings, Structures and Uses (See 10-4)</u>	P	P	P	21

TABLE 8-2
 INSTITUTIONAL OPEN SPACE/RECREATION
 AND
 AGRICULTURE URBAN RESERVE BULK TABLE

		MINIMUM REQUIREMENTS							MAXIMUM REQUIREMENTS	
ZONES	PERMITTED OR CONDITIONAL USE	SITE		YARD ¹					Site Coverage (%)	Building Height (m) (See 10-5)
		Area (m ²)	Width (m)	Front (m)	Side (m)		Rear (m)	Dwelling Unit Area (m ²)		
					Interior	Corner				
I	Open Space, Public Works & Temporary Uses (See 10-4)	-	-	-	-	-	-	-	-	-
	Accessory Buildings & Uses	-	-	7.5	0.6	3.5	0.6	-	10	4.5
	Residential Care Facilities, Seniors and Group Homes Other "I" Uses ¹	743 1,860	18 61	7.5 7.5	1.5 4.5	3.5 4.5	7.5 7.5	111.5 -	40 60	10.5 13.7
AUR	Open Space, Public Works & Temporary Uses (See 10-4)	-	-	-	-	-	-	-	-	-
	Accessory Buildings & Uses	-	-	15	5	4.5	7.5	-	10	4.5
	Other "AUR" Uses ¹	8 ha	183	15	4.5	4.5	7.5	55.7	50	10.5
OR	Open Space, Public Works & Temporary Uses (See 10-4)	-	-	-	-	-	-	-	-	-
	Accessory Buildings & Uses	-	-	9	5	4.5	7.5	-	50	10.5
	Other "OR" Uses ¹	3,716	61	7.5	4.5	4.5	7.5	-	50	10.5

1) See 10-2 for Planned Unit Developments and Bare Land Use Condominiums.

CAMPING AND TENTING GROUNDS REGULATIONS

2. (1) The minimum site area, width, yard and other requirements for camping and tenting grounds are set forth in the Use Tables and Bulk Tables in this By-law.
2. (2) No person shall construct, operate or maintain a camping and tenting grounds without first having obtained conditional use approval from the City under **Section 5** of **PART 2** of this By-law. Scaled and dimensioned plans of the camping and tenting grounds shall be submitted to Council showing the camping spaces; internal roads and walkways; playground, park and vehicle parking areas; existing and proposed buildings and structures; drainage; lighting; garbage and other storage; and proposed electrical, sewer and water services.
2. (3) All camping and tenting grounds shall provide:
 - (a) A central open space area equivalent to eighteen decimal six (18.6) square metres per camping space or two hundred twenty three (223) square metres whichever is the greater;
 - (b) An all weather surface internal roadway to serve all camping spaces with a minimum five decimal five (5.5) metres driving surface and nine (9) metres total width;
 - (c) At least one (1) parking space on each camping space;
 - (d) Storage of refuse and garbage in a sanitary manner at a location readily accessible to all camping spaces but not more than one hundred fifty two decimal four (152.4) metres from any camping space;
 - (e) Illumination of all roadways, walkways and common service buildings to standards approved by Council;
 - (f) Service buildings or structures for the common use of tenants or for the administration of the camping and tenting grounds, such as washroom/shower building, outdoor cooking areas, office or convenience store. A dwelling unit shall be permitted when contained within the same building as the administration office or store;
 - (g) Clear marking of the boundaries of each camping space and identification of each space by a numbered sign; and
 - (h) Utility services and on-site liquid waste storage facilities in the form of a holding tank in a suitable location for the use of tenants.

CAMPING SPACES

2. (4) The following regulations shall apply:

Maximum Density for Spaces	20 per hectare
Minimum Area of each Space	297 m ²
Minimum Width of each Space	12.2 metres

Attached structures or buildings such as cabanas, breezeways, summer kitchens, and similar built structures shall not be permitted on camping spaces.

PART 9 - VERMILION RIVER FLOOD RISK AND CONSERVATION AREAS

INTENT AND PURPOSE

1. The provisions of this Section are intended to implement the objectives and policies of the City of Dauphin Development Plan with respect to:
 1. (1) The Vermilion River Conservation Area, shown as “**Open Space/ Recreation Area**” on **Development Plan Map 1**, of the said Development Plan; and
 1. (2) The floodway being part of the Vermilion River Flood Risk and Conservation Areas shown as shaded areas on the zoning maps attached hereto as **Schedule “A”**; and
 1. (3) The floodway and floodway fringe areas shown on the flood risk maps prepared pursuant to the **Canada-Manitoba Flood Damage Reduction Agreements** attached hereto as **Schedule “B”**.

CONSTRUCTION IN THE VERMILION RIVER FLOOD RISK AND CONSERVATION AREAS

2. (1) In addition to the requirements of **PART 2 – ADMINISTRATION** and the applicable zone regulations, all lands within the areas designated as Vermilion River Flood Risk and Conservation Areas shall be subject to **Sections 1 to 4** inclusive, of this **PART**.

DEFINITIONS

2. (2) In this **PART**:
 - (a) “**construction**” includes filling, back-filling, erecting, excavating, altering, removing, reconstructing, repairing, installing of plumbing, electrical, fire alarm, sprinkler or other services or appliances and such other work as may be specified in this **PART**, and also includes the design, material and dimensions of a building and proportion of site to be left unoccupied at ground level, or the proportion of site plan to be left unoccupied at any higher level;
 - (b) “**construct**” corresponds in meaning as nearly as may be with the meaning of “**construction**”;

2. (2) (c) **“demolition”** includes partial dismantling, removal of heating, plumbing, electrical or other fixtures and such other work as may be specified in this **PART**;
- (d) **“design flood level”** means the flood level shown on the flood risk maps;
- (e) **“floodway area”** and **“floodway fringe area”** means those areas identified as floodway and floodway fringe on the flood risk maps prepared pursuant to the **Canada-Manitoba Flood Damage Reduction Agreement**;
- (f) **“floodproofing criteria”** means the floodproofing criteria established in this **PART**;
- (g) **“flood protection level”** means a level of zero decimal six (0.6) metres above the design flood level;
- (h) **“hazardous materials”** means materials that are buoyant, flammable, explosive or toxic;
- (i) **“occupancy permit”** means a permit for the occupancy of a building, erection or structure;
- (j) **“owner”** means a person or the agent of a person, owning or in possession of land or in receipt of the whole or a part of the rents and profits therefrom, whether on his own account or as agent or trustee for any other person, or as a tenant;
- (k) **“plan”** includes any drawn or written description, illustration or explanation of any construction;
- (l) **“structures”** means anything constructed or erected on the ground or attached to the ground including but not limited to buildings, additions or enlargements thereto, but excluding playground equipment, unenclosed swimming pools (except for accessory buildings and pool equipment), fences and open-air structures for recreational use.

CONSTRUCTION IN FLOODWAY AREAS

2. (3) (a) Lands lying in the floodway area shall not be obstructed in any manner nor shall such lands be used for the dumping of any matter or substance (including manure) or be excavated, graded or filled except as authorized; and
- (b) Subject to **Subsection (4)**, no person shall construct, erect or bring any building or structure or erection within or on a floodway area.

CONTINUED RIGHT TO BUILDING PERMITS

2. (4) Where there is a parcel of land within a floodway area, the owner of which
- (a) was, prior to the designation of the floodway area, entitled to be issued a building permit in respect of the parcel upon compliance with the laws respecting the issuance of building permits; and
 - (b) would, except for the designation of the floodway area, continue to be entitled to be issued a building permit upon compliance with the laws respecting the issuance of building permits other than this **PART**;
 - (c) that parcel shall be deemed to be a part of a floodway fringe area in respect only of the issue of building permits and to be subject to provisions respecting a floodway fringe area in respect of any building permit issued in respect of the parcel.

CONSTRUCTION IN FLOODWAY FRINGE AREA

2. (5) No person shall
- (a) construct, erect or bring any building, structure or erection other than a fence within or on a floodway fringe area; or
 - (b) make any addition to or reconstruct any building, structure or erection, other than a fence, within a floodway fringe area;
- except in accordance with
- (c) the floodproofing criteria in **Section 3**;
 - (d) a minimum building set back distance of six (6) times the vertical height of the bank measured between the deepest point in the cross-section of the river channel and the top of the escarpment edge;
 - (e) such additional distance as may be required by Council on the outside of bends or meanders; and
 - (f) a building or development permit.

OCCUPANCY OF NON-COMPLYING BUILDINGS, ETC.

2. (6) No person shall occupy or maintain any building, structure, or erection that was built, constructed, erected or reconstructed or to which any addition was made, contrary to **Subsections (4) or (5)**.

RESTRICTION ON ISSUING PERMITS

2. (7) The Development Officer shall not issue a building permit, floodproofing permit, or occupancy permit in respect of any building, structure or erection for any work or proposed work unless the work or proposed work complies with the floodproofing criteria.

FOUNDATION COMPLETE BEFORE PERMIT FOR SUPER STRUCTURE

2. (8) The Development Officer shall not issue a building permit for the super structure of a building, structure or erection until the foundation thereof has been completed and a surveyor's certificate provided showing that the elevation of the foundation complies with the floodproofing criteria.

CANCELLATION OF PERMITS

2. (9) The Council may cancel a building permit or development permit where it appears to it that any work being carried out or to be carried out under the building permit or development permit does not comply with the floodproofing criteria and it may cancel any occupancy permit where it appears to it that any building, structure or erection occupied or to be occupied under the occupancy permit does not comply with the floodproofing criteria.

ORDER FOR REMOVAL OF BUILDINGS

2. (10) Where a building, structure or erection is built, constructed, erected, reconstructed or brought on or within a floodway area or a floodway fringe area in contravention of any provision of this **PART** or is occupied or maintained contrary to any provision of this **PART** or where a building, structure or erection that is, or is being, built, constructed, reconstructed or erected or brought on or within the floodproofing criteria, the Council may order the building, structure or erection to be removed from the floodway area or the floodway fringe area within a period specified in the order and, if the owner of the building, structure or erection does not remove it in compliance with the order within the period specified in the order, the Council may cause it to be removed from the floodway area or the floodway fringe area and the costs thereof may be charged against the owner thereof and collected by the municipality as a debt due to the municipality or may be added to the taxes on the land or on the building, structure or erection and may be collected in the same manner as other municipal taxes are collected.

LIABILITY OF MUNICIPALITY

2. (11) The municipality is not liable for any loss or damage resulting to any person by reason of anything done or caused to be done by the Council under this **PART**.

FLOOD PROTECTION AND FLOOD DAMAGE ASSISTANCE

2. (12) For the avoidance of doubt, it is declared that there is no right to any payment of flood protection assistance or flood damage assistance,
- (a) In respect of any building, structure or erection constructed, erected or brought within a floodway area after the date that the area was designated as a floodway area, or
 - (b) In respect of any building, structure or erection constructed, erected or brought within a floodway fringe area after the date on which the area was designated as a floodway fringe area unless complying with the floodproofing criteria, or
 - (c) Where variances to the floodproofing requirements contained herein have been approved, Council may require that a caveat be filed in the Land Titles Office indicating that there is no right to any public payment of flood protection assistance or flood damage assistance for a specific building structure or land.

FLOODPROOFING CRITERIA

3. (1) New structures shall
- (a) Have the electrical distribution panel above the flood protection level;
 - (b) Have the main shut-off valve of the gas service line above the flood protection level;
3. (1) (c) Have a second potable water shut-off valve installed on the main floor, preferably under the kitchen sink with no fittings or pipe branches (other than a meter and related mounting hardware) allowed between shut-off valves;
- (d) (i) have the elevation of any floor containing any finished space at least zero decimal three (0.3) metres above the flood protection level, unless a water tight basement or foundation wall is constructed to the flood protection level; and
 - (ii) have the site raised by fill in accordance with **Schedule “A”** of this **PART**;

- (e) In lieu of fill as shown on **Schedule “A”**, have the elevation of any floor containing any finished space at least one (1) metre above the flood protection level if the structure is supported by piles or other support systems as shown on **Schedule “B”** of this **PART**; and
 - (f) Where the types of supporting systems referred to in **Clause (e)** are employed, the structure shall be so constructed that it will not be buoyant when the water surface is higher than the bottom of the horizontal members supporting the structure.
3. (2) Any floor space that does not meet the requirement of **Clause 3 (1)(d)** shall:
- (a) Except for entrance ways, not contain any flooring, insulation, wall covering or any other finishing materials to an elevation lower than zero decimal six (0.6) metres below the flood protection level;
 - (b) Use rigid type insulation material mechanically fastened to the outside of the exterior walls if insulation is to extend more than zero decimal six (0.6) metres below the flood protection level;
 - (c) Except for water tanks and heating equipment for a residence, not be used for the installation or storage of immovable equipment or materials or hazardous materials;
 - (d) Not have any windows, doors or other openings located below the flood protection level;
 - (i) have a covered sump pit equipped with a submersible pump and discharge piping to grade;
 - (ii) have the interconnection between the sump pit and floor drain trap immediately above the weeping tiles; and
 - (iii) in addition to **Clause (f)**, have a backwater valve installed in the floor drain trap immediately below the weeping tiles;
 - (e) Except as provided under **Clause (g)**, have a backwater valve installed on every fixture drain where the fixture is located below the flood protection level;
 - (f) Where there is more than one fixture drain and all are connected to the same branch, the backwater valve may be installed on the branch drain.
3. (3) Where a structure does not conform to the requirements of **Sub-clause (d) (ii)** of **Subsection (1)** or if the structure is situated on pervious soil, the plans of the structure shall be certified by a Professional Engineer that the structure is capable of withstanding hydro-static and uplift pressures having a static water level equal to the design flood level, if the structure has floor space below the design flood level.

3. (4) Replacing or adding to an existing electrical distribution panel on an existing structure may be permitted at the same location.

FLOODPROOFING CRITERIA FOR LIVESTOCK BARNs, ETC.

3. (5) Livestock barns, granaries and other buildings used to store agricultural produce, work shops and sheds used for the storage of immovable equipment or materials or hazardous materials shall meet the following minimum floodproofing criteria:
 - (a) The elevation of the floor shall be a minimum of zero decimal three (0.3) metres above the flood protection level;
 - (b) The site of the structure shall be raised by fill in accordance with **Schedule “A”**, except that the elevation of the fill may be as low as the design flood level.

FLOODPROOFING CRITERIA FOR ACCESSORY STRUCTURES SUCH AS GARAGES AND FARM MACHINERY SHEDS

3. (6) Accessory structures shall meet the following minimum floodproofing criteria:
 3. (6) (a) The floor elevation shall not be more than one (1) metre below the design flood level;
 - (b) Structures constructed of wood, wood by-products or any other material susceptible to water damage shall be supported by a foundation constructed of water resistant material, the top of which extends to the flood protection level;
 - (c) Structures constructed of metal or any other material able to withstand water damage may have the top of the foundation below the design flood level but the foundation shall be constructed of water resistant material;
 - (d) Immoveable equipment or materials or hazardous materials shall be stored above the flood protection level.

MODIFICATION OF SCHEDULE “A”

3. (7) If the size of a building site makes compliance with **Schedule “A”** impossible, the City Engineer may vary the berm width and side slopes of **Schedule “A”**, and may require that retaining walls be constructed in accordance with the permit to ensure slope protection and prevent water run-off onto adjoining property.

REQUIREMENT FOR SEPTIC OR HOLDING TANKS

3. (8) The drain between a structure and a septic or building tank shall have a gate valve and a backwater valve if the structure has floor space below the flood protection level.

REQUIREMENTS FOR WELLS

3. (9) Drilled wells shall either have the well casing extend upward at least to the flood protection level or have the well casing sealed at the top.

REQUIREMENTS FOR STORAGE TANKS, ETC.

3. (10) Storage tanks for fuel oil, gasoline and any other liquid shall:
 - (a) Be situated above the flood protection level or be buried underground;
 - (b) Be anchored to prevent floatation; and
 - (c) Have the vent and filler pipes extend above the flood protection level.

ADDITIONAL REQUIREMENTS TO APPLY

3. (11) The requirements under this regulation shall be in addition to requirements under any applicable building codes, by-laws or Acts of the Legislature.

ADMINISTRATION OF REGULATIONS

APPLICATION FOR PERMIT

4. (1) An application for a development permit to build, construct or erect any structure within the Vermilion River Flood Risk and Conservation Areas shall be made to the Development Officer and shall be accompanied by
 - (a) Plans showing proposed grading and floor elevations, specifications of the structure and detailed plumbing plans acceptable to the authority having jurisdiction;
 - (b) Plans indicating the location of the structure;
 - (c) A copy of Certificate of Title.

REFERRAL OF APPLICATION TO CITY ENGINEER

4. (2) All applications received by the Development Officer under **Subsection (1)** shall be referred to the City Engineer who shall
 - (a) Determine the specific location of the land affected by consulting the official flood risk maps kept in his office;
 - (b) Advise the applicant, in writing, of the floodproofing criteria applying to the land;
 - (c) If the proposed development is judged to be of some risk or is lacking in data, the applicant may be instructed to provide soil tests, survey information, engineering data, etc., before his application can be considered; and
 - (d) Where applicable, recommend to Council that
 - (i) the application be rejected, or
 - (ii) that the application be approved subject to such conditions as may be necessary to carry out the intent of the **Development Plan**, the **Zoning By-law** and **the Canada-Manitoba Flood Damage Reduction Agreement**.

DECISION OF APPLICANT

4. (3) Upon receipt of the written recommendation of the City Engineer with respect to the floodproofing measures required for the issue of a permit, the applicant may,
 - (a) Obtain a permit upon compliance with the recommendation of the City Engineer, or
 - (b) Appeal to Council for a review of the recommendations and a final determination of the floodproofing criteria applying to his property.

NOTICE OF COUNCIL

4. (4) Upon receipt of an appeal by the applicant pursuant to **Subsection (3)**, Council shall give written notice to the applicant of the time and place where it will consider its representations with respect to the recommendations of the City Engineer.

DECISION OF COUNCIL

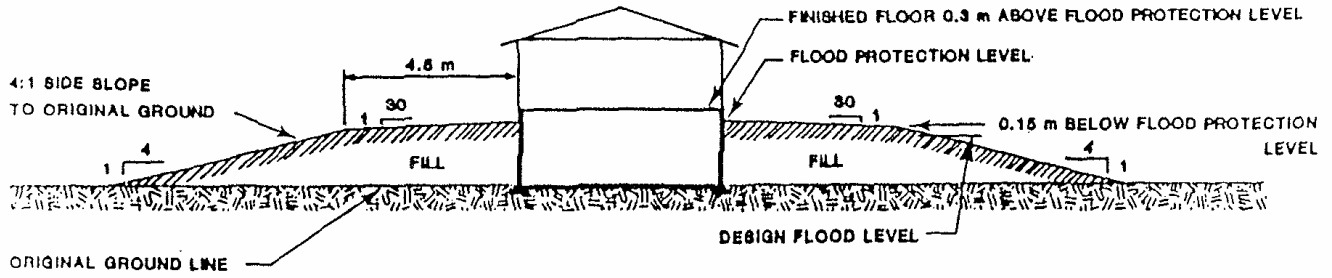
4. (5) After receiving the representations of the applicant at the meeting set out in **Subsection (4)**, Council may,
 - (a) Determine the floodproofing criteria to be applied to the site, building or structure which in its opinion satisfies the intent and purpose of the Development Plan and the Canada-Manitoba Flood Damage Reduction Agreement, or
 - (b) Reject the application for a permit.

TERMS AND CONDITIONS OF COUNCIL'S DECISION

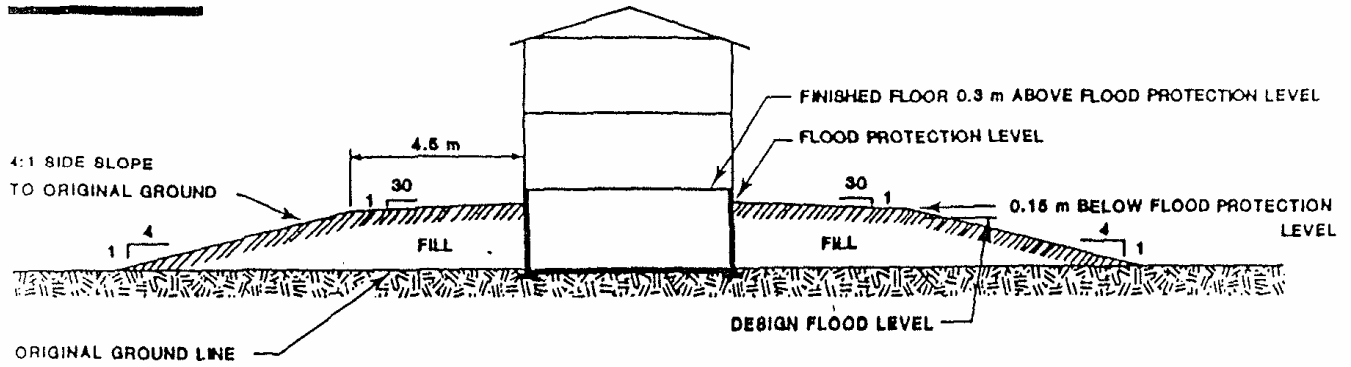
4. (6) The decision made under **Clause (a)** of **Subsection (5)** may be made subject to such terms and conditions as Council considers necessary or desirable and shall apply to the land affected in the same manner and to the same extent and effect as if included in this **PART**.

SCHEDULE A

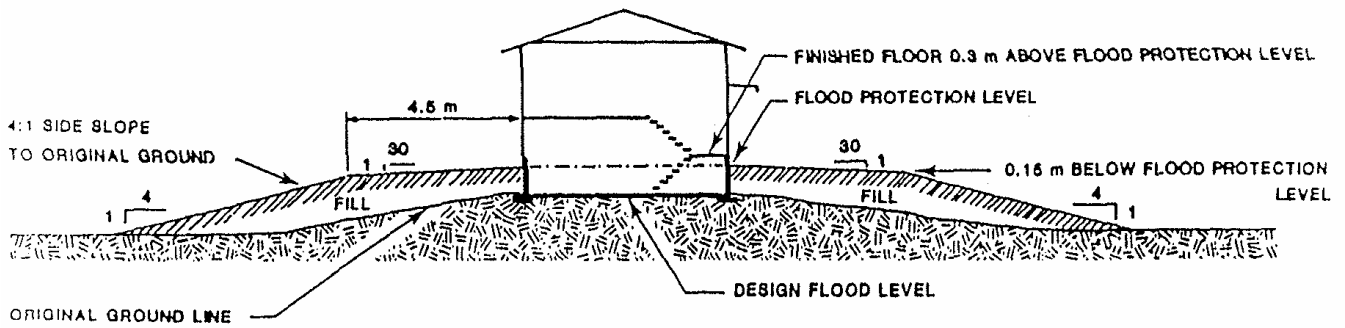
BUNGALOW



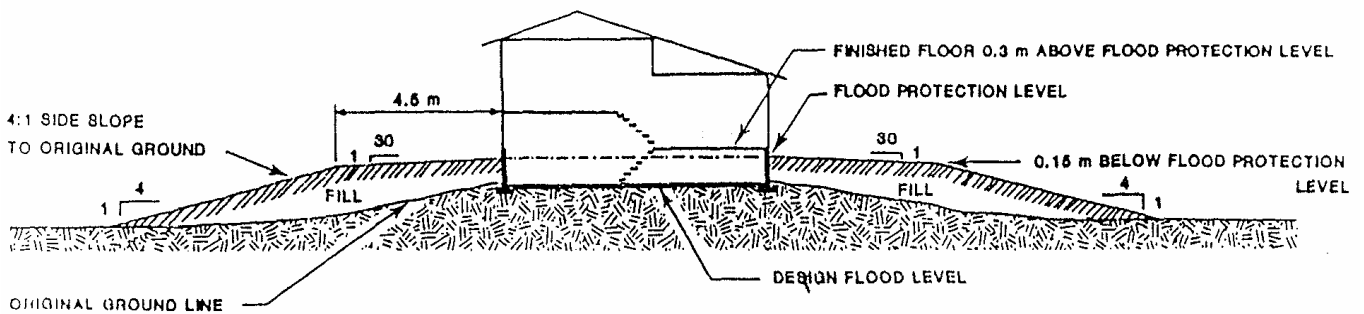
TWO STOREY



BI-LEVEL

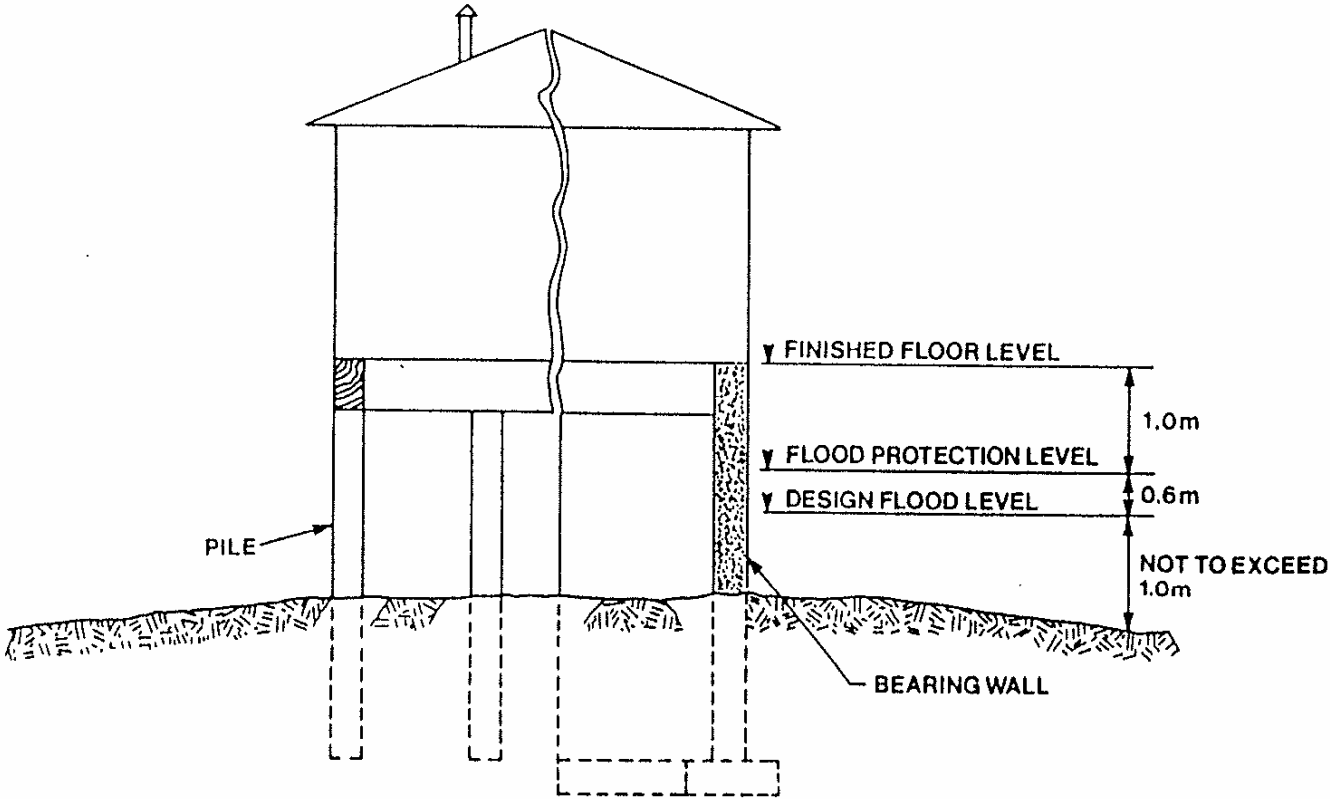


SPLIT-LEVEL



SCHEDULE B

STRUCTURE BUILT ON PILES OR BEARING WALLS



TYPICAL BUILDING SECTION

PART 10 SPECIAL USES AND PROVISIONS

ACCESSORY BUILDINGS, STRUCTURES AND USES

GENERAL

1. (1) Accessory buildings, structures and uses shall be permitted on the same zoning site as the main building, structure or use subject to the provisions of this **Section** and the **Use Table** and **Bulk Table** of the zone in which the accessory buildings, structures and uses are to be located.

LOCATION AND USE

1. (2) Accessory buildings and structures, except as otherwise regulated in this By-law, shall be subject to the following regulations:
 - (a) Where the accessory building or structure is attached to a main building or structure, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building or structure;
 - (b) Detached accessory buildings or structures shall not be located closer than one decimal five (1.5) metres to any main building or structure;
 - (c) In no instance shall an accessory building or structure be located within a dedicated easement or right-of-way;
 - (d) No accessory building or structure shall be erected prior to the erection of the main building or structure except where it is necessary for the storage of the tools and materials for use during construction of the main building or structure or is essential to the construction of the main building or structure; and
 - (e) Accessory buildings or structures shall not be used for human habitation except in the case of a permitted accessory dwelling, mobile home or dwelling unit, or in the case of temporary accommodation for a caretaker, watchman and other workers employed on the same construction site.

TYPES PERMITTED

1. (3) Accessory buildings, structures and uses shall be limited to those listed on **Table 10-1 Accessory Use Table**, except where, in the opinion of Council, a similar accessory building, structure or use would be compatible with character and use of the subject zone.

TABLE 10-1
ACCESSORY USE TABLE

ACCESSORY USE, BUILDING OR STRUCTURE: P: -Permitted C: Conditional -: Not Permitted	ZONES					
	All R	All C	All M	I	OR	AUR
A. WHEN ACCESSORY TO A DWELLING, MOBILE HOME, OR DWELLING UNIT						
1. Bed and Breakfast	C	C	-	-	-	P
2. Children’s playhouse, private greenhouse, summerhouse or conservatory, private swimming pool, open or enclosed (See Subsection 1(5))	P	P	-	-	-	P
3. Home-based businesses (See Subsection 1(6))	P	P	P	P	P	P
4. Permanent Outdoor Barbeques and similar cooking facilities	P	P	-	-	-	P
5. The keeping of domestic animals, in accordance with municipal by-laws, and associated structures	P	P	-	-	-	P
6. Private garage, carport, covered patio, toolhouse, shed or similar building for storage of domestic equipment and supplies	P	P	-	-	-	P
7. Incidental outdoor storage of materials associated with a residential use	P	P	-	-	-	P
8. Miscellaneous domestic structures such as playground and sports equipment, laundry poles and platforms, flagpoles and bird-houses, pads for mechanical or electrical equipment and similar uses	P	P	-	-	-	P

Table 10-1

Accessory Use Table

ACCESSORY USE, BUILDING OR STRUCTURE P: Permitted C: Conditional - : Not Permitted	ZONES					
	All R	All C	All M	I	OR	AUR
B. WHEN ACCESSORY TO ALL USES, EXCEPT AS OTHERWISE NOTED						
1. Shelterbelts, fences, hedges, lighting fixtures and similar landscape architectural features	P	P	P	P	P	P
2. Refuse/Garbage Storage Areas and Structures	P	P	P	P	P	P
3. On-site Signs (See Subsection 1(8))	P	P	P	P	P	P
4. Off-Street Parking and Loading Areas (See Subsection 1(7))	P	P	P	P	P	P
5. Private reception equipment such as satellite dishes, (See Subsection 1(4)) television and radio antennae, aerials and similar	P	P	P	P	P	P
6. Storage compounds, storage of goods used in or produced by activities on site unless excluded by other provisions herein	P ¹	P	P	P	P	P
7. Open Space, including athletic fields, parks and areas and similar	P	P	P	P	P	P
C. WHEN ACCESSORY TO SPECIFIC USES OR IN CERTAIN ZONES AS NOTED						
1. Where municipal services are not available or feasible, private sewage disposal and water supply systems, subject to the approval of Council	- ²	-	P	-	P	P
2. Any building or structure, excluding dwellings and mobile homes, necessary for the operation, maintenance and administration of a permitted or conditional use	P	P	P	P	P	P

Table 10-1

Accessory Use Table

ACCESSORY USE, BUILDING OR STRUCTURE: P : Permitted C : Conditional - : Not Permitted	ZONES					
	All R	All C	All M	I	OR	AUR
3. Production, processing, cleaning, servicing, altering, testing, repair or storage of goods normally incidental to an operation conducted by the owners	-	P	P	-	-	P
4. Retail Business/Service and Other Permitted/Conditional Commercial Uses when incidental to the main commercial or industrial use	-	P	P	-	-	-
5. Administrative and Business Offices	-	P	P	P	P	P
6. Fuel Pumps and associated structures when incidental to a Service Station	-	P	P	-	-	-
7. Sales and service areas associated with a Retail Business/Service	-	P	P	P	P	P
8. Off-site Signs (See Subsection 1(8))	-	C	C	-	-	C
9. Except when a dwelling is the main use, a single-family dwelling, mobile home or dwelling unit for the owner/operator or for an institution/industrial site watchman or caretaker if necessary	-	P ³	P	P	-	P

- 1) Outdoor storage compounds permitted for residential mobile home parks only.
- 2) Private sewage disposal and water supply systems are permitted in the “RS-U” Zone.
- 3) An accessory dwelling unit for the owner/operator is permitted only when contained within the same building as the main use provided that:
 - (i) no more than fifty (50%) percent of the total building floor area is occupied by the dwelling unit; and
 - (ii) the dwelling unit is not located in the front half (1/2) of the ground level floor area facing the street.

PARABOLIC SATELLITE DISH ANTENNAE

1. (4) Except as varied herein, satellite dish antennae and related equipment shall be accessory structures in all zones and shall be subject to the following regulations:
 - (a) Satellite dish antennae located at ground level shall be located to the rear of the rear wall of the main/principal building and shall not be closer than six hundred (600) millimetres to any site line. In the case of a corner side yard, no satellite dish shall be located closer than three (3) metres to the side site line;
 - (b) Satellite dish antennae are permitted on the roof of either the main/principal building or the roof of a garage but the base of the dish shall not be higher than four hundred and fifty (450) millimetres above the nearest point of the roof;
 - (c) Satellite dish antennae may be mounted above ground level on a freestanding structure provided the structure and dish conform to the following:
 - (i) the minimum distance from the structure to a site line is six hundred (600) millimetres;
 - (ii) the entire structure shall be located entirely to the rear of the rear wall of the main building; and
 - (iii) the top of the dish shall not project more than one (1) metre above the highest point of the main building;
 - (d) Except in all commercial and industrial zones, satellite dish antennae and related equipment shall not contain any advertising signs or devices nor shall they be illuminated;
 - (e) Where an applicant can demonstrate to the satisfaction of Council that a satellite dish complying with these rules is unable to receive reception, such requirements may be varied in whole or in part by variation order, in accordance with the provisions of **The Act**; and
 - (f) Satellite dish antennae with a diameter of seven hundred sixty-two (762) millimetres or less shall not be subject to the above regulations.

PRIVATE SWIMMING POOLS AND HOT TUBS

1. (5) (a) This Section applies to private and semi-private swimming pools, hot tubs and similar structures when accessory to a residential use
- (b) Outdoor pools and hot tubs shall comply with yard requirements for accessory buildings, structures and uses as set forth in the relevant **Bulk**

Table. In no case, however, shall an outdoor pool or hot tub be located closer than one decimal five (1.5) metres to any side or rear site line.

- (c) All outdoor pools and hot tubs shall be completely enclosed with a fence or other suitable barrier constructed or erected in accordance with the following:
 - (i) it shall have a minimum height of one decimal eight (1.8) metres including gates, which shall be self-closing and equipped with a lockable latch to prevent unauthorized entry;
 - (ii) there shall be no openings other than an entry to a building or a gate and it shall be constructed so as to prevent a child from crawling under either the fence or gate;
 - (iii) where other than chain link is used, the outside surface of the enclosure shall be relatively smooth so as not to provide foot or toe holds; and
 - (iv) the enclosure surrounding an outdoor pool shall be maintained in good repair.
- (d) Notwithstanding the provisions of **Subsection 3(2)** of this **PART** open decks and open stairways associated with outdoor pools or hot tubs may project to any side or rear site line.
- (e) Semi-private pools, when not located on a single-family dwelling site nor used solely by the occupants of the dwelling or their guests, are subject to the regulations governing swimming pools under **The Public Health Act**, and
- (f) Nothing in this Subsection shall relieve any such structure from complying with spatial, structural, electrical, plumbing, health and safety or operational requirements contained in regulations under **The Buildings and Mobile Homes Act, Public Health Act** or other applicable statutes.

HOME-BASED BUSINESSES

LOCATION

- 1. (6) (a) Subject to the issuance of a development permit, a home-based business is *Permitted Use* or may be approved as a *Conditional Use*, as herein provided within a residential dwelling unit or building accessory thereto in any zone subject to compliance with the following limitations and the provisions of any applicable Conditional Use Order.

LIMITATIONS

- 1. (6) (b) A home-based business shall be subject to the following limitations:

- (i) is incidental to, or secondary to the use of the dwelling unit or mobile home;
- (ii) any work or activity conducted on the premises in connection with the home-based business shall be carried on entirely within the residential dwelling unit or entirely within a building accessory to that dwelling unit;
- (iii) the home-based business shall be conducted solely by one or more of the residents living in the residential dwelling unit on the premises without the employment of any other person;
- (iv) no more than thirty-seven decimal two (37.2) square metres or twenty five percent (25%) of the gross floor area shall be devoted to home-based businesses in any dwelling unit, mobile home or accessory building;
- (v) in the case of retail sales or distribution, articles for sale are limited to those produced therein or articles that are produced elsewhere but are prepackaged and held on a temporary basis for distribution to customers;
- (vi) there is no exterior display, no exterior storage of materials, containers, or finished or unfinished products and no interior display visible from the outside that the principal or accessory building is being used for any other purpose than that normally associated with a dwelling, except for an identification sign as permitted under **Clause 1(8)(d)** of this **PART**;
- (vii) does not by reason of emission of odour, dust, smoke, noise, gas fumes, cinders, vibrations, refuse matter or water-carried waste be allowed to become offensive or obnoxious or create a nuisance at or beyond any site line;
- (viii) does not cause the generation of undue traffic and congestion in the neighborhood.

PERMITTED HOME-BASED BUSINESSES

1. (6) (c) The following home-based businesses are permitted provided all of the limitations contained herein are complied with:
- (i) office or studio of an artist, musician, clergyman, salesman, professional, agent, tradesman or contractor, or person engaged in home crafts and hobbies;
 - (ii) private tutoring or lessons;
 - (iii) home day care;

- (iv) public stenographer;
- (v) telephone mail order or answering service;
- (vi) hairdressers and stylists;
- (vii) office limited to providing a personal service and the handling of paperwork by a person authorized to practice medicine or healing such as a physician, dentist, wholistic health practitioner, massage therapist, physiotherapist, chiropractor, and similar.

CONDITIONAL HOME-BASED BUSINESS

- (d) Any use not listed as a *Permitted Home-based Business* in **Clause (c)** above may be approved as a Conditional Use pursuant to the provisions of **The Act**.

BED AND BREAKFAST

- (e) A “Bed and Breakfast” may be approved as a Conditional Use pursuant to the provisions of **The Act** in single-family dwellings usually, but not exclusively, in a character dwelling. This business is not subject to the maximum floor area limitations set out in Subclause **1(6)(b)(iv)** herein.

HOME-BASED BUSINESS CONTRAVENTIONS

- (e) If a home-based business creates a situation where, in the opinion of Council:
 - (i) materials and commodities are delivered to or from the residence which are of such bulk or quantity as to require regular or frequent delivery by commercial vehicle or trailer; or
 - 1. (6) (e) (ii) customers’ or clients’ vehicles are parked in such a manner or of such frequency as may be considered incompatible in the subject zone; or
 - (iii) it contravenes any of the other requirements outlined in **Subsection 1(6)** herein; it shall be considered evidence that the home-based business has become a primary business and such business shall cease in the subject zone.

PARKING AND LOADING

- 1. (7) (a) The parking, loading and entrance requirements are intended to promote traffic safety, avoid improper entranceways and prevent traffic congestion caused by parking and loading on the streets.

GENERAL PROVISIONS FOR OFF-STREET PARKING

1. (7) (b) Off-street parking spaces shall be provided and maintained in accordance with the specific requirements of the particular zone where the use is located and the following provisions:
 - (i) all accessory off-street parking spaces shall be located on the same zoning site as the use served, unless permitted by a variation order to locate elsewhere. When located on a different site, the parking lot site shall be located no further than ninety-one decimal five (91.5) metres from the zoning site it serves. As a condition of variation, an agreement shall be entered into ensuring that the subject sites remain together for the purpose of satisfying parking requirements;
 - (ii) the off-street parking spaces may be open to the sky or enclosed within a structure;
 - (iii) the surface of an accessory off-street parking area and its access driveways shall be surfaced and designed in such a manner that there will be no free flow of water onto either adjacent properties or along public sidewalks. They may be paved with either asphalt, concrete or paving bricks, or suitably surfaced with gravel, crushed rock or other aggregate material in all zones except the “RM” Zone which shall be surfaced with asphalt, concrete or paving brick;
 - (iv) lighting used to illuminate an accessory off-street parking area shall be arranged so that it does not illuminate directly onto the adjoining sites, streets or lanes;
1. (7) (b) (v) an accessory open off-street parking area associated with commercial, industrial, institutional, educational or major recreational uses shall be provided with bumper guards, wheel stops, masonry walls or ornamental fences in order to prevent a vehicle from encroaching onto public or private property. Said bumper guards, wheel stops, masonry walls or ornamental fences shall be maintained in good condition at all times.
 - (vi) when a building is enlarged or a use is extended or changed, the accessory off-street parking spaces shall be provided for the enlargement, extension, or new use in accordance with the specific requirements of the particular zone in which the use is located;
 - (vii) the accessory off-street parking spaces provided for a use shall be solely for the parking of automobiles of employees, occupants, patrons or visitors of such use; and shall not be used for major motor vehicle repair work; and
 - (viii) where a common parking area other than a driveway, abuts the “RS” Residential – Single-Family Zones or “RT” Residential – Two-

Family Zone, the owner or developer of the parking area shall construct and maintain a solid fence or hedge not less than one decimal two (1.2) metres or more than one decimal eight (1.8) metres in height along any portion of the parking area boundary which abuts the said “RS” or “RT” Zones.

NUMBER OF PARKING SPACES REQUIRED

1. (7) (c) Accessory off-street parking for all uses shall be provided according to **TABLE 10-2 “PARKING GROUP TABLE”**. The parking group for each use shall be identified on the Use Tables in each zone. For the purpose of computing the off-street spaces, the following shall apply:
 - (i) in cases where floor area is used for determining the required number of accessory off-street parking spaces, the total floor area shall not include any area used for parking or loading within the principal building or structure and/or any area used for incidental service storage, mechanical equipment, heating systems and similar uses;
 - (ii) in stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating, each five hundred (500) millimetres of such seating facilities shall be counted as one (1) seat for the purpose of determining the accessory off-street parking;
- 1.(7) (c) (iii) in cases where a place of public assembly has both fixed seats and open assembly area, the requirements shall be computed separately for each type and added together;
 - (iv) in cases where movable seats or chairs are used in a place of public assembly, and a determination of seating capacity is required, said seating capacity shall be determined on a basis of one (1) seat for every zero decimal six (0.6) square meters of assembly area;
 - (v) in the “**CC**” **Commercial Central Zone**, the accessory off-street parking requirements, as provided for herein, for new or expanding permitted or conditional uses may be waived by Council provided a levy in lieu of required parking is paid to a Parking Reserve Fund. This waiver or levy shall not apply to multiple-family dwellings and high traffic generators such as, but not limited to, hotels, concert halls, auditoriums, large retail stores including malls and any commercial use containing one thousand three hundred ninety (1,390) square metres of floor area;
 - (vi) when the computation of the number of accessory off-street parking spaces required by this By-law results in a requirement of a fractional parking space, any fraction less than one-half (1/2) of a parking space may be disregarded, whereas a fraction of one-half

(1/2) or more of a parking space shall be counted as one (1) parking space;

- (vii) where the symbol “+” appears under the **Parking Group No.** in the **Use Tables**, it shall be interpreted to mean that both listed requirements shall be added together to arrive at the number of spaces required; and
- (viii) where the symbol “/” appears, as in “8/12”, under the **Parking Group No.** in the **Use Tables**, it shall be interpreted to mean that, after calculation of each requirement, the greater of the requirements listed shall apply, except where it is indicated that one such number only applies to a specified use.

TABLE 10-2
PARKING GROUP TABLE

Parking Group as per Use	<u>Number of Parking Spaces Required</u>
1	1 space per dwelling unit
2	1.5 space per dwelling unit
3	1 space per 4 dwelling units
4	1 space per bed
5	1 space per 3 beds
6	1 space per ninety-three (93) square metres of retail floor area
7	1 space per nine decimal three (9.3) square metres
8	1 space per eighteen decimal six (18.6) square metres
9	1 space per forty-six decimal five (46.5) square metres
10	1 space per seventy-four decimal three (74.3) square metres
11	1 space per 4 seats for public use
12	1 space per 3 washing machines
13	1 space per three decimal seven (3.7) square metres
14	4 spaces per dentist, doctor or veterinarian
15	3 spaces per service bay
16	5 spaces per sheet of ice or alley
17	1 space per employee
18	2 spaces per classroom
19	5 spaces per classroom
20	10 spaces per classroom
21	to be determined by Council

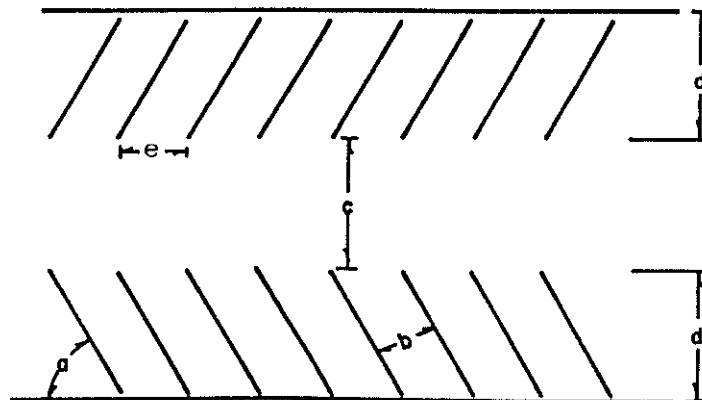
PARKING AREA DESIGN

1. (7) (d) The layout and design of accessory off-street parking areas shall be as follows:

- (i) the minimum dimensions for off-street accessory parking areas shall be in accordance with **Table 10-3 “PARKING AREA DIMENSIONS”**;
- (ii) where access to a parking space is directly from a lane, the width of the lane adjacent to said parking space may be computed as part of the aisle width required for said parking space;
- (iii) each parking area shall have a vertical clearance of at least two decimal three (2.3) metres from floor to grade;
- (iv) the angle of parking shall be measured between the centreline of the parking space and the centreline of the aisle. Where the angle of parking varies from that set forth in **Table 10-3**, the Development Officer shall determine which set of requirements shall apply.

TABLE 10-3
PARKING AREA DIMENSIONS

MINIMUM REQUIREMENTS					
Angle of Parking (degrees)	Width of Stall (m)	Width of Aisle (m)	Depth Perpendicular to Aisle (m)	Width Parallel to Aisle (m)	Area Per Car (m ²)
a	b	c	d	e	
30	2.7	3.5	4.5	5.2	33.72
45	2.7	3.5	5.5	3.5	27.13
60	2.7	6	6	3	27.13
90	2.7	7.3	6	2.7	25.45



GENERAL PROVISIONS FOR OFF-STREET LOADING

1. (7) (e) All accessory off-street loading spaces shall be located within the same zoning site and shall be maintained in accordance with the following provisions:
 - (i) each off-street loading space shall have access to a public street or lane;
 - (ii) each off-street loading space shall be not less than three decimal five (3.5) metres in width nor have less than three decimal five (3.5) metres overhead clearance;
 - (iii) the accessory off-street loading spaces provided for a use shall be solely for the loading and unloading of vehicles; and, except as provided in **Clause 1(7)(f)** below, shall not be used to satisfy any accessory off-street parking requirements or portion thereof;
 - (iv) when a building or structure is enlarged, or a use is extended or changed, the accessory off-street loading spaces shall be provided for the enlargement, extension or new use; and
 - (v) when the computation of the number of accessory off-street loading spaces required by this By-law results in a requirement of a fractional loading space, any fraction less than one-half (1/2) of a loading space may be disregarded, whereas a fraction of one-half (1/2) or more of a loading space shall be counted as one (1) loading space.

LOADING REQUIREMENTS

1. (7) (f) Accessory off-street loading spaces shall be provided as follows:
 - (i) no separate off-street loading space is required for any building having a gross floor area of less than nine hundred thirty (930) square metres; however, one of the required off-street parking spaces shall also serve as an off-street loading space;
 - (ii) commercial and industrial uses which occupy a floor area larger than nine hundred thirty (930) square metres shall provide for one (1) loading space for each eighteen hundred sixty (1,860) square metres of gross floor area or part thereof;
 - (iii) institutional and public uses including hospitals, assembly halls, clubs, lodges, government, schools and office buildings which occupy a floor area larger than nine hundred thirty (930) square metres shall provide for one (1) loading space for each two thousand, seven hundred eighty-seven (2,787) square metres of gross floor area or part thereof.

1. (7) (g) Where required, accessory off-street loading spaces, open or enclosed, shall conform to **Table 10-4 “Minimum Loading Space Requirements”** as follows:

TABLE 10-4
MINIMUM LOADING SPACE REQUIREMENTS

USE	Minimum Length (Metres)	Minimum Width (Metres)	Minimum Vertical Clearance from Floor or Grade (Metres)
Commercial uses, industrial uses	10.1	3.7	4.3
Wholesale, manufacturing or storage uses:			
a) with less than 929 m ² of floor area	10.1	3.7	4.3
b) with 929 m ² of floor area or more	15.2	3.7	4.3
Other permitted uses	7.6	3.0	4.3

Note: The dimensions of the accessory off-street loading spaces shall not include driveways, entrances, or exits from such accessory off-street loading spaces.

ENTRANCES AND EXITS

1. (7) (h) The following regulations shall apply to all off-street public parking areas, automobile service stations, drive-in establishments, multiple-family residential, shopping areas and other such commercial uses requiring the provision of vehicular entrances and exits to the site:

- (i) Access to the site for vehicles shall be only by way of entrances and exits provided in accordance with the following:

Minimum width of an entrance or exit	4.5 metres
Minimum width of a combined entrance and exit	7.5 metres
Maximum width of an entrance or exit	7.5 metres
Maximum width of a combined entrance and exit	10.5 metres
Minimum distance between any part of an entrance, exit or combined entrance and exit, and the intersection of street site lines or the intersection of a street site line and a side site	

line on a public lane 4.5 metres

- (ii) In the absence of a street curb, the owner of the site shall provide and maintain a barrier on or near all street site lines so as to prevent vehicles from entering or leaving the site other than by way of the entrances and exits permitted by this by-law.

SIGNS

1. (8) (a) The regulations herein are designed to establish a minimum control of signs as accessory structures. Such control is deemed essential to promote the health, safety, and general welfare by reducing hazards to pedestrian and vehicular traffic, and by preventing unsightly and detrimental development having a blighting influence upon residential, commercial, industrial and other uses.

SIGN TYPES

1. (8) (b) For the purpose of this By-law, signs are further categorized and defined as follows:
 - (i) **“Facia or Wall Sign”** means any sign attached against the surface of, or against or within a recess in the wall, a column or other perpendicular portion of a building in a position essentially parallel to said wall, column or other perpendicular portion. A facia sign shall also mean any sign attached to the walls of two or more buildings and spanning the space between said buildings.
 - (ii) **“Flashing Sign”** means an illuminated sign on which artificial light is not maintained constant in intensity and colour at all times when such sign is in use.
 - (iii) **“Freestanding Sign”** means a sign supported by a vertical column or columns placed in the ground with the sign surface area above ground level.
 - (iv) **“Illuminated Sign”** means a sign designed to give forth an artificial light or reflect light from an artificial source.
 - (v) **“Off-Site Sign”** means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zoning site where the sign is maintained, including a billboard sign.
 - (vi) **“On-Site Sign”** means a sign that identifies the business owner, resident or the street address or directs attention to a business, commodity, service or entertainment conducted, sold or offered upon the same zoning site where the sign is maintained.
 - (vii) **“Sign Surface Area”** means the entire area within a single continuous perimeter enclosing the extreme limits of the display 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 zero decimal nine (0.9) metres from one another.

SIGN REGULATIONS

1. (8) (c) The following provisions shall apply to all signs erected or maintained within the City, except wherein otherwise stated:
 - (i) no sign or sign structure shall be erected at any location where it may interfere with or obstruct the view of any street, intersection or railroad grade crossing, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign display;
 - (ii) no sign or sign structure shall be erected or maintained on, over or above any land or right-of-way belonging to the City unless such right is established by agreement with the City;
 - (iii) in areas adjacent to residential zones, freestanding signs shall not obstruct the light to or view from a window of a habitable room;
 - (iv) the placing of signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from Manitoba Transportation and Government Services; and
 - (v) all signs and sign structures shall be kept in good repair and in a proper state of preservation. Signs which have become obsolete because of discontinuance of the operation or activity or are not maintained in good condition or repair shall be repaired, removed or relocated within thirty (30) days following notice by the Development Officer.

PERMIT NOT REQUIRED

1. (8) (d) The following types of non-illuminated signs may be constructed without a permit, however, this shall not relieve the owner or person in control of such signs from erecting and maintaining the signs in a safe condition;
 - (i) signs posted by duly constituted public authorities in the performance of their public duties;
 - (ii) flags or emblems of a political, civic, educational or religious organization;
 - (iii) commemorative or memorial signs or tablets;
 - (iv) signs required by law, governmental order or regulation;
 - (v) a residential on-site sign for advertising a home-based business not exceeding zero decimal five (0.55) square metres and/or

for identification of the resident and his address not exceeding three zero decimal two eight (0.28) square metres in sign surface area;

- (vi) temporary signs including real estate signs, construction signs, election signs, and garage sale signs and similar;
- (vii) private signs required for direction and convenience of the public, including signs identifying restrooms or parking entrances or exits, not exceeding zero decimal four six (0.46) square metres in sign surface area; and
- (viii) “No Trespassing” or “Private Property” and similar warning signs not exceeding zero decimal two eight (0.28) square metres in sign surface area.

SIGNS PERMITTED

1. (8) (e) Except for freestanding signs and those signs listed in **Clause 1(8)(d)** above, all signs, as accessory structures, shall comply with the minimum yard requirements for accessory buildings, structures and uses in the zone in which they are to be located or erected.

SIGN TABLE

1. (8) (f) Signs and sign structures shall be permitted in accordance with **Table 10-5 Sign Table** subject to the issuance of a development permit, except as provided in **Clause 1(8)(d)**.

TABLE 10-5 --- SIGN TABLE

Zones	Type of Sign		Style of Sign Permitted	On-Site Signs		Freestanding Signs	
	Off-Site	On-Site		Max. Sign Surface Area (m ²)	Max. No. of Signs	Max. Height Requirements (m)	Min. Distance to All Site Lines (m)
All residential uses in “RS”, “RT” and “RMH”	-	P	Non-illuminated, non-flashing, Facia/Wall or Freestanding	0.28	1 ¹	1.8	1.5
All uses in “RM” and Assembly Uses, and Day Care in “RS” and “RT”	-	P	Non-illuminated, or illuminated, non-flashing, freestanding or Facia/Wall	2.97	1 ²	4.5	1.5
All “C” Zones	C	P	Non-illuminated or illuminated, all types, non-flashing or flashing ³	4	4	4.5	1.5
All “M” Zones	C	P	Same as All “C” Zones	4	4	9.1	1.5
I ⁵	-	P	Non-illuminated or illuminated, non-flashing, freelancing or Facia/Wall	4.65	1 ²	4.5	1.5
OR	-	P	Same as “I” Zone	2.32	1 ²	10.5	1.5
AUR	C	P	Same as “RS” Zone	2.32	1 ^{1,2}	4.5	1.5

- (1) One additional sign is permitted for an approved home-based business to a maximum zero decimal five five (0.55) square metres in sign surface area.
- (2) In the case of a corner site, two (2) such signs, one facing each street, may be permitted.
- (3) Flashing signs are not permitted within ninety one decimal five (91.5) metres of a residential zone boundary.
- (4) No requirements in all “C” and “M” zones.
- (5) Hospitals may have such signs as are necessary to properly identify emergency entrances.

ALTERNATE FORMS OF DEVELOPMENT

INTENT

2. (1) The intent of this section is to provide for alternate forms of land development within the City of Dauphin including multiple uses of a site, multiple buildings or structures on a single site, bare land unit condominiums and similar which may not comply with the specific provisions of the Bulk Tables of this By-law. The design of such developments shall, however, produce an environment of stable and desirable character and shall incorporate at least the equivalent standards of amenity, parking and loading and other requirements and standards as applicable in this By-law.

CONDOMINIUMS

2. (2) Condominium developments are characterized by individual ownership of dwelling or land units and common ownership of all other property including buildings and structures or parts thereof, open space, roadways, pathways and equipment held by the condominium corporation. Such development shall be conditional uses and shall be regulated by the following provisions:

NEW CONDOMINIUM DEVELOPMENTS

2. (2) (a) In bare land unit condominium developments:
- i) each “bare land unit” as defined in **The Condominium Act**, which is delineated by horizontal land boundaries, shall be considered a “site” as defined herein for the purposes of determining site area and width, yards and other requirements;
 - ii) those “common elements” as defined in the said Act, which will be ordinarily used for the passage of vehicles or pedestrians including roads, road allowances, streets and lanes but not including pedestrian walkways or off-street vehicle parking areas, shall be considered:
 - (A) a “street” as defined herein where such thoroughfare is over ten decimal one (10.1) metres in width; and
 - (B) a “lane” as defined herein where such thoroughfare is not over ten decimal one (10.1) metres in width; and
 - iii) the provisions of the Use Table and Bulk Table for the zone in which the development is to be located and all other regulations and requirements of this By-law shall apply.
2. (2) (b) In condominium developments where the individual dwelling units within a building form the condominium units, the development shall be considered as a multiple-family dwelling. That is, the individual condominium units within the building shall be considered as dwelling units within a multi-family dwelling (apartment block or townhouse) for the purposes of this By-law, and the building containing the condominium units shall be considered as a multi-family dwelling for the purposes of site, yard, height, etc. requirements.

CONDOMINIUMS AS PLANNED UNIT DEVELOPMENTS

2. (2) (c) Condominium Development which propose a mixture of different land uses, or which do not conform to the requirements of this By-law may be deemed by Council, a Planned Unit Development and shall be subject to **Subsection 2(3)** below.

PLANNED UNIT DEVELOPMENTS

2. (3) A Planned Unit Development is primarily a major land development project which, because of its size or complexity, high density, mixture or land uses or other unusual characteristics, is planned as a single entity in accordance with an overall site plan. There are many possible innovative projects with Planned Unit Development, including but not limited to the following:

- comprehensive redevelopment – mixed use projects in downtown areas;
- higher quality townhouse and apartment projects characterized by diverse designs and more public and private amenity space;
- more interesting subdivision layouts characterized by an open space nature, clustered developments, preservation of natural features, separation of pedestrian and vehicular systems, staggered setbacks, diverse housing types and models and reduced amount of land devoted to streets and public works; and
- shopping centres and industrial developments with a greater amount of landscaping and parking, less open storage and building designs which are more compatible with adjacent uses and more visually pleasing.

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

- (a) The **Use Table** and **Bulk Table** of each specific Zone shall not directly apply to Planned Unit Developments. The design, however, shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards of amenity, open spaces, building separation, parking and other requirements and provisions of this By-law;
 - (b) An application for the establishment of a Planned Unit Development shall be accompanied by the following information:
 - (i) those requirements for conditional use application and approval as outlined in **Section 5** of **PART 2**; and
 - (ii) those requirements normally required for the issuance of a development permit as outlined in **Section 8** of **PART 2**.
3. (3) (c) A residential Planned Unit Development may contain two or more principal buildings subject to the following criteria:
- (i) the minimum site area for a Planned Unit Development shall be zero decimal four (0.4) hectares;
 - (ii) side, front and rear yards equal to the requirements of the zone in which the Planned Unit Development is located, shall be maintained;

- (iii) in no case shall buildings be closer to each other than the sum of the required yards for adjoining walls; and
- (iv) the density of development shall not be increased by greater than ten (10) percent of the normal density permitted in that zone.

MULTIPLE USES

2. (4) This Subsection provides for more than one main use, building or structure on a single site where it is reasonable to conduct such additional uses on the same site without requiring subdivision of the subject parcel. The multiple use provisions herein shall be applied to situations where, in the opinion of Council, the development is not of a magnitude to necessitate a Planned Unit Development. (See **Subsection 2(3)**).

There may be more than one main use, building or structure on a single site, except in “RS” and “RT” zones, provided that:

- (a) The second or subsequent use, building or structure is a permitted or conditional use listed in the **Use Table** of the subject zone;
- (b) Where the second or subsequent use, building or structure:
 - (i) is listed as a conditional use in the subject zone; or
 - (ii) involves construction or erection of an additional main building; the conditional use provisions under **Section 5** of **PART 2** of this By-law shall apply; and
- (c) All provisions of this By-law relating to each main use are met.

Where a proposed second or subsequent use on a zoning site is accessory or incidental to the main use, such as an incidental commercial use contained within the same building, it shall be regulated under **Section 1** of **PART 10, Accessory Buildings, Structures and Uses**.

SUBDIVISION OF ATTACHED DWELLINGS

2. (5) A site with two-family attached dwelling or row type dwelling located thereon may be subdivided into two or more sites provided that:
- (a) Any new side site line shall, where possible, be a straight line between the front and rear site lines, located in such a manner that the party wall of two adjacent units shall form part of the new site line;
 - (b) Each site created shall have frontage on a street other than a lane;
 - (c) Each site created shall provide not less than one (1) on-site parking space having access directly to either a public lane or street;

- (d) The permitted use for each site created shall be for one attached single-family dwelling unit only;
- (e) All applicable provisions of the City of Dauphin Building By-law shall be complied with; and
- (f) Notwithstanding the minimum requirements of **TABLE 5-2**, any new site created pursuant to this Subsection shall have a minimum site area of three hundred (300) square metres and a minimum frontage of nine decimal nine (9.9) metres in the “RT” zone and a minimum site area of one hundred eighty six (186) square metres and a minimum frontage of six (6) metres in the “RM” zone. No side yard is required along a party wall.

YARDS

GENERAL REQUIREMENTS

- 3. (1) Except as herein provided, the following provisions shall apply in all zones to ensure adequate yards and setbacks:
 - (a) The yard requirements shall be as set forth in the **Bulk Table** of each zone;
 - (b) Yards provided for a building or structure, existing on the effective date of this By-law or amendments thereto, shall not be further reduced if already less than the minimum requirements of the zone;
 - (c) All yards and other open space required for any use shall be located on the same site as the use;
 - (d) Where a site is occupied for a use and has no buildings or structures thereon, the required yards for the zone shall be provided and maintained;
 - (e) Where permitted in this By-law, a building containing more than one unit with common party walls, such as a semi-detached two-family dwelling, row housing or businesses shall be considered as one (1) building occupying one (1) site for the purpose of side yard regulations; and
 - (f) Minimum required yards contained in this By-law do not relieve the owner from compliance with Manitoba Transportation and Government Services or Manitoba Building Code requirements where said requirements demand greater setbacks.

YARD EXCEPTIONS

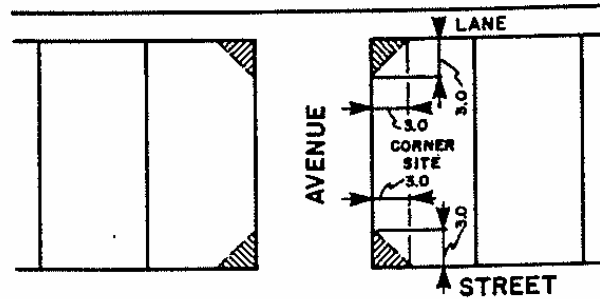
3. (2) (a) Where sites comprising fifty (50) percent or more of the entire frontage of the block (excluding reversed corner sites) are developed with buildings, the average front yard depths established by such buildings shall establish the minimum front yard depths for the entire frontage of the block.
- (b) The following features and accessory buildings, structures and uses maybe permitted to project into or locate in required yards:
- (i) horticultural and agricultural crops including haying and grazing fields - may project into any required yard
 - (ii) architectural features such as eaves, gutters, chimneys, bay windows, alcoves, awnings and canopies, fire escapes - may project one decimal five (1.5) metres into any yard provided said features project no closer than six hundred (600) millimetres to any side site line
 - (iii) architectural features of an accessory building or structure located to the rear of the main building - may project no closer than six hundred (600) millimetres to the side or rear site line
3. (2) (b) (iv) fences and hedges - except as provided in **Sub-clause 1 (7) (b) (viii)** and **Clause 3 (4) (e)** of this **PART** may be located in any front yard to a maximum height of seven hundred sixty-two (762) millimetres and in any side or rear yard to a maximum height of one decimal eight (1.8) metres. The foregoing height restrictions do not apply in all “M”, “OR” and “AUR” Zones
- (v) incidental storage of materials - shall be permitted in any required rear or side yard
 - (vi) landscape features such as trees, shrubs, flowers or plants - shall be permitted in any required yard provided they do not produce a hedge

- effect contrary to **Sub-clause (iv)** above
- (vii) open, unenclosed and uncovered stairways, balconies porches or decks attached to the main building - with a maximum one (1) metre high railings may project three (3) metres into any required yard but no closer than six hundred (600) millimetres to any side site line.
 - (viii) parking spaces and off-street parking and loading areas - as regulated in **Section 1 of PART 10** may be located in any required yard, except as provided in **Clause 3 (4) (c)** of this **PART**
 - (ix) public recreation areas - may be located in any required yard, where a permitted use
 - (x) public works equipment, cables and lines necessary for the provision of services - may be located in any required yard
 - (xi) compost bins, refuse garbage storage bins and similar structures - may be located in any required rear or side yard
 - (xii) signs - as regulated in **Section 1 of PART 10**
 - (xiii) uncovered walks, driveways, lighting fixtures and other landscape architectural features, guardrails for safety purposes around ramps and ramps for the handicapped - may be located in any required yard
 - (xiv) unenclosed outdoor display of commodities and products normally sold on the site (i.e. vehicles, machinery, etc.) - may be located in any required yard in all “C” and “M” zones

CORNER ALIGNMENTS

3. (3) Notwithstanding any provision contained in this **PART**, on corner sites within the “**CC**” **Commercial Central Zone**, the following shall apply:

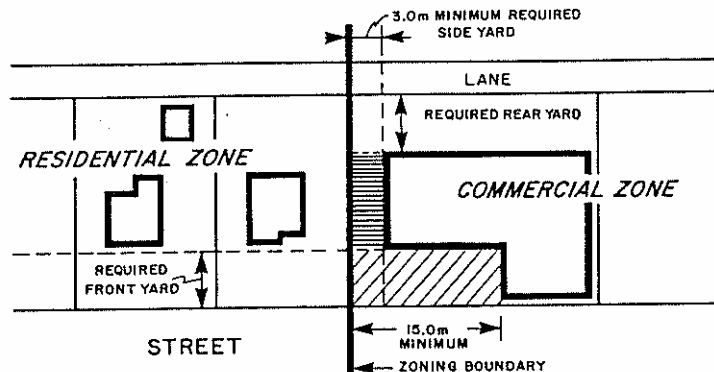
- (a) Within the hatched triangular shaped areas of corner sites as shown below no fence, wall structure, hedge, shrubs, or other horticultural landscape features shall be placed in such a manner as to produce a fence effect or visual barrier greater than zero decimal seventy-six (0.76) metres above the average level of the ground.



YARDS ABUTTING RESIDENTIAL ZONE LIMITS

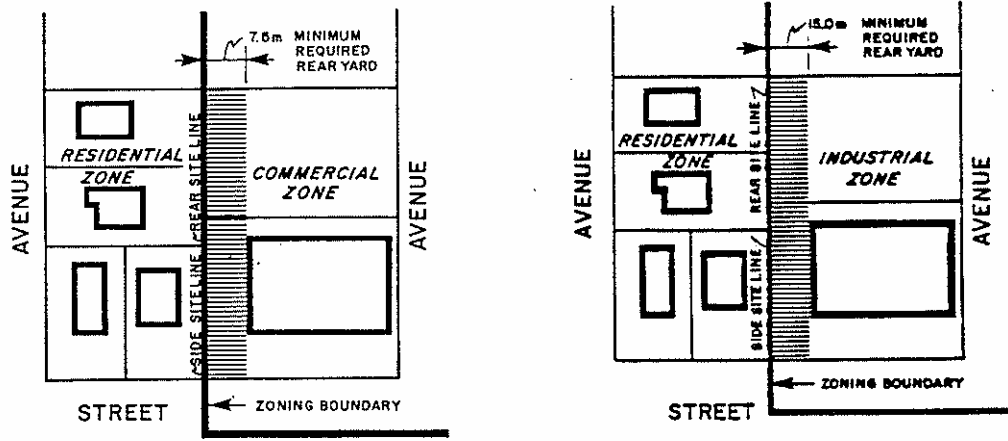
3. (4) Notwithstanding any provision of this By-law, the following special yard requirements shall apply along all Residential Zone limits;
- (a) Where a side site line in a Commercial or Industrial Zone abuts a side site line in an adjacent Residential Zone, the required front yard in the Residential Zone shall extend for a distance of fifteen (15) metres in the case of a Commercial Zone, and thirty (30) metres in the case of an Industrial Zone from the zone limit;
- (b) A side yard of three (3) metres in the case of a Commercial Zone and seven decimal five (7.5) metres in the case of an Industrial Zone shall be provided along the side site line which abuts the Residential Zone;

The following diagrams illustrate the requirements under (a) and (b);



3. (4) (c) Parking spaces within the required front yard shall not be permitted within three (3) metres of the said zone boundaries;
- (d) Where a rear site line in a Commercial or Industrial Zone abuts a side or rear site line in an adjacent Residential Zone, a rear yard of seven decimal five (7.5) metres in the case of a Commercial Zone, and fifteen (15) metres in the case of an Industrial Zone shall be provided along the rear site line;

The following diagrams illustrate the requirements of this Clause:



- (e) Where a yard as described in **Clauses (a), (b) or (d)** is provided in a Commercial or Industrial Zone, a compact hedge, row of shrubbery or a solid fence one decimal eight (1.8) metres in height shall be provided and maintained along the site line abutting the Residential Zone limit.

TEMPORARY BUILDINGS, STRUCTURES AND USES

PERMIT REQUIRED

4. (1) (a) Buildings, structures and uses may be permitted on a temporary basis, subject to the issuance of a development permit.
- (b) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by Council or the Development Officer, and
- (c) 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.

EXCEPTIONS

4. (2) Notwithstanding the above provisions a development permit shall not be required for:
- (a) The use, erection or construction of temporary buildings or structures associated with a development authorized by a separate development permit for the period of construction;
 - (b) Temporary signs located for a period not exceeding two (2) months unless otherwise approved by Council;
 - (c) Temporary buildings, structures and uses associated with fairs, events, games, exhibitions, public markets, sales in public places, transient traders and similar provided the necessary licenses under **The Municipal Act** are obtained as required;
 - (d) The placement of temporary structures accessory to a dwelling or mobile home, such as playground and sports equipment; and
 - (e) Temporary use of a residential site for purposes of a garage or yard sale.

CONSTRUCTION

4. (3) Temporary buildings, structures and uses to be used in conjunction with a construction site:
- (a) Shall not exceed ninety-three (93) square metres in floor area nor four decimal five (4.5) metres in height;
 - (b) May be used for storage of construction materials and equipment incidental to and necessary for construction;
 - (c) May be used for office space for contractor or developer;
 - (d) Shall not be used for human habitation, except as temporary accommodation for a caretaker, watchman or other staff; and
 - (e) Shall not be detrimental to the public health, safety, convenience and general welfare.

HEIGHT EXCEPTIONS

5. (1) The maximum height requirements contained in the **Bulk Tables** of this By-law shall not apply to limit the height of:

- (a) chimneys and flues;
- (b) elevators and bulkheads;
- (c) flagpoles, communication towers, aerials or lines;
- (d) roof-mounted satellite dishes;
- (e) steeples and spires;
- (f) water storage tanks, electrical apparatus or mechanical rooms, without habitable space, associated with the operation of a building or structure; and
- (g) grain elevators and grain or other agricultural product handling structures.

MASTER LEGEND

Applies to Zoning Maps 1-9 Inclusive

“RS-U”	Residential Single-Family Unserviced Zone
“RS-5”	Residential Single-Family Zone
“RS-6”	Residential Single-Family Zone
“RT”	Residential Two-Family Zone
“RM”	Residential Multiple-Family Zone
“RMH”	Residential Mobile Home Zone
“CN”	Commercial Neighbourhood Zone
“CC”	Commercial Central Zone
“CL”	Commercial Linear Zone
“CH”	Commercial Highway Zone
“CS”	Commercial Shopping Centre Zone
“MC”	Industrial/Commercial Zone
“MH”	Industrial Heavy Zone
“I”	Institutional Zone
“OR”	Open Space/Recreation Zone
“AUR”	Agriculture Urban Reserve Zone
	Zone Boundary
	City Boundary