

NOTICE: All persons making use of this consolidation are reminded that it has no legislative sanction; that the Amendments have been embodied only for the convenience of reference; and that the original by-law and amendments should be consulted for all purposes of interpreting and applying the law.

# An Office Consolidation Of

## Town of Virden

### Zoning By-law

## By-law No. 2415

NOTE:

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

**UNOFFICIAL OFFICE CONSOLIDATION OF THE  
TOWN OF VIRDEN  
ZONING BY-LAW NO. 2415**

**AMENDING BY-LAWS INCLUDED IN THIS OFFICE CONSOLIDATION**

<b>By-Law No.</b>	<b>Date Approved</b>	<b>Amendment Description</b>
2456	Jan. 1994	Lots 1 & 2, Blk. 1, Plan 1984 from "RMH" to "RT"
2423		Lot 2, Blk. 169, Plan 197 from "RS" to "ML"
2531	Jan. 1998	Pcl. B, Plan , from "CL" to "RS"
2544	Sept. 1998	S'ly 43' Lot1 plan prepared by Duncan J. Robertson from "OR" to "RT"
2549	July, 1998	Lots 37 & 38, Blk. 99, Plan 2088 from "RT" to "CC"
2551	Sept., 1998	Lot 1, Blk. 3, Plan 210 from "RT" to "ML"
2537	Feb. , 1998	Text change re: mobile signs
2557	Feb., 1999	Text change, Pt. IV, 12(2)
2565	July, 1999	Lots 11 to 20, Blk. 79, Plan 2088 from "ML" to "CC"
2576	Sept. 2000	Lots 37 to 40, Blk. 117, Plan 2088 from "RT" to "RM"
2587	Dec. 2001	Text change, re: bed and breakfast
2597	July 16, 2002	Text Change, Home occupation/Industries in Residential Zones.
2643	April 17, 2007	Map One Change: NW1/2 Lot 77, Plan 67 BLTO and Pt. of 6 <sup>th</sup> Ave, Plan 67 as recorded on Plan V97 rezoned from "RT" to "RM".
2668	Oct. 21, 2008	Text change – added "pottery and Ceramic Studios Including associated retail sales (when all services are provided within and enclosed building)" as new conditional uses in the "CC" and "CH" zones.

**THE TOWN OF VIRDEN**

**BY-LAW 2415**

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

WHEREAS, pursuant to Section 27(1) of The Planning Act, being Chapter P80 of the Continuing Consolidation of Manitoba Statutes, the Virden-Wallace Planning District has by By-law adopted a Development Plan;

AND WHEREAS, Section 32(2) of the said Planning Act provides that a Zoning By-law shall be prepared upon the adoption of a Development Plan;

AND WHEREAS, Section 42(1) of the same Act provides that a Zoning By-law may be enacted by the Council of a Municipality;

AND WHEREAS, it is deemed expedient and desirable to repeal By-law 1958, The Wallace District Planning Scheme 1975, and all By-laws adopted from time to time amending said Planning Scheme and substitute therewith a new Zoning By-law;

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

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**PART I - SCOPE**

**1. THE BY-LAW**

- (1) This By-law shall be known as "The Town of Virden Zoning By-law".
- (2) This By-law shall apply to all of the Town of Virden.

**2. INTENT**

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

- (1) To implement the objectives and policies of the Virden-Wallace Planning District Development Plan, being By-law D-2 of the said Planning District;
- (2) To define and limit the powers and duties of the Planning District Board, the Council and the Development Officer; and
- (3) To regulate the following:
  - a) all buildings and structures erected hereafter;
  - b) all uses of buildings, structures and land established hereafter;
  - c) all structural alterations or relocations of existing buildings and structures occurring hereafter;
  - d) all enlargements of or additions to existing buildings, structures or uses; and
  - e) the change of use of land, buildings or structures.

**3. RELATION TO OTHER BY-LAWS**

Whenever the provisions of any By-law of the Town of Virden or the Planning District or any other requirements of the Provincial or Federal Government imposes overlapping regulations over the use of land, buildings or structures, or bulk requirements or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest requirement shall govern.

#### **4. RULES OF CONSTRUCTION**

The following rules of construction apply to the text of this By-law:

- (1) Words, phrases and terms defined herein shall be given the defined meaning.
- (2) Words, phrases and terms not defined herein but defined in the Act or the Building, Electrical, Plumbing or other By-laws of the Town of Virden or the Planning District shall be construed as defined in such Act or By-laws.
- (3) Words, phrases and terms neither defined herein nor in the Building, Electrical, Plumbing or other By-laws of the Town of Virden or the Planning District shall be given their usual and customary meaning except where the context clearly indicates a different meaning.
- (4) The phrase "used for" includes "arranged for", "maintained for", "designed for", or "occupied for".
- (5) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions "and" "or", or "either or" the conjunction shall be interpreted as follows:
  - (a) "and" indicates that all the connected items, conditions, provisions or events shall apply.
  - (b) "or" indicates that the connected items, conditions, provisions or events may apply singly or in combination.
  - (c) "either or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (6) The words "include" "includes" or "including" shall not limit a term to the specified examples, but are intended to extend the meaning to all instances or circumstances of similar kind or character.

## PART II - DEFINITIONS

1. **Accessory Building, Structure or Use** means a building, structure or use which:
  - a) is subordinate to, incidental to, and serves the principal building, structure, or use;
  - b) is subordinate in area, extent, or purpose to the principal building, structure, or use served;
  - c) contributes to the comfort, convenience or necessity of the occupants of the principal building, structure or use served; and
  - d) is located on the same site as the principal building, structure or use served, with the single exception of such accessory off-street parking facilities as the Variation Board may permit to locate elsewhere than on the same site with the building, structure, or use served.
  
2. **Act, The** means the Planning Act, R.S.M. 1987, c. P80, and amendments thereto.
  
3. **Agricultural Industries** means industries that support agricultural activities, including: seed cleaning plants, grain elevators, fertilizer plants, feed mills, abattoirs, auction marts, but not anhydrous ammonia or bulk propane.
  
4. **Alteration** means a change or modification to an existing building, structure or use which does not materially increase the exterior dimensions with respect to height or area.
  
5. **Alteration, Incidental** means changes or replacements in the parts of a building or structure, including but not limited to the following:
  - a) alteration of interior non-structural walls;
  - b) replacement or minor changes of interior or exterior finishes;
  - c) a minor addition on the exterior of a residential building, such as an open porch or deck;
  - d) adding, replacing or enlarging windows or doors;
  - e) replacement or minor changes of the capacity of pipes, ducts or conduits; or
  - f) strengthening the load bearing capacity of a particular feature to permit the

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installation of a specialized unit of machinery or equipment.

6. **Alteration, Structural** means a structural alteration as defined in the Act.
7. **Automobile Body Shop** means a building wherein the repair and painting of automobiles takes place.
8. **Automobile, Boat or Trailer Sales Area** means a premises, used for the display, sale or rental of new or used automobiles, boats or trailers, and where repairs are made they shall be done within a completely enclosed building, except minor incidental repairs of automobiles, boats or trailers to be displayed, sold or rented on the premises.
9. **Automobile Service Station** means a premises used for supplying fuel, oil and minor accessories and making repairs to motor vehicles at retail directly to the customer.
10. **Automobile Wrecking** means the dismantling or wrecking of used motor vehicles, trailers, or farm implements, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles, trailers, farm implements, or their parts.
11. **Awning** means any roof-like structure other than a marquee attached to a building and projecting more than twelve (12) inches from the face of the building to which it is attached. Awning shall also include sun visors, louvres and other roof-like structures used to provide shade.
12. **Basement** means a portion of a building, between a floor and a ceiling that is located partly underground, but with more than half (1/2) of the floor to ceiling height thereof above the average grade of the adjoining ground.
13. **Building** means a building as defined in the Act.
14. **Building, Height of** means the total number of storeys in a building or the vertical distance measured from grade to the highest point of the roof surface if a flat roof; to the deck of a mansard roof; or to the mean height level between eaves and ridges for a gable, hip or gambrel roof.
15. **Bulk** means the following:
  - a) The size (including height and floor area) of buildings or structures;
  - b) The size of the site (including area, width and depth of site) upon which a building is located, and the number of dwelling units or rooms within such building in relation to the size of the site;

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- c) The location of exterior walls of buildings in relation to site lines, to other walls of the same building or to other buildings; and
  - d) All open area relating to buildings or structures and their relationships thereto.
16. **Cellar** means a portion of a building, between a floor and a ceiling, that is located wholly underground or partly underground, but with more than half (1/2) the floor to ceiling height below the average grade of the adjoining ground and may only be occupied or let as a habitable room or dwelling unit with the approval by the Development Officer in respect of ceiling height, window area and access, etc.
17. **Child Care Services** means the provision of care for remuneration or reward to a child apart from his or her parents or guardians for a period in any one day exceeding three (3) hours but not exceeding fourteen (14) hours:
- a) "Home day care" means the provision of child care services in a family dwelling unit in which the owner or tenant resides, or in churches or parish halls, to children, including the children of the owner or tenant, not over twelve (12) years of age. The number of children shall not exceed eight (8), and there must be access to an outdoor recreation area.
  - b) "Group day care" means the provision of child care service to nine (9) or more children not over the age of twelve (12) in a provincially licensed facility which must include access to an outdoor recreation area.
18. **Club, Private, Non-Profit** means a non-profit corporation characted by The Canada Corporation Act or The Manitoba Corporation Act, or an association consisting of persons who are bona fide members paying annual dues, which owns, or leases a building or portion thereof; the use of such premises being restricted to members and their guests.
19. **Club, Recreational** means a non-profit association of persons who are bona fide members paying annual dues, which owns, or leases land or buildings or a portion thereof; the use of such premises being restricted primarily to the principal use, which is a generally recognized sport or recreational activity, such as curling, squash, badminton, tennis, legions, etc.
20. **Conditional Use** means the conditional use of land or building as defined in the Act.
21. **Council** means the Council of the Town of Virden.
22. **District Board** means the Board of the Virden-Wallace Planning District.

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23. **Drive-In Establishment** - means an establishment with facilities for attracting and servicing prospective customers travelling in automobiles, which are driven onto the site and where the customer may or may not receive service in the vehicle.
24. **Dwelling** means a building or portion thereof designed for residential occupancy in accordance with the provisions of the Manitoba Building Code, including:
- (1) **Single-Family Dwelling** means a detached building designed for and used by one (1) family.
  - (2) **Two-Family Dwelling** means a detached or semi-detached building designed for and used by two (2) families, each having exclusive occupancy of a dwelling unit.
  - (3) **Multiple-Family Dwelling** means a building containing three (3) or more dwelling units, each unit designed for and used by one (1) family each having exclusive occupancy of a dwelling unit.
25. **Dwelling Unit** means one (1) or more rooms in a building designed for occupancy by a family with self-contained cooking, eating, living, sleeping and sanitary facilities.
26. **Enlargement** means an increase in the floor area of an existing building or structure or an increase in that portion of a site or building occupied by an existing use.
27. **Family** means one or more persons related by blood, marriage, or adoption, or a group of not more than three (3) persons who are not related by blood, marriage or adoption, occupying a dwelling unit and maintaining a household.
28. **Floor Area** means the total area of all of the floors of all buildings and structures on a site, measured from the exterior faces of the exterior walls or from the centreline of party walls. The floor area shall include basements when used for residential, or commercial or industrial purposes. Space used for storage or the housing of mechanical or central heating equipment and accessory off-street parking and loading spaces are not included.
29. **Floor Area Ratio** is the total floor area of the buildings and structures on a site divided by the total area of the site.
30. **Frontage** means that portion of a site fronting on a street.

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31. **Garage, Private** means an accessory building or portion of a principal building used by the occupants of the premises upon which it is located for the parking or temporary storage of private passenger automobiles, as well as for the storage of other personal property.
32. **Grade** (as applying to the determination of a building or structure height) means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Development Officer.
33. **Habitable Room or Space** means a room or enclosed space designed for and used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, corridors, closets, storage rooms, and rooms in basements used only for recreational purposes.
34. (a) **Home Occupation** means an occupation or business activity which results in a product or service and is conducted in whole from a residential unit that is zoned for residential use
- b) **Home Industry** means an occupation or business activity which results in a product or service and is conducted from an accessory building on a property that is zoned for residential use.](B/L 2597)
35. **Hotel** means a building or part thereof where accommodation is provided for transient lodgers, in any individual room or apartment, with or without cooking facilities. Permitted accessory uses include: restaurants, licensed beverage rooms, banquet halls, ballrooms, meeting rooms and swimming pools.
36. **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.
37. **Industrial Service Shop** means a use where heavy equipment and machinery, such as tractors, graders, and farm machinery, are repaired and serviced and includes uses providing services to mineral and petroleum extraction operations.
38. **Junk Yard** means a premise where waste or scrap materials are bought, sold, exchanged, stored, or handled, including metals, paper, rags, rubber tires and bottles, but does not include uses established entirely within an enclosed building.

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39. **Kennel** means any premises on which more than two dogs or cats at least four months of age are maintained, 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, an animal hospital or an animal pound.
40. **Lane** means, for the purpose of this By-law, a public owned thoroughfare which provides only a secondary means of access to abutting property for service purposes.
41. **Loading Space** means an off-street space on the same site with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which has access to a street or lane or other appropriate means of access.
42. **Mobile Home** means a portable dwelling unit that is capable of being transported on its own chassis and running gear by towing or other means.
43. **Mobile Home Park** means an area of land upon which mobile home spaces are rented to individual owners of mobile homes, and which has been approved by Council.
44. **Mobile Home Site** means a site in a mobile home subdivision which may be purchased by an individual for the placement of a mobile home.
45. **Mobile Home Space** means a space in a mobile home park which may be rented by an individual for the placement of a mobile home.
46. **Mobile Home Subdivision** means an area of land which is subdivided into mobile home sites in accordance with the subdivision approval procedure under The Planning Act which may be sold for the placement of mobile homes.
47. **Motel** means a building or a group of attached or detached buildings, not over two storeys in height, wherein sleeping accommodation is provided for transient lodgers, and there is an exit from individual rooms or suites directly to the outdoors, or where the building contains two storeys, rooms may exit to a main corridor which has an exit directly to the outdoors. The motel may include accessory uses such as restaurants, beverage rooms, banquet halls, meeting rooms and swimming pools.
48. **Non-conforming land** means any lawful land which does not comply with the site area, site width or site depth requirements on the effective date of this By-law, or amendments thereto, and was on record in the Land Titles Office and in separate ownership prior to the effective date of this By-law, or amendments thereto, and did not form part of a larger contiguous holding in the same ownership.

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49. **Non-conforming sign** means any lawful sign which does not comply with one or more of the applicable bulk regulations of the zone in which it is located on the effective date of this By-law or amendments thereto. A non-conforming sign shall be subject to all the provisions of this By-law relating to non-conformities.
50. **Non-conforming use** means any lawful use of a premises or portion thereof, which does not conform to one or more of the applicable use regulations of the zone in which it is located, on the effective date of this By-law or amendments thereto.
51. **Owner** means an owner as defined in The Planning Act.
52. **Parcel of Land** means a parcel as defined in The Planning Act.
53. **Parking Lot** means an open area of land used for the temporary parking of motor vehicles which is available for public use whether free or for compensation, or which is an accommodation for clients, customers, employees or visitors.
54. **Parking Space** means a space on a parking lot or on a site which is used for the temporary parking or storage of a motor vehicle.
55. **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 owners, persons or businesses.
56. **Personal Services** means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and includes such establishments as barber shops, funeral parlors, janitorial and catering and financial, legal and medical services (including clinics).
56. **Planned Unit Development** means a land development project planned as an entity in accordance with a unitary site plan which permits flexibility in siting of building, mixture of housing types, and land uses, usable open spaces, and the preservation of significant natural features.
58. **Premises** means an area of land with or without buildings.
59. **Public Utility** means any system, works, plant, equipment or services which furnishes services and facilities for the use of the general public, including:
- a) Communication by way of telephone, telegraph, wireless or television;
  - b) Production, transmission, delivery or furnishing of water, gas or electricity;

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- and  
c) Collection of sewage, garbage or other waste.

This does not include offices or compounds for the storage of equipment, supplies or vehicles.

60. **Residential Care Facility** means the use of any building or structure or part thereof, however named, which is advertised, announced or maintained for the express or implied purpose of providing lodging, meals, care and supervision or transitional services to persons not related by blood, marriage or adoption to the operator nor to each other but does not include a facility which is licensed or designated by the Manitoba Health Services Commission.
61. **Recycling Depot** means a premises where waste materials such as paper, plastic and metals are collected and separated for storage, sale and transfer to market, all activities including storage are carried out entirely within an enclosed building.
62. **Retail Services** means a building or part of a building in which persons are employed in the sale of goods to customers and includes uses such as hardware, mail order, clothing, appliances, electronics, books, gifts, second hand goods and may include incidental repairs.
63. **Sign** means any written, numeric, symbolic or pictorial representation, illustration, emblem, banner, pennant or any other figure of similar character which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on or in a building or structure, and which is used to identify or advertise, but shall not include display windows; and includes:
- (1) **Advertising sign** means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same site where the sign is maintained.
  - (2) **Bulletin board** means a sign of permanent character, but with movable letters, words, or numerals indicating the names of persons associated with, or events conducted upon, or products or services offered upon the premises upon which the sign is maintained.
  - (3) **Business sign** means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same site where the sign is maintained.
  - (4) **Construction sign** means a sign which identifies a construction project and

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information relating to it.

- (5) **Identification sign** means a sign that identifies the owner, resident or the street address and which sets forth no other advertisement.
  - (6) **Real estate sign** means a sign advertising the sale, rental or lease of the premises on which it is maintained.
  - [(7) **Mobile Business Sign** means a sign structure with or without copy) mounted on a trailer, vehicle, stand or other support structure or frame designed so that the sign can be readily relocated to another location, and may include copy that can be changed through the use of removable characters or panels. This sign is designed for advertising business on the site where it is located.][B/L 2537]
64. **Sign Surface Area** means the area enclosing the limits of writing and picture, 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 unless the sides are less than three (3) feet apart in which case only the area of the larger side shall be used.
65. **Site** means an area of land which:
- a) is occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use or uses thereto, together with such open spaces as are required under the provisions of this by-law;
  - b) has frontage on a street or has any lawful means of access satisfactory to the Council; and
  - c) is of sufficient size to provide the minimum requirements of this by-law for a permitted or conditional use in a zone where the use is located.
66. **Site Area** means the computed area contained within the site lines.
67. **Site Coverage** means that part of a site occupied by buildings, including accessory buildings, expressed as a percentage of the site area.
68. **Site Dimensions** means as follows:
- (1) **Site Depth** means the horizontal distance between the centre points in the front and rear site lines.

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

**69. Site Line** - means any boundary of a site.

- (1) **Front site line** means that boundary of a site which is along an existing or designated street. For a corner site, the Development Officer may select the front site line, except where an interior site abuts the corner site, then the front site line shall be that line which is the continuation of the front site line of the interior site.
- (2) **Rear site line** means that boundary of a site which is most nearly parallel to the front site line; and in the case of a site in which the side site lines intersect, such as a triangular site, a line ten feet in length within the site, parallel to and at the maximum distance from the front site lines.
- (3) **Side site line** - means any boundary of a site which is not a front or rear site line.
- (4) 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.

**70. Site Types** means as follows:

- (1) **Corner site** means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.
- (2) **Interior site** means a site other than a corner site.
- (3) **Key site** means the first site to the rear of a reverse corner site.
- (4) **Reverse corner site** means a corner site where the side site line adjacent to the street is a continuation of the front site line of the first site to its rear (key site).
- (5) **Through site** means a site having a pair of opposite site lines along two more or less parallel streets. Both of these site lines shall be deemed with as front site lines for the purposes of this By-law.

**71. Storey** means the portion of any building which is situated between the top of any floor

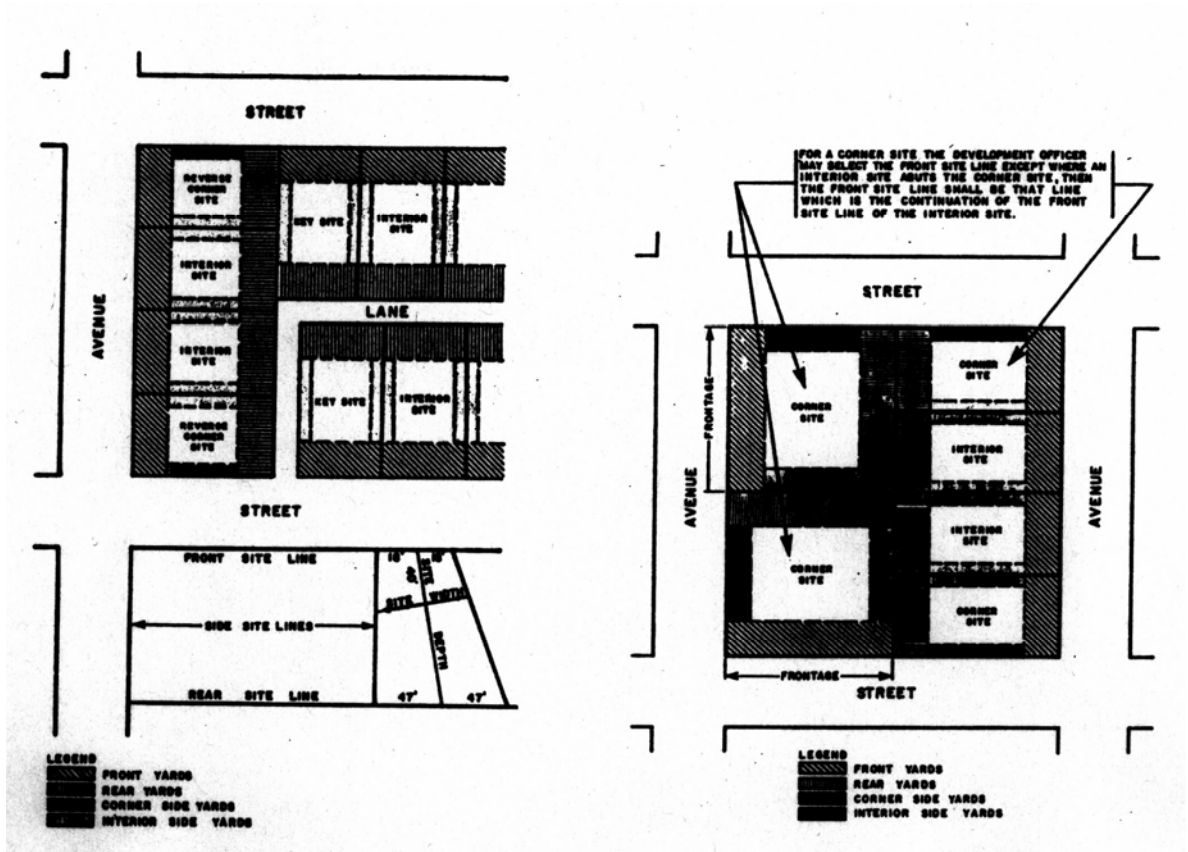
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and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling about it, but does not include a cellar.

72. **Street** means a street as defined in the Act.
73. **Structure** means anything constructed or erected which requires location on the ground or is attached to something having a location on the ground.
74. **Use** means:
- a) Any purpose for which a building, structure or parcel of land may be designed, arranged, intended, maintained or occupied; or
  - b) Any activity, occupation, business, or operation carried on, or intended to be carried on, in a building, structure, or on an area of land.
75. **Yard** means that portion of a site adjacent to a site line which is required to be an unobstructed open space, except as otherwise permitted herein.
- (1) **Yard**, required means a yard extending along a site line to a depth or width (measured perpendicularly from the site line) specified in the yard requirement for the zone in which such site is located.
  - (2) **Yard, front** means a yard extending along the full length of the front site line between the side site lines;
  - (3) **Yard, rear** means a yard extending along the full length of the rear site line between the side site lines;
  - (4) **Yard, side** means a yard extending along the side site line from the required front yard to the required rear yard;
  - (5) **Yard, corner side** means a side yard which is adjacent to a street;
  - (6) **Yard, interior side** means a side yard which is adjacent to another zoning site, or to a lane separating such side yard from another site.

The following sketches illustrate the foregoing definitions of the yards:

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76. **Bed and Breakfast Establishment** means a part of a dwelling unit in which overnight accommodation is provided and breakfast is served for a fee to the clients, and wherein the accommodation is provided in bedrooms only and meals are served from the existing kitchen/dining room area of the dwelling unit, and cooking of any form is prohibited in the rooms.](B/L 2587)

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**PART III - ADMINISTRATION**

**1. RESPONSIBILITIES OF COUNCIL**

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

- (1) Enacting this By-law;
- (2) Considering the adoption or rejection of proposed amendments or the repeal of this By-law;
- (3) Acting as a Variation Board;
- (4) Approving or rejecting conditional use applications, and revoking approved applications as provided for in the Act; and
- (5) Establishing a schedule of fees as provided for in Section 11 of this PART.

**2. RESPONSIBILITIES OF DISTRICT BOARD**

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

- (1) Administering and enforcing the provisions of this By-law;
- (2) Administering and enforcing applicable provisions of the Act;
- (3) Establishing a schedule of fees and charges for permits in accordance with Section 19(2) of the Act; and
- (4) Hearing objections to a zoning by-law or amendment thereto according to the provisions of the Act.

**3. RESPONSIBILITIES OF THE OWNER**

- (1) Neither the granting of a development permit nor the approval of the drawing and specifications nor the inspections made by the Development Officer shall in any way relieve the owner of the responsibility of complying with the requirements of this By-law or of any relevant By-laws of the Town of Virden or the Planning District.

- (2) Every owner shall:
- a) Be responsible for obtaining, where applicable, from the appropriate authorities, permits or licenses relating to the buildings, grades, sewers or water supply systems, plumbing, signs, blasting, street, occupancy, electrical, highways, environment, and all other permits required in connection with the proposed work;
  - b) Be responsible for the preparation of all application forms, drawings, and other documents which are required to be submitted to the Development Officer in accordance with the provisions of this By-law and The Planning Act;
  - c) Ensure that all work is completed in accordance with the approved application and development permit;
  - d) Obtain the written approval of the Development Officer before doing any work at variance with the approved development permit; and
  - e) Permit the Development Officer to enter any building or premises at any reasonable time for the purpose of administering or enforcing this By-law and shall not molest, obstruct or interfere with the Development Officer in the discharge of duties under this By-law.

**4. RESPONSIBILITIES OF THE DEVELOPMENT OFFICER**

The District Board shall appoint a development officer:

(1) Responsibilities

Subject to the provisions of the Act, the Development Officer, on behalf of the Town of Virden, is responsible for:

- a) Administering and enforcing the provisions of this by-law; and
- b) Administering and enforcing the applicable provisions of the Act;

(2) Powers

The Development Officer may:

- a) Issue a development permit where the development of land, buildings or structures conforms to the adopted Development Plan, and to the requirements of this By-law and amendments thereto.
- b) Receive and process applications for amendments to this by-law, conditional use orders and variation orders.
- c) Enter any buildings or premises at all reasonable hours in the performance of his duties with respect to this By-law;
- d) Issue development permits for the temporary use of buildings, structures or land pursuant to the provisions of this By-law; and
- e) Issue zoning memoranda or such other documents necessary for the administration and enforcement of this By-law.
- f) Allow or refuse such minor variations to the requirements of this By-law as authorized by and in accordance with the provisions of the Act.

(3) Approval of Permits

At the request of Council the Development Officer shall withhold approving or reject an application for a development permit:

- a) as provided for in the Act;
- b) which would result in a violation of this By-law or any other By-law or the Town of Virden or the Planning District; or
- c) for any person who has failed to pay any fees due and owing to the Town of Virden or the Planning District under this or any other By-law.

**5. DEVELOPMENT PERMIT**

- (1) No person shall construct, erect, enlarge locate, relocate, repair, use or occupy any land, building or structure contrary to any development permit.
- (2) Subject to subsection (3) hereof, a development permit is required for the following:

**ADMINISTRATION**

- a) The erection, construction, placement or relocation of any building, structure or mobile home;
  - b) The enlargement, structural alteration or conversion of any building, structure or use;
  - c) The use of land, buildings or structures;
  - d) The change of use of land, buildings or structures;
  - e) The installation of specialized machinery and equipment, such as air conditioning systems and heat exchanger systems; and
  - f) Sand, gravel or mineral extraction operations.
- (3) An application for a development permit is not required for the following:
- a) The maintenance and repair of building components, including repainting and similar operations;
  - b) Incidental alterations of buildings and structures;
  - c) The installation of uncovered exterior decks and patios, hedges, fences, shrubs, planters, fountains, flagpoles, railing, trellises, and similar landscaping features; and
  - d) The construction, relocation, alteration, or demolition of accessory buildings less than one hundred (100) square feet in floor area.
- (4) Although a development permit shall not be required for those items specified in subsection (3) this does not relieve the owner of the responsibility of ensuring that such items are installed in accordance with the provisions of this By-law and any other by-law of the Town of Viriden or the Planning District.
- (5) In addition to the requirements of any By-law of the Town of Viriden or the Planning District or any other provincial regulations, all applications for development permits shall contain site plan or drawings, drawn to scale illustrating the following information:
- a) The location, shape, and dimensions of the site to be built upon;

- b) The proposed use of the site;
  - c) The location and exterior dimensions of all proposed buildings or structures within the site;
  - d) The location and exterior dimensions of all existing buildings or structures, if any, on the same site;
  - e) The proposed setbacks of all proposed exterior building surfaces or all proposed structures from the site lines;
  - f) The location of all proposed vehicular access points and parking spaces within the site;
  - g) Proposed connections to sewer, water, hydro and telephone services;
  - h) Locations of proposed fences, trees and hedges;
  - i) Typical floor plan(s) and elevations of the proposed building or structure; and
  - j) Any other information that may be required by Council or the Development Officer, including copies of surveyors certificates, easements, or certificates of title.
- (6) An application for a development permit shall be accompanied by the application fee.
- (7) All proposed development shall be in accordance with the application and drawings submitted to the Development Officer. No work shall be undertaken at variance with the approved application and drawings without the prior written authorization of the Development Officer.

**6. AMENDMENTS**

(1) Application

- a) Subject to the procedure required under the Act, an amendment may be initiated by a resolution of intention by the Council, or by application of one or more owners of the property or their agents within the area proposed to be changed;
- b) An application for an amendment to this By-law shall be made in a

prescribed form to the Development Officer, and shall be accompanied by such information that may be required by the Development Officer. An application is not considered to be in a complete form unless it is accompanied by the application fee prescribed by Council;

- c) Amendments to this By-law shall be processed in accordance with the provisions of The Planning Act; and
- d) An amendment to this By-law shall not be adopted by Council unless it is consistent with the provisions of the Virden-Wallace Development Plan.

(2) Decision By Council

Council shall give notice and hold a public meeting in accordance with the provisions of the Act, at which time it shall review all of the facts presented, and any representation submitted, study the facts presented, make its findings 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) Objection to District Board

Anyone objecting to any amendment which subsequently has been given second reading by Council may file a further objection with the District Planning Board and the District Board shall hold a hearing and make a decision in accordance with the provisions of The Act.

**7. DEVELOPMENT AGREEMENTS**

Where an application is made for the amendment of this By-law, the Council may require the owner or the person entitled to be registered as owner of the land, building or structure to which the amendment shall apply, as a condition to its enactment, to enter into a development agreement with the Town of Virden in respect of that land as well as contiguous land owned or leased by the applicant. The provisions of said agreement shall be in accordance with Section 49(1) of the Act.

**8. CONDITIONAL USE**

- (1) This By-law is based upon the division of the Town into zones where the use of land, buildings and structures is substantially compatible. There are, however, certain uses, designated Conditional Uses, which cannot properly be permitted in any zone without consideration, in each case, of the impact of those uses upon neighbouring land.
- (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.
- (3) An application for a conditional use shall be made in a prescribed form to the Development Officer, and shall be accompanied by such information that may be required by the Development Officer. An application is not considered to be in a complete form unless it is accompanied by the application fee.
- (4) Conditional use applications shall be processed in accordance with the provisions of The Planning Act.
- (5) 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 Planning Act.
- (6) Any change in the circumstances of a conditional use shall be subject to the provisions of this section and the appropriate provisions of The Planning Act.
- (7) Existing Conditional Uses are treated as follows:
  - a) Where a use is classified as a Conditional Use under this By-law or amendments thereto, and exists as a legal use at the date of the adoption of this By-law or its amendments, it shall be considered as a legally existing Conditional Use.
  - b) Any change to a Conditional Use shall be subject to the provisions of this Section and the appropriate provisions of the Act.
- (8) A conditional use order shall expire and cease to have any effect if it is not acted upon within 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 12 months.

**9. VARIATIONS**

**ADMINISTRATION**

- (1) Any person who is of the opinion that the provisions of this By-law injuriously or adversely affect his property may apply to the Variation Board for a variation order.
- (2) An application for a variation order shall be made in a prescribed form to the Development Officer, and shall be accompanied by such information that may be required by the Development Officer. An application is not considered to be in a complete form unless it is accompanied by the application fee.
- (3) Variation orders shall be processed and approved in accordance with the provisions of The Planning Act.
- (4) The Variation Board may approve or reject any application for a variation order. Any approval may be subject to such terms and conditions as the Variation Board deems appropriate in accordance with The Planning Act.
- (5) A variation order shall expire and cease to have any effect if it is not acted upon within 12 months of the date of approval by the Variation Board, unless it is renewed, prior to the expiry date, at the discretion of the Variation Board for an additional period not exceeding twelve months.

**10. NON-CONFORMITIES**

- (1) A non-conforming use, structure or site shall be regulated in accordance with and subject to the provisions of The Planning Act unless otherwise provided for herein.
- (2) Where the existing use of a building, structure or land does not conform to the provisions of this By-law at the time of its adoption, the use may be continued but may not be changed to a different non-conforming use.
- (3) A change of ownership, tenancy or occupancy of any land, building or structure shall not be deemed to affect the use of land, building or structure for the purposes of this section.
- (4) Where the non-conforming use of land, building or structure has been discontinued for more than 12 consecutive months, it shall not be used thereafter except in conformity with the provisions of this By-law.
- (5) Where a structure that does not conform to the provisions of this By-law and is destroyed or damaged to an extent that, in the opinion of Council, is fifty percent or more of the replacement value of the building or structure above its foundation, the building or structure shall not be repaired or rebuilt except in conformity with the

provisions of this By-law, or where such requirements are varied by a variation order.

- (6) No building or structure may be erected on a non-conforming site unless the required yards are provided as set forth in the bulk table of the zone in which the land is located, or where such requirements are varied by a variation order and the site did not form part of a larger contiguous holding in the same ownership.
- (7) Where the use of a building or structure does not conform to the provisions of this By-law, the building or structure may be structurally altered, provided that the alterations conform to the provisions of this By-law.
- (8) A non-conforming sign shall be subject to all the provisions of this section relating to non-conformities, except as provided hereafter:
  - a) A change in the subject matter represented on a sign shall not be considered a change of use; and
  - b) A non-conforming sign may be structurally altered, reconstructed, or replaced in the same location and position provided that such structural alteration, reconstruction, or replacement does not result in:
    - i) the creation of a new non-conformity or an increase in the degree of non-conformity;
    - ii) an increase in the sign surface area; or
    - iii) an increase in the degree of illumination.
- (9) Certificate and Fees

Any fees made to the Development Officer for the issuance of a certificate in accordance with Section 51(1) of the Act shall be determined by the Council.

**11. EXISTING BUILDINGS**

Where a building has been legally erected prior to the effective date of this By-law or amendments thereto it shall be deemed to meet the Bulk Requirements of this By-law regarding the existing required yards of the site. Any enlargements or structural alterations to a building or reconstruction of a building shall conform to the requirements of this By-law or as varied.

**12. FEE SCHEDULE**

- (1) Council shall by by-law establish a fee schedule for amendments, conditional use orders, variation orders, non-conforming use certificates, and zoning memoranda.
- (2) The Planning Board may by by-law establish a fee schedule for development permits and other charges to be paid by any person in respect of services rendered by any officer or employee of the Board.
- (3) All fees in connection with the administration of this By-law shall be payable to the Town of Virden and shall be collected by the Development Officer at the time an application is made for an amendment, conditional use order, variation order, non-conforming use certificate or zoning memorandum, etc., as the case may be.

**13. INTERPRETATION AND APPLICATION**

- (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.
- (2) Whenever provisions of any other by-law of the Town of Virden or any provisions of the provincial or federal government impose overlapping or contradictory regulations over the use of land, buildings or structures, or bulk requirements, or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest standard shall govern.

**14. ENFORCEMENT AND PENALTIES**

- (1) The enforcement of this By-law or any resolution or order enacted by the Council or the Planning Board under The Planning Act or any regulation made thereunder shall be in accordance with The Planning Act.
- (2) Any penalty imposed for a violation of this By-law shall be in accordance with "PART VII of The Planning Act.

**PART IV - GENERAL PROVISIONS****1. INTENT**

The general provisions contained in this PART shall apply to all zones, except wherein otherwise stated.

**2. LAND SUBJECT TO FLOODING**

- (1) The intent of these provisions is to minimize the expense and hardship to individual property owners and to the general public as a result of damages caused by flooding.
- (2) Where development, dwellings and other principal buildings attached garages, detached accessory building or buildings associated with high flood damage potential, are proposed in an area which is generally subject to flooding or which is below elevation 1437.30 feet above sea level (the known flood level of Scallion Creek in 1976) the following provisions shall apply:
  - A) The following provisions apply to dwellings and other principal buildings:
    - a) No dwelling or other principal building shall be constructed or placed on land where the vertical separation of the natural grade is more than three and three tenths (3.3) feet below the 1976 flood level;
    - b) Dwellings and other principal buildings may be constructed or placed on land where the vertical separation of the natural grade is less than three and three tenths (3.3) feet, below the 1976 flood level subject to the following requirements;
      - (i) The finished floor level of the main floor shall be located at least three (3) feet above the 1976 flood level;
      - (ii) The level of surrounding fill at the building shall not be less than two (2) feet above the 1976 flood level, and shall not slope more than six (6) inches for a horizontal distance of fifteen (15) feet from the building.

- (iii) The bottom of all openings in the exterior walls for windows, doors and similar features shall be located at least two (2) feet above the 1976 flood level;
- (iv) Basement walls and slabs shall be designed to withstand hydrostatic pressure;
- (v) Electrical service panels and potable water shut off valves shall be located on the main floor;
- (vi) Buildings with basements or crawl spaces below grade shall be protected with an approved weeping tile system connected to a sump pump which shall discharge onto the grade outside the building; and
- (vii) Backwater valves shall be installed on all building sewers at an approved location on the main building drain.
- (viii) The application for a development permit, as required by Section 5 of PART III of this By-law shall be accompanied by a statement from a Manitoba Land Surveyor or an engineer registered to practice in the Province of Manitoba, certifying that the site has been rough graded to the flood protection elevation as provided for in clause (i);
- (ix) The 1976 flood level shall be specifically shown on a cross sectional drawing of the proposed building which shall accompany the application for a development permit;

B) The following provisions apply to attached garages:

- (a) The finished floor elevation shall be located at least one (1) foot above the 1976 flood level; and

**GENERAL PROVISIONS**

- (b) All land within ten (10) feet of the exterior walls shall be raised by fill to the 1976 flood level.
- C) The following provisions apply to all detached accessory buildings:
  - (a) No accessory building shall be located where the vertical separation between the natural grade and the 1976 flood level exceeds three and three tenths (3.3) feet;
  - (b) That portion of the building which is located below the 1976 flood level shall be constructed of masonry, pressure treated wood, or other water-resistant material; and
  - (c) Any immovable equipment or hazardous material stored in the building shall be stored three and three tenths (3.3) feet above the floor level.
- D) Buildings used for the storage of hazardous materials that are buoyant, flammable, explosive or may be injurious to human, animal or plant life shall not be permitted in this area by Council if they are potentially hazardous or may endanger life and property.
- (3) All storage tanks for fuel or any other liquid shall be firmly anchored to prevent flotation and shall have the vent and filler pipes extended three (3) feet above the 1976 flood level.
- (4) The development officer may require the owner of any proposed building within the designated flood risk area to provide appropriate drawings, certified by a professional engineer.
- (5) No building shall be located in this area in such a fashion as to hinder the movement of floodwaters.
- (6) The minimum setback requirement from waterways for activities which may have the effect of polluting the waters shall be determined by Council upon recommendation from the Water Resources Branch and The Environmental Control Branch.
- (7) An applicant shall, upon the request of Council or the District Board, submit evidence prepared by a licensed professional engineer of the Province of Manitoba to support the application for development proposed to be located on land subject to flooding or land containing steep slopes. Such evidence may

**GENERAL PROVISIONS**

include bank stability, design of flood prevention works and evaluation of effects on flood stages and velocities.

**3. PUBLIC FACILITIES**

- (1) Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of any public utility, public works, public park area, or public monuments except where such work would interfere with the operation of a licensed air landing field. In such situations, the Federal Government regulations shall apply.
- (2) All office buildings, warehouse facilities and storage compounds owned or used by any public utility or public works shall be subject to the provisions of this By-law.
- (3) Where any site is reduced below the requirements of this By-law as a result of land acquired for any street, lane, public utility, public works, public park area or public monument, it shall be deemed to conform to the requirements of this By-law.

**4. RAILWAYS**

- (1) Nothing in this By-law shall be so interpreted as to interfere with the normal operations and maintenance of the Canadian Pacific Rail trackage.
- (2) Any railway office buildings, warehouse facilities, maintenance buildings and storage areas shall be subject to the provisions of this By-law.

**5. LANDLOCKED SITES**

- (1) 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 twenty feet in width and intersects with a street, and is secured for access by means of a registered easement.
- (2) 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.

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**6. THROUGH SITES**

In the case of a through site, every yard which abuts each of the two more-or-less parallel streets shall be considered to be a front yard, and shall be subject to the front yard requirements of the zone within which it is located.

**7. UNCONVENTIONAL SITES**

Where a site is of such a unique configuration that the required yards cannot be ascertained in accordance with the definitions of PART TWO, the Development Officer may determine the site lines and required yards. The location and dimensions of required yards shall be consistent with the intent of the yards specified for the zone within which the site is located.

**8. PLANNED UNIT DEVELOPMENT**

(1) For the purposes of this By-law, a planned unit development shall be considered a conditional use, the provisions of the bulk tables of this By-law shall not apply. The design of the development shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards of amenity, accessory parking areas and other requirements and standards established in this By-law.

(2) In addition to the requirements of the Development Permit as set out in Section 5 of PART III, the applicant may be required to provide such additional information that Council may require in order to make an informed decision with respect to a development proposal for planned unit development.

**9. MUNICIPAL SERVICES**

All principal buildings constructed on any site serviced by municipal sewer and/or water systems, shall be connected to such services. Where any such service does not exist, the owners of all principal buildings shall be required, as soon as it is considered expedient by Council, to connect to such services as they are installed.

**10. BASEMENT ACCOMMODATION**

A dwelling unit or living accommodation for a boarder shall not be located in a basement unless it complies with the provisions of the Manitoba Building Code with regard to various features, including but not limited to floor area, room height, stairs, egress, fire separation, sanitary facilities, windows and smoke alarms.

**11. AREA AND YARD REQUIREMENTS**

The following provisions shall apply to all zones to ensure adequate site area and yard requirements:

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

**12. ACCESSORY USES, BUILDINGS, AND STRUCTURES INCLUDING PARKING SPACES, LOADING SPACES**

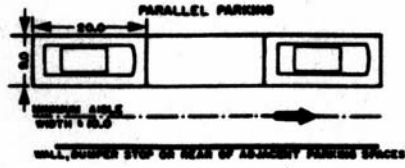
- (1) Any use, building or structure which is permitted by virtue of this By-law includes any building, structure or use accessory thereto subject to the fulfillment of all requirements contained herein.
- [(2) a) Where the accessory building or structure is attached to a principal building or structure it shall be subject to, and shall conform to, all regulations of this By-law applicable to the principal building or structure if it is:

- i) an integral part of the design of the principal building or structure and shares a common wall and/or roof line with the principal building or structures;
  - ii) made of similar or complementary building materials as found in the principal building or structure, and
  - iii) attached in a manner that appears in design to be a planned extension of the principal building or structure.](B/L 2557)
- (3) The specific number of off-street parking and loading spaces for each use is found in zone regulations in Parts VI, VII and VIII of this Zoning By-law.
- (4) When a building is enlarged or a use extended or changed, the accessory parking and loading requirements for the enlargement, extension, or new use shall be provided in accordance with the requirements of this section and those of the zone in which the building or use is located.
- (5) An accessory off-street parking space shall be at least nine (9) feet wide and twenty (20) feet long.
- (6) An accessory off-street loading space shall be a minimum width of nine (9) feet and a minimum length as required by the Council based on approved design of site.
- (7) An accessory off-street loading space shall be located on the site in such a manner as to allow any vehicle using the loading space to be parked completely off the street.
- (8) All accessory off-street parking and loading areas and spaces shall be on the same site as the use served unless a variation order is approved for parking spaces located elsewhere.
- (9) The surface of the accessory off-street parking and loading areas and spaces and the access driveways thereto, shall be surfaced with gravel, asphalt or concrete and designed in such a manner that there will be no free flow of water onto either adjacent properties or public sidewalks.
- (10) For the purpose of computing the accessory off-street parking or loading spaces as required in the Zones of each PART of this By-law, the following shall apply:

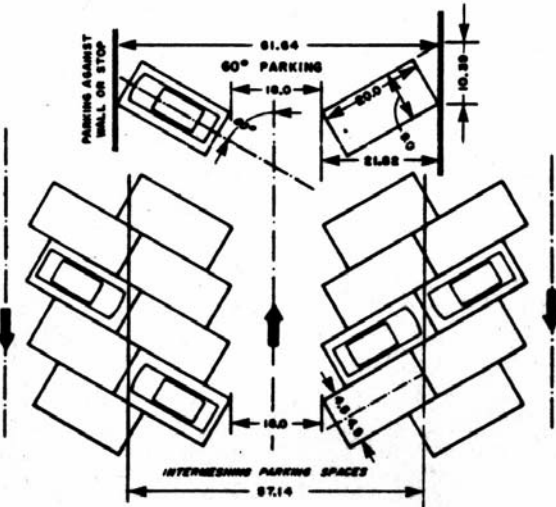
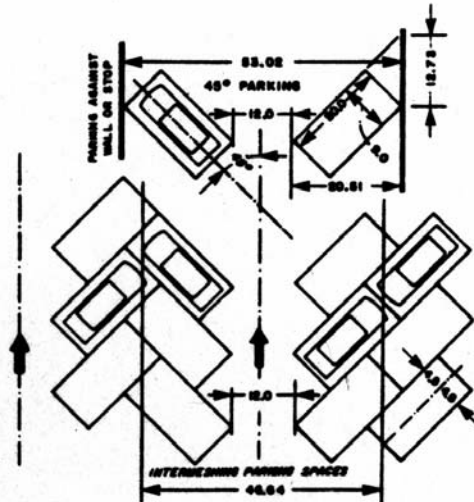
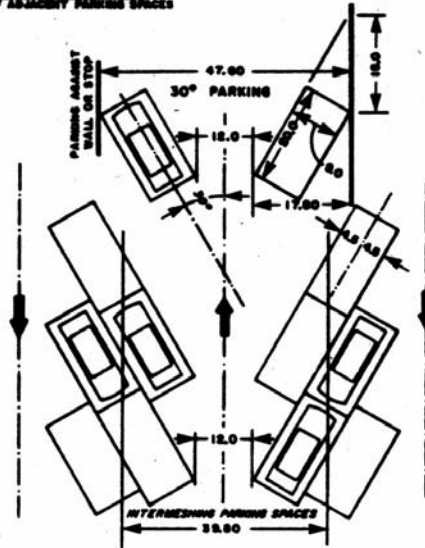
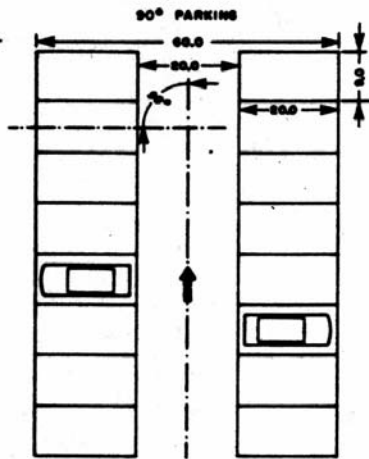
**GENERAL PROVISIONS**

- a) In the cases where floor area is the unit for determining the required number of accessory off-street parking or loading spaces, said unit shall not include any area used for parking within the principal building and shall not include any area used for incidental service storage, installations of mechanical equipment, penthouses, housing ventilators and heating systems, and similar uses;
  - b) In sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each twenty (20) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining the accessory off-street parking of this PART; and
  - c) When the computation of the number of accessory off-street parking or loading spaces required by this By-law results in a requirement of a fractional parking or loading space, any fraction less than one-half (1/2) of a parking or loading space may be disregarded, whereas a fraction of one-half (1/2) or more of a parking or loading space shall be counted as one (1) parking or loading space.
- (11) Plans submitted for approval of an accessory off-street parking or loading area to the Development Officer shall be drawn to scale and fully dimensioned indicating the required parking or loading spaces, maneuvering areas, surfacing, curb cuts, lighting, signs, method of surface drainage and any other requirements as may be required.
- (12) **PARKING LOT DESIGN**
- All multi-space parking lots shall conform to the provisions of the following drawings:

**MINIMUM PARKING SPACE REQUIREMENTS**



NOTE: ALL DIMENSIONS ARE IN FEET OR DECIMALS OF A FOOT.



➡ DENOTES TRAFFIC FLOW

13. **SIGNS**

- (1) No signs or sign structures shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or any highway or street intersection or railroad grade crossing.
- (2) No rotating beam or beam shall be used in connection with any sign display; nor shall any flashing illumination resembling an emergency light be used for such purposes.
- (3) No flashing signs shall be permitted in any zone without the approval of the Council. In any event, no flashing sign shall be permitted within three hundred (300) feet of any residential zone or provincial Roads and Provincial Trunk Highways.
- (4) All signs which:
  - a) are not affixed parallel to and adjoining a wall of a building or structure; or
  - b) are affixed to a structure attached to the ground (including a pole)and which, in the opinion of Council, may create an unsafe or dangerous condition for the passage of vehicles or pedestrians shall have a minimum vertical clearance of nine (9) feet above grade.
- (5) All signs and sign structures shall be kept in repair and in proper state of preservation. Signs which have become obsolete because of discontinuance of the business service or activity, and have not been removed or relocated within thirty (30) days following such condition, may be removed by the Town at the owner's expense.
- (6) No sign or portion thereof shall extend beyond the limits of the site on which it is located. Overhanging signs shall not extend over public property.
- (7) The placing of advertising, business or identification signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate authority.
- (8) The type of business and advertising sign structures shall be subject to the approval of the Council and shall require a Development Permit.

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- (9) Refer to the various zones for specific sign size and type provisions.
- (10) The following signs shall not be subject to the provisions of this By-law, except as otherwise stated herein. This does not relieve the owner or person in control of such signs from erecting and maintaining the signs in a safe condition:
  - a) Signs posted by duly constituted public authorities in the performance of their public duties;
  - b) Flags or emblems of a political, civic, educational or religious organization;
  - c) Temporary signs as may be authorized by Council;
  - d) "No Trespassing" or identification signs not exceeding three (3) square feet;
  - e) Construction signs when placed on construction sites and not exceeding twenty-five (25) square feet;
  - f) Signs required for direction and convenience of the public including signs which identify rest rooms or parking entrance or exit, not exceeding five (5) square feet in area; and
  - g) Real estate signs not exceeding ten (10) square feet which advertise the sale, rental or lease of a building, structure, land, or part thereof.
- [(11) Mobile business signs shall require a Development Permit. A Development Permit for a mobile business sign for a use on a zoning site shall be granted for a period NOT exceeding ninety (90) days, thereafter a new mobile sign permit may NOT be issued for the same use on that zoning site until thirty (30) days has expired.] (B/L 2537)

**14. EXISTING USES PERMITTED**

Existing uses legally established on the effective date of the adoption of this By-law or amendments hereto shall be considered allowed uses in the zones in which they are located. Expansion of said uses shall be limited to the site associated with them on said effective date.

**GENERAL PROVISIONS**

15. **HEIGHT EXCEPTIONS**

The provisions of this By-law shall not apply to limit the height of any ornamental dome, chimney, tower, electrical or telephone transmission line, television or radio mast, steeple, water storage tank, electrical apparatus or the mechanical operation of a building provided that no roof structure or any space above the height limit shall be permitted for the purpose of providing usable floor space or is in danger of being hit by an aircraft during its landing or take-off phase of flight.

The maximum height of all buildings and structures shall be limited if they are located in an area affected by the proximity of an airport facility. In this case, height of buildings or structures shall be subject to recommended Federal Government criteria for development around airports.

16. **PUBLIC MONUMENTS**

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

17. **BUILDING REMOVAL**

- (1) No building or structure shall be moved in whole or in part to any other location unless every portion of the building or structure is made to conform to the regulations of this By-law applying to the zone in which it is located, unless a variation order may be granted to vary the requirements of the By-law.
- (2) 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.

18. **BUILDING GRADE AND SITE DRAINAGE**

All new principal buildings shall have a ground surface elevation and site drainage pattern approved by the Development Officer and a site drainage plan shall be provided upon request.

**19. FUTURE ROAD DEEMED EXISTING**

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

**20. PARTY WALLS**

- (1) A building divided into units of residential, commercial or industrial uses may be subdivided along party walls to permit the sale of individual units.
- (2) The applicable side yard requirements for those side site lines contained within the party walls shall be automatically reduced to zero.

**21. TOWERS**

All communication towers located on ground level shall be of a free-standing design.

**PART V - ZONES**

**1. CLASSIFICATION OF ZONES**

In order to carry out the intent and purpose as set forth in PART I of this By-law, the following zones are hereby established in the Town of Virden.

- (1) "RS" RESIDENTIAL SINGLE-FAMILY ZONE
- (2) "RT" RESIDENTIAL TWO-FAMILY ZONE
- (3) "RM" RESIDENTIAL MULTIPLE-FAMILY ZONE
- (4) "RMH" RESIDENTIAL MOBILE HOME ZONE
- (5) "OR" OPEN SPACE/RECREATIONAL ZONE
- (6) "I" INSTITUTIONAL ZONE
- (7) "CC" COMMERCIAL CENTRAL ZONE
- (8) "CL" COMMERCIAL LINEAR ZONE
- (9) "CH" COMMERCIAL HIGHWAY ZONE
- (10) "ML" INDUSTRIAL LIGHT ZONE
- (11) "MH" INDUSTRIAL HEAVY ZONE

**2. ZONING MAP**

- (1) The location and boundaries of the zones listed in Section 1. above are shown upon a Zoning Map attached hereto, and marked as Appendix A to this By-law. The said Zoning Map forms a part of this By-law. All notations, references and other information shown thereon, together with any amendments made by amending by-laws from time to time and shown thereon, together with any amendments to boundaries in the case of any street, lane or public utility right-of-way closing as provided in Section 4 of this PART, shall be as much a part of this By-law as if the matters and information set forth by the said Zoning Map were fully described herein.

- (2) The scale and all dimensions of the Zoning Map are in feet.
- (3) All plan references on the Zoning Map pertain to registered plans filed in the Brandon Land Titles Office.
- (4) The abbreviations noted on the Zoning Map mean the following:
  - a) Pcl. means Parcel;
  - b) Pt. means Part;
  - c) RGE. means Range;
  - d) R.M. means Rural Municipality;
  - e) SEC. means Section;
  - f) BLK. means Block
  - g) TWP. means Township; and
  - h) W.P.M. means West of Principal Meridian.

**3. INTERPRETATION OF ZONE BOUNDARIES**

- (1) Boundaries indicated as approximately following:
  - (a) the centerlines of railway or public utility rights-of-way;
  - (b) the centerlines of streets, highways or lanes;
  - (c) lot, site or holding lines; or
  - (d) municipal limits;shall be construed as following those lines or limits.
- (2) A heavy broken line with short double dashes represents the zoning map boundary. A heavy long broken line with short single dashes represents zone boundaries. When the zone boundary is broken by the name of a street, it shall be construed that the boundary continues through the name of the street. Where the limit of a zone boundary and the zoning map is co-terminus, the zoning map limit shall constitute the limits of the zone boundary;
- (3) Notwithstanding that streets, lanes, avenues, footpaths, walkways, roads, highways, public squares, government road allowances, public utility rights-of-way or other means of communication may be included within zone boundaries, the regulations contained in this By-law shall not be deemed to be applicable to said streets, lanes, avenues, footpaths, walkways, roads, highways, public squares, government road allowances, public utility rights-of-way or other means of communication;

4. **ZONING OF CLOSED STREETS, LANES, ETC.**

If a street, lane, avenue, footpath, walkway, road, highway, public square, government road allowance, public utility right-of-way or other means of communication (hereinafter referred to as the "feature") shown on a Zoning Map is lawfully closed, the Council shall forthwith amend this By-law to determine the zoning status of the land formerly comprising the "feature". Until such land is formally zoned by an amending by-law, no building or structure or any land use development shall take place on said land.

**PART VI – RESIDENTIAL ZONES**

**1. GENERAL**

The Residential Zones established in this By-law are intended to zone areas for various types of residential development, and to regulate development within these areas, in accordance with the policies set forth in the Virden-Wallace Planning District Development Plan.

**2. INTENTS OF ZONES**

(1) "RS" - RESIDENTIAL SINGLE-FAMILY ZONE

This zone primarily provides for development of municipally serviced low density, detached dwellings for individual families.

(2) "RT" - RESIDENTIAL TWO-FAMILY ZONE

This zone primarily provides for the development of municipally serviced moderate density, detached or semi-detached dwelling buildings, either type designed for two families each having exclusive occupancy of an individual dwelling unit. Single-family dwellings are also allowed in this zone.

(3) "RM" - RESIDENTIAL MULTIPLE-FAMILY ZONE

This zone primarily provides for the development of municipally serviced high density residential buildings including triplexes, fourplexes, townhouses, garden apartments, and apartment buildings.

(4) "RMH" - RESIDENTIAL MOBILE HOME ZONE

This zone primarily provides for the development of municipally serviced land where spaces may be leased for the placement of mobile homes in mobile home parks or sites may be purchased for the placement of mobile homes in mobile home subdivisions.

3. **GENERAL PROVISIONS**

The general provisions applying to all RESIDENTIAL ZONES are contained within this PART. Also applying to these zones are the provisions of PART II "DEFINITIONS", PART III "ADMINISTRATION", PART IV "GENERAL PROVISIONS", PART V "ZONES" AND "APPENDIX "A".

4. **ACCESSORY BUILDINGS, STRUCTURES AND USES (INCLUDING PARKING SPACES, LOADING SPACES AND SIGNS)**

In the Residential Zone, accessory buildings, structures and uses include, but are not limited to, the following (see also Section 12 and 13, PART IV).

- (1) A children's playhouse, a garden house, private greenhouse, summer house and private swimming pool.
- (2) A private garage or carport, covered patio, toolhouse, shed and other similar buildings and structures for the storage of domestic equipment and supplies.
- (3) A parabolic dish antenna (satellite dish) as regulated in Section 12 of this PART.
- (4) Accessory OFF-STREET PARKING as provided for in PART IV Section 11 and this PART (TABLE 1).

**TABLE ONE  
PARKING SPACE REQUIREMENTS FOR RESIDENTIAL ZONES**

USE	NUMBER OF PARKING SPACES REQUIRED
Single-Family Dwelling Two-Family Dwelling Mobile Home Multiple-Family Dwelling of 1-4 Units	1 per Dwelling Unit
Mobile Home Park	1 per mobile home space plus 1 unassigned visitor parking space per 5 dwelling units
Mobile Home Subdivision Multiple –Family Dwelling – Family Dwelling of 5 and more units	1 per mobile home site 1.5 per dwelling unit (25% of which are unassigned visitor parking spaces)
Personal Care Home	1 per employee plus 1 unassigned visitor parking space per 7 residents
Seniors Apartment	1 per dwelling unit
Churches	1 for each ten (10) seats in the principal assembly area but not less than ten (10) spaces
Community Centers	1 for every eight (8) persons of the total building capacity
Hospitals	To be determined by Council, but not less than one (1) space for each staff position and ten (10) spaces for visitors
Libraries	To be determined by Council, but not less than one (1) space for each staff position and three (3) spaces for customers.

- (5) Buildings and structures for the operation, maintenance and administration of, or accessory to, park and recreation uses.
- (6) ACCESSORY SIGNS AND CONDITIONAL BUSINESS SIGNS as provided for in PART IV, Section 13, including only the following:
  - a) One (1) identification sign per site with a maximum surface area of seven (7) square feet; and
  - b) One (1) bulletin board not exceeding thirty-two (32) square feet, in conjunction with a church, school, community centre or club, library or park or playground.
  - c) One (1) business sign for certain uses such as mobile home park, personal care home, community center, etc., not exceeding thirty-two (32) square feet.
  - [d) Notwithstanding subsection 13(11) of Part IV General Provisions, one mobile business sign with a maximum of sign surface area of 48 square feet per side for a church, community centre or club, library, park or playground on a site under its control for a maximum of fourteen (14) days for the advertisement of a special event to take place on the premises upon which the mobile sign is located.] **(B/L 2537)**
- (7) In a Mobile Home Park the following accessory buildings and structures are permitted in addition to those listed above:
  - a) Service Building;
  - b) Storage compound; and
  - c) Recreational facilities.

5. **RESIDENTIAL USE TABLE DESCRIPTION**

**RESIDENTIAL**

TABLE TWO "RESIDENTIAL USES" lists all uses that are:

- (1) "P", Permitted;
- (2) "C", Conditional; and
- (3) "-", Not Permitted.

in the RESIDENTIAL ZONES. All listed uses are subject to the provisions contained herein. No land shall be used or occupied and no building or structure shall be erected, relocated, altered, used or occupied hereafter for any use in any Residential Zone other than a use listed as permitted or conditional in TABLE TWO.

- (4) Any use listed as a conditional use in TABLE TWO shall comply with Section 8 of PART III of this By-law and Section 59 of the Planning Act.

**6. RESIDENTIAL BULK REQUIREMENTS TABLE DESCRIPTION**

TABLE THREE "RESIDENTIAL BULK REQUIREMENTS" sets forth the bulk requirements for uses in the RESIDENTIAL ZONES in which they are Permitted or Conditional Uses.

- (1) These regulations are intended to provide for adequate space for the buildings, vehicular parking, and private outdoor recreation areas, as well as to provide for convenient access for vehicles and pedestrians for sufficient space for natural light and air to penetrate all windows, and to provide setbacks from site lines for the purposes of privacy, maintenance of the building or structure, and fire protection.
- (2) The owner shall maintain the minimum site area, site width, site depth, required yards and other requirements specified herein for any use. Furthermore, the minimum requirements allocated to a use as specified by this By-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the requirements for any other use.
- (3) No land shall be subdivided into sites, unless each site conforms with the bulk regulations as set forth in TABLE THREE, or unless a variation order is approved in accordance with Sections 57 and 58 of The Planning Act and Section 9 of PART III of this By-law.

- (4) No required yard shall be reduced below the minimum requirements as set forth in TABLE THREE unless a variation order is approved in accordance with Sections 57 and 58 of The Planning Act and Section 9 of PART III of this By-law.

**TABLE TWO  
RESIDENTIAL USES**

LEGEND: P – PERMITTED C - CONDITIONAL - - NOT PERMITTED	ZONES			
	RS	RT	RM	RMH
USE				
Accessory Use, Buildings and Structures (See Section 4 of this PART)	P	P	P	P
[Bed and Breakfast Establishments (maximum of 4 guest rooms)](B/L 2587)	C	C	-	-
Boarding, Lodging and Rooming Houses (up to 4 boarders)	C	C	P	-
Child Care Services				
Home Day Care	P	P	P	P
Group Day Care	C	C	C	-
Churches, Church Halls, Church Educational and Administration facility, manse	P	P	P	P
Community Centres and Clubs	C	C	C	C
Dwellings				
Single-Family	P	P	-	-
Two-Family	-	P	-	-
Multiple-Family	-	-	P	-
Mobile Homes	-	-	-	P
[Home Occupations – see Section 18	P	P	C	C
Home Industry – see Section 18] (B/L 2597)	C	C	-	-
Mobile Home Park, Mobile Homes Subdivision (see Section 17 of this PART)	-	-	-	P
Existing Uses (see Section 14 of PART IV and Section 11 of PART III	P	P	P	P
Fire and Police Stations	C	C	C	C
Parks and Playgrounds	P	P	P	P

**RESIDENTIAL**

**TABLE TWO  
RESIDENTIAL USES**

LEGEND: P – PERMITTED C - CONDITIONAL - - NOT PERMITTED	ZONES			
	RS	RT	RM	RMH
USE				
Personal Care Homes	-	C	C	-
Public Utilities	P	P	P	P
Residential Care Facilities for four or fewer persons providing foster care to children or providing foster care to children or providing residential service for adults who may be post-mentally ill, mentally retarded or otherwise developmentally delayed, including care and supervision.	P	P	P	-
Residential care facilities for more than four persons providing residential services, including care and supervision for children who are under the care of an agency as defined by the Child Welfare Act or adults who may be post-mentally ill, mentally retarded or otherwise developmentally delayed	C	C	C	-
Residential care facilities providing limited care and supervisions for adults including half-way type homes for parolees and single parents as well as rehabilitation homes for drug or alcohol related problems and similar uses.	C	C	C	-
Schools	P	P	-	-
Signs, Businesses	C	C	C	C

**RESIDENTIAL**

**TABLE THREE  
RESIDENTIAL BULK REQUIREMENTS**

PERMITTED OR CONDITIONAL USE	ZONES	MINIMUM						MAXIMUM		
		Site Area (sq.ft.)	Site Width (ft.)	j, k Front Yard (ft.)	e Side Yard (ft.)		Rear Yard (ft.)		m Height (ft.)	Site Coverage (%)
					Interior	Corner	lane	no lane		
Accessory Building, Structures and uses	RS	N/A	N/A	g	4	12c,i	5f	4	15	10
	RT	N/A	N/A	g	4	12c,i	5f	4	15	10
	RM	N/A	N/A	g	4	12c,i	5f	4	15	10
	RMH	N/A	N/A	g	4	12c,i	5f	4	15	10
[Bed and Breakfast Establishments] (B/L 2587)	RS	6,000	55	25	5a	12c	25	30	30	40
	RT	6,000	55	25	5a	12c	25	30	30	40
Boarding, Rooming, and Lodging Houses	RS	5,000	50	25	5a	12c	25	25	30	35
	RT	6,600	55	25	5a	12c	25	25	30	40
	RM	10,000	100	25	15b	15bc	25	25	70	50
Child Care Services: Home Day Care	RMH-Park	4,000	40	15	5d	10c	5	5	20	50
	RMH-Subd.	5,000	50	15	5a	12c	5	15	20	60
	RS	5,000	50	25	5a	12c	25	25	30	40
	RT	5,000	50	25	5a	12c	25	25	30	40
	RM	10,000h	100	25	15b	15bc	25	25	70	50
Group Day Care	RS	5,000	50	25	5a	12c	25	25	30	40
	RT	6,600	55	25	5a	12c	25	25	30	40
	RM	10,000h	100	25	15b	15b	25	25	70	35
Churches and Church Halls	RS	15,000	100	25	12	15c	10	20	30	55
	RT	15,000	100	25	12	15c	10	20	30	55
	RM	15,000	100	25	12	15c	10	20	30	55
	RMH	15,000	100	25	12	15c	10	20	30	55

**TABLE THREE  
RESIDENTIAL BULK REQUIREMENTS**

PERMITTED OR CONDITIONAL USE	ZONES	MINIMUM							MAXIMUM	
		Site Area (sq.ft.)	Site Width (ft.)	j, k Front Yard (ft.)	e Side Yard (ft.)		Rear Yard (ft.)		m Height (ft.)	Site Coverage (%)
					Interior	Corner	lane	no lane		
Community Centres and Clubs	RS	20,000	100	25	15	15c	15	10	30	50
	RT	20,000	100	25	15	15c	15	10	30	50
	RM	20,000	100	25	15	15c	15	10	30	50
	RMH	20,000	100	25	15	15c	15	10	30	50
Dwellings: - Single-Family Dwellings	RS	5,000	50	25	5a	12c	25	25	30	35
	RT	5,000	50	25	5a	12c	25	25	30	35
- Two-Family Dwellings	RT	6,600	55	25	5a	12c	25	25	30	40
- Multiple Family Dwellings	RM	10,000 <sup>h</sup>	100	25	15b	15bc	25	25	70	50
- Mobile Home Space in Mobile Home Park	RMH	4,000	40	15	5d	10c	5	5	20	60
- Mobile Home Sites in Mobile Home Subdivision	RMH	5,000	50	15	5d	12c	5	15	20	50
Fire Stations and Police Stations	RM	10,000	100	25	15b	15c	25	25	30	35
	RS	10,000	100	25	15b	15c	25	25	30	35
	RT	10,000	100	25	15b	15c	25	25	30	35
	RMH	10,000	100	25	15b	15c	25	25	30	35
Parks and Playgrounds	RS	5,000	50	30	15	15	25	25	15	N/A
	RT	5,000	50	30	15	15	25	25	15	N/A
	RM	5,000	50	30	15	15	25	25	15	N/A
	RMH	5,000	50	30	15	15	25	25	15	N/A

**RESIDENTIAL**

**TABLE THREE  
RESIDENTIAL BULK REQUIREMENTS**

PERMITTED OR CONDITIONAL USE	ZONES	MINIMUM						MAXIMUM		
		Site Area (sq.ft.)	Site Width (ft.)	j, k Front Yard (ft.)	e Side Yard (ft.)		Rear Yard (ft.)		m Height (ft.)	Site Coverage (%)
					Interior	Corner	lane	no lane		
Personal Care Homes	RT	10,000h	100	25	10	15bc	25	25	30	35
	RM	10,000h	100	25	10	15bc	25	25	30	35
Public Utilities	RS	5,000	50	25	10	15	25	25	30	25
	RT	5,000	50	25	10	15	25	25	30	25
	RM	5,000	50	25	10	15	25	25	30	25
	RMH	5,000	50	25	10	15	25	25	30	25
Residential Care Facilities: - Four or fewer persons	RS	5,000	50	25	5a	12c	25	25	30	35
	RT	6,600	55	25	10	15bc	25	25	30	35
	RM	10,000h	100	25	15b	15bc	25	25	70	50
- More than four persons also Halfway or Rehabilitation Homes	RS	6,600	55	25	5a	12c	25	25	30	40
	RT	6,600	55	25	5a	12c	25	25	30	40
	RM	10,000h	100	25	15b	15bc	25	25	70	50
Schools	RS	217,800	200	40	25	25	40	40	40	30
	RT	217,800	200	40	25	25	40	40	40	30
	RM	217,800	200	40	25	25	40	40	40	30
Other Permitted or Conditional Uses	RS	6,600	55	25	5a	12c	25	25	30	30
	RT	6,600	55	25	5a	12c	25	25	30	40
	RM	6,600	55	25	5a	12c	25	25	30	40
	RMH	6,600	55	25	5a	12c	25	25	30	40

**RESIDENTIAL**

**Explanations and Exceptions to the Bulk Requirements of TABLE THREE are as follows:**

- a)
  - i) Five (5) feet with a public lane at the rear of the site.
  - ii) Six (6) feet for a dwelling having more than one storey with a public lane at the rear of the site.
  - iii) Without a public lane at the rear of the site, one side yard shall be 12 feet except where there is a garage or carport at the side of the main building in which case the side yards shall be five (5) feet for a one storey building or six (6) feet for a building having more than one storey.
- b)
  - i) Or one-half of the height of the building, whichever is greater.
  - ii) Minimum distance between adjacent main buildings on the same site shall be the average height of the adjacent buildings.
- c) The side yard on the street side of a reverse corner site shall be twenty (20) feet.
- d)
  - i) On that side of the mobile home containing the main entrance and/or window to the living room, the minimum side yard shall be fifteen (15) feet.
  - ii) Subject to (i) above, where there is no lane to the rear of the mobile home site or space, one side yard shall be a minimum of fifteen (15) feet. In no case shall adjacent mobile homes be less than ten (10) feet apart.
- e) Side yards which accommodate an accessory off-street parking space or driveway shall be a minimum of twelve (12) feet in width.
- (f) Where a private garage has its vehicle entrance doors facing a lane, the garage must have a rear yard of ten (10) feet where the lane is 16 feet wide or less, otherwise a rear yard of 5 feet.
- (g) Detached accessory buildings and structures shall be located to the rear of the front wall of the principal building and to the rear of the front walls of any adjacent principal buildings.
- (h) The minimum site area shall be ten thousand (10,000) square feet for the first three (3) dwelling units and an additional one thousand (1,000) square feet for each unit thereafter.
- (i) When located to the rear of the main building and the site is a reverse corner site in which

case the minimum side yard on the street side shall be the same as the main building.

- (j) The minimum front yard requirement for a zoning site, where forty (40) percent of the sites along the entire frontage have been developed with principal buildings shall be the average of the front yard depths established by the existing principal buildings, provided such average is less than the minimum bulk requirements.
- (k) Buildings, structures and hedges adjacent to Provincial Trunk Highways and also its intersection with Main Street shall have a setback in accordance with regulations of the Highway Protection Act or as varied by the Highway Traffic Board.
- (m) See Section 15 - PART IV of this By-law.

**7. NUMBER OF PRINCIPAL BUILDINGS OR USES ON A SITE OF LAND**

- (1) Not more than one (1) of the following principal buildings or uses shall be permitted on one (1) site:
  - a) single-family dwelling
  - b) two-family dwelling
  - c) multiple-family dwelling
- (2) Not more than one (1) mobile home shall be permitted on one (1) registered space in a mobile home park or on one (1) parcel in a mobile home subdivision.

**8. DWELLING UNIT - MINIMUM SIZE**

- (1) The minimum floor area of a single-family dwelling unit shall be eight hundred (800) square feet;
- (2) The minimum floor area of a two-family dwelling or mobile home shall be six hundred (600) square feet for each dwelling unit; and
- (3) The minimum floor area of a three-family, four family or other multiple-family dwelling shall be four hundred and eighty (480) square feet for each dwelling

unit.

**9. BASEMENT DWELLING UNIT**

A basement may be occupied as a dwelling unit subject to the provisions of the Public Health Act. A cellar shall not be used as a dwelling unit.

**10. MULTIPLE-FAMILY DEVELOPMENT**

(1) In addition to the information required by Section 5.(5) of PART III, a development application for a multiple-family dwelling in the "RM" zone shall be accompanied by plans, drawn to scale, showing the following:

- a) The location of entrance and loading points to existing and proposed structures;
- b) The location of all curb cuts, driveways, parking areas and loading areas, and the method of illumination;
- c) The location and type of landscaping, walls, fences and screening; and

(2) Open Yard Area shall be provided for the multiple-family dwelling on the same site as the main building in accordance with the following schedule:

<u>Type of Dwelling Unit</u>	<u>Minimum Open Yard Area</u>
Sleeping Suite,	250 sq. ft. per dwelling unit
Bachelor Suite,	250 sq. ft. per dwelling unit
One Bedroom Suite,	300 sq. ft. per dwelling unit
Two Bedroom Suite,	575 sq. ft. per dwelling unit
Three Bedroom Suite,	950 sq. ft. per dwelling unit
Four or more	1,325 sq. ft. per Bedroom Suite dwelling unit

**11. PROJECTIONS INTO REQUIRED YARDS**

Required yards shall be unobstructed from ground level to the sky, except as set forth in the BULK TABLES of this PART and as follows:

(1) Eaves and chimneys may project into any required front, side or rear yard, a distance of not more than (3) feet, provided that in no case shall an eave or

chimney project within two (2) feet of a side site line.

- (2) Open and unenclosed stairways not covered by a roof or canopy, may extend or project into a required front yard not more than three (3) feet.
- (3) Open and unenclosed porches, platforms, patios, and balconies not covered by a roof or canopy, which do not extend above the level of the first storey of the building, may project into any required side or rear yard not more than twelve (12) feet provided the width of the open and unobstructed portion of the required side yard is not reduced to less than two (2) feet, and may project into any required front yard not more than ten (10) feet.
- (4) Fences, hedges and lamp posts shall not exceed a height of six (6) feet above finished grade in the side and rear yards except in the case of fences required under various Government Regulations. A fence, hedge, trellises or protection around ramps shall not exceed two (2) feet above ground level in the front yard. Regarding a reverse corner site, a fence shall be a set back twelve (12) feet from the side site line on the street side.
- (5) Landscape features, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side or rear yard provided they do not produce a hedge effect contrary to the provisions of subsection (4) above.
- (6) Uncovered sidewalks, handicapped access structures, driveways and accessory parking spaces are permitted in all yards with the exception that no permanent automobile parking shall be permitted in a required front yard.
- (7) Trellises, arbours, retaining walls, flagpoles, lighting fixtures, and similar features are permitted in all yards.
- (8) Air conditioners and air exchangers of a size required to be mounted on the ground surface may be placed in any yard but must be located a minimum distance of fifteen (15) feet from any site line.

## **12. SATELLITE DISH ANTENNAS**

### **RESIDENTIAL**

- (1) No person shall erect or maintain in a Residential Zone any satellite dish antenna, unless the following requirements can be fulfilled:
  - a) No portion of the satellite dish antenna shall be permitted closer to the front site line than the principal building's front wall is to the front site line;
  - b) No portion of the satellite dish antenna shall be permitted closer to the side site line than:
    - i) two (2) feet in the case of an interior side yard, except that where it may obstruct the light or view from the window of a habitable room of a building located on an adjacent site, it shall not be located closer than five (5) feet to the side site line;
    - ii) ten (10) feet in the case of the street side of a corner site; and
    - iii) twenty (20) feet in the case of the street side of a reverse corner site.
  - c) No portion of the satellite dish antenna shall be located closer than two (2) feet to the rear site line, except that where it may obstruct the light or view from the window of a habitable room of a building located on an adjacent site, it shall not be located closer than five (5) feet to the rear site line;
  - d) Where a satellite dish antenna is structurally attached to a principal or accessory building, the vertical clearance between the exterior roof finish and the bottom extremity of the dish shall not exceed three (3) feet; and
  - e) Where a satellite dish antenna is structurally attached to a mast, truss, or other similar freestanding structure, the clearance between grade and the bottom extremity of the dish shall not exceed the height of the principal building.
- (2) Where the owner can demonstrate to the satisfaction of Council that strict compliance with the requirements specified in subsection (1) would prevent

effective reception of a satellite signal, these requirements shall not apply. In such cases, Council shall determine a suitable position and height which, in its opinion, would least affect the owners of adjacent sites.

- (3) Where a satellite dish antenna is structurally attached to a building, the Development Officer may require a professional engineer or other qualified person to certify the structural stability and safety of the installation at the expense of owner.

**13. NOXIOUS OR OFFENSIVE USES**

Notwithstanding anything herein contained, no use shall be permitted in any zone under this PART which may be noxious or offensive by reason of the emission or production of odor, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise.

**14. MULTIPLE USES**

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

**15. DWELLING UNIT AND HABITABLE BUILDING LOCATION WITH RESPECT TO SANITATION FACILITIES**

New dwellings or buildings where people spend their work day on a daily basis shall not be located within one thousand three hundred and twenty (1320) feet of a waste disposal ground or a setback distance from the sewage treatment property as recommended by the local Health Inspector.

**16. LOCATION OF RESIDENCES WITH RESPECT TO COMMERCIAL PROPANE AND BULK OIL STORAGE BUILDINGS AND STRUCTURES**

New dwellings or buildings containing dwelling units shall be setback from commercial propane and bulk oil storage buildings and structures the same distance as required to be set back under the Canadian Transport Commission and/or the Manitoba Fire Commissioners Office.

**17. "RMH" MOBILE HOME AND MOBILE HOME PARK AND SUBDIVISION REGULATIONS (IN ADDITION TO THE PRECEDING BULK**

**REGULATIONS)**

The following additional requirements shall apply to mobile homes and accessory buildings and structures in an area designated "RMH" Residential Mobile Home Zone.

(1) MOBILE HOME PARK REGULATION

A mobile home park shall contain a minimum of ten (10) mobile home spaces and shall have a minimum site width of two hundred (200) feet.

(2) BUFFER AREA

A buffer area at least twenty (20) feet in width shall be provided within and adjacent to the perimeter of the mobile home park property.

(3) DEVELOPMENT OF THE BUFFER AREA

- a) The buffer area provided in subsection (2) above shall be developed as an area suitably landscaped with trees, shrubs, grass and similar features; and
- b) The buffer area may be crossed by an access right-of-way a minimum of fifty (50) feet in width containing a concrete, gravel, or asphalt driveway from a street to the internal roadway system.

(4) MOBILE HOME PARK INTERNAL ROADWAY SYSTEM

Internal roadways within a mobile home park or mobile home subdivision shall be as follows:

- a) The internal roadway system shall have a right-of-way a minimum of fifty (50) feet in width; and
- b) The internal roadway system shall have a concrete or asphalt or gravel surface a minimum of twenty-five (25) feet in width.

(5) DISTANCE FROM STORAGE COMPOUND, COMMON PARKING, SERVICE BUILDING

A mobile home shall be a minimum distance of twelve (12) feet away from a storage compound or a common parking area and twenty (20) feet from a service building in a mobile home park or subdivision.

(6) REQUIRED SERVICES FOR SPACE OR SITE

A mobile home space or mobile home site shall be provided with the following:

- a) A sewer connection;
- b) An approved potable water supply system that is satisfactory to Council;
- c) An electrical service outlet; and
- d) An adequate base support for the mobile home.

(7) REQUIRED SERVICES FOR MOBILE HOME PARK OR MOBILE HOME SUBDIVISION

A mobile home park or subdivision shall be provided with:

- a) An adequate street lighting system, and an adequate street drainage system satisfactory to Council; and
- b) Any other services that Council considers necessary for the public health and safety.

(8) LOCATION OF ACCESSORY BUILDINGS AND STRUCTURES

- a) Notwithstanding anything herein, no detached accessory building shall be located nearer a mobile home, including a mobile home on an adjoining space, than a distance of four (4) feet clear of all projections. Detached accessory buildings shall be located only in the rear and side yards; and
- b) There shall be a minimum side yard of two (2) feet between the side site line of a mobile home site or the side boundary of a mobile home

space and the required parking space.

(9) **ACCESSORY STRUCTURES AND BUILDINGS**

All structures and buildings such as porches, additions, carports, private garages, skirting and storage facilities shall be painted or pre-finished and maintained so that the design, construction and maintenance, in the opinion of the Council, will compliment the main structure.

(10) **SITE PLANS - REQUIREMENTS**

Plans submitted to Council for approval of a mobile home park or subdivision shall be drawn to scale and fully dimensioned indicating landscaping, access roads, mobile home spaces, buffers, storage compounds, common recreational area, retention of surface run-off and parking; and shall include such other information as may be necessary to determine conformance with this By-law.

(11) **MOBILE HOME STANDARDS**

All new mobile homes must meet all structural standards as determined by The Buildings and Mobile Homes Act, Chapter B93, R.S.M. 1987.

[18. **HOME OCCUPATIONS AND INDUSTRIES**

(a) **INTENT**

Certain uses carried out within the confines of a residential dwelling or within an accessory building on a property zoned as Residential, and are beneficial to the community in general, may be permitted if such uses are incidental to the residential nature of the property and are compatible with the residential character of the neighbourhood.

(b) **HOME OCCUPATIONS, REQUIRED CONDITIONS**

1. Home Occupations must be carried out within the confines of the occupant's residential dwelling unit.
2. There shall be no exterior storage of business equipment, materials, merchandise or inventory.

**RESIDENTIAL**

3. The area set aside for home occupations shall not exceed 20% of the total floor area of such residence.
4. Permitted home occupations shall not include the employment of any persons not residing on the premises in the performance of the occupation.
5. Signs shall require a building permit and shall be non-illuminated and non-flashing and limited to one-maximum of 2' x 3' attached to the building face.
6. Parking for business vehicles shall be limited to one.
7. No toxic matter, explosive, flammable, combustible, corrosive, radioactive, or other restricted material may be used, stored, or produced.
8. No alteration of the residential appearance of the premises is permitted. This includes the installation of separate entrances.
9. Parking requirements must be met by the existing driveway. No additional parking spaces will be permitted.
10. In no case shall the home occupation be open to the public at times earlier than 8:00 a.m. nor later than 10:00 p.m.

(c) HOME INDUSTRIES, REQUIRED CONDITIONS

1. Home Industries must be carried out within the confines of an accessory building on the occupant's residential lot.
2. There shall be no exterior storage of business equipment, materials, merchandise or inventory.
3. Permitted home industries shall not include the employment of any persons not residing on the premises in the performance of the occupation, unless otherwise approved by Council.
4. Signs shall require a building permit and shall be non-illuminated and

non-flashing and limited to one-maximum of 2' x 3', attached to the face of the residential unit or the accessory building.

5. Parking for business vehicles shall be limited to two.
6. Additional parking requirements for customers may be provided in the rear yard. No additional parking spaces will be permitted in any front yard or side yard.
7. No toxic matter, explosive, flammable, combustible corrosive, radioactive, or other restricted material may be used, stored, or produced.
8. No alteration of the residential appearance of the premises is permitted.
9. In no case shall the home industry be open to the public at times earlier than 8:00 a.m. nor later than 10:00 p.m.
10. Uses that produced noise levels above levels normally associated with a residential area will not be permitted.

(d) **PERMITTED HOME OCCUPATIONS AND INDUSTRIES**

Because of the diversity of businesses it is not possible to list all business that would be permitted as either Home Occupations or Home Industry. The following list provides examples of permitted home occupations and industries. This list should be used only as a guide to judge the suitability of occupations not on the list. Uses of a similar nature would be permitted as well.

**HOME OCCUPATIONS**

- Computer sales and programming
- Consulting service (engineering, computer, planning, oil and gas, environmental
- Bookkeeping, accounting, investment counseling
- Business office associated with a permitted Home Industry
- Craft manufacturing and sales (paintings, stained glass, pottery, ceramics, jewellery)
- Drafting, computer graphics, interior design
- Dress making, sewing

**RESIDENTIAL**

- Electronics, and small household appliance sales and repair
- Home day care
- Photography
- Real estate and insurance
- Tutoring, music, dance and singing training
- Personal Services (hairdressing and barbering, licensed massage therapists, reflexology)

**HOME INDUSTRY**

In addition to all businesses permitted under Home Occupations the following examples are types of business that would qualify as Home Industries.

- Commercial printing
- Building trades (carpentry, electricians, plumbing)
- Small engine and equipment sales and repair
- Large household appliances repair (stoves, dryers, etc.)
- Upholstery (household and auto)
- Signs

(e) **USES NOT PERMITTED AS HOME OCCUPATIONS AND HOME INDUSTRIES**

The following uses, by the nature of the investment or their requirement for outside storage or vehicles, inventory and equipment, have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations or home industries and thereby impair the use, safety and value of a residentially zoned area.

These uses, or uses similar in nature, should be located in either commercial or industrial zoned areas;

- Ambulance Service
- Auto wrecking
- Automobile repair
- Auto body repair and painting
- Adult massage parlours
- Dog Kennels
- Restaurants
- Tow truck services

**RESIDENTIAL**

- Vehicle sales
- Welding, metal fabrications
- Septic Services
- Fuel Services

(f) TRANSFER OF PERMITS

Permits are not transferable. A re-application would be required and all policy requirements would have to be met before a new permit is issued.

(g) DURATION OF PERMIT

Permits for Home Occupations or Home Industries are for a period of two years from the date of issue. Permits may be revoked for failure to comply with any of the conditions outlined on the permit.

(h) RE-APPLICATION FOR PERMIT

Applications for renewal may be approved by the Development Officer if Council is satisfied the original terms and conditions have been satisfied and there have been no valid complaints from neighbouring landowners. Where valid concerns have been expressed, Council may convene a hearing. The application may be subsequently approved as proposed, approved with new conditions, or rejected.](B/L 2597)

## **PART VII - COMMERCIAL AND INDUSTRIAL ZONES**

The Commercial and Industrial Zones established in this By-law are intended to provide areas for various types of commercial and industrial development, and to regulate development within these zones, in accordance with the policies set forth in The Virden-Wallace Planning District Development Plan.

### **1. INTENTS OF ZONES**

(1) "CC" COMMERCIAL CENTRAL ZONE

This zone primarily provides for the development of the high density central business district comprised of retail, office, service and associated commercial uses with a complementary residential component and large multiple-family dwellings (apartment blocks).

(2) "CL" COMMERCIAL LINEAR ZONE

This zone primarily provides for the development of a variety of municipally serviced commercial uses along major roads.

(3) "CH" COMMERCIAL HIGHWAY ZONE

This zone primarily provides for the development of municipally serviced commercial uses servicing the travelling public and for those uses which require large sites or locations on a major highway.

(4) "ML" INDUSTRIAL LIGHT ZONE

This zone primarily provides for municipally serviced light manufacturing and warehousing uses which carry on their operations in such a manner that no nuisance factor is created or emitted outside an enclosed building. Outside storage is permitted as provided for herein.

(5) "MH" INDUSTRIAL HEAVY ZONE

This zone primarily provides for a wide range of municipally serviced industrial uses where a certain level of nuisance factors must be accepted as characteristic of the use. Wherever practical, they 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.

## 2. **GENERAL PROVISIONS**

The general provisions applying to all COMMERCIAL AND INDUSTRIAL ZONES are contained within this PART. Also applying to these zones are the provisions of PART II "DEFINITIONS", PART III "ADMINISTRATION", PART IV "GENERAL PROVISIONS", PART V "ZONES" AND "APPENDIX "A".

## 3. **ACCESSORY BUILDINGS, STRUCTURES AND USES INCLUDING PARKING SPACES, LOADING SPACES AND SIGNS**

In the Commercial and Industrial Zones, accessory buildings, structures, and uses include, but are not limited to, the following (see also Section 12 and 13, PART IV):

- (1) An accessory dwelling unit (including those buildings and structures accessory to a residence as provided for in PART VI, Section 4) as regulated in Section 4 of this PART.
- (2) The production, processing, cleaning, servicing, altering, testing, repair or storage of goods or a building or structure so used, normally incidental to the principal use.
- (3) A retail or commercial use which is incidental to a permitted industrial use.
- (4) Accessory signs and Conditional Advertising Signs, as provided for in PART IV Section 13, including only the following:
  - (a) Advertising, Business and identification signs;
  - (b) A maximum of two (2) signs per business; and
  - (c) A total maximum sign surface area per business of twenty-five per cent (25%) of the area of the front facade of the principal building;
  - (d) One sign permitted per business for a multiple-tenant building such as a shopping mall, each sign with a maximum sign surface area of thirty-two (32) square feet.
  - (e) Temporary posters, bulletins, legal notices and the like are permitted.
  - (f) One mobile business sign with a maximum sign surface area of 48 square feet per side will be permitted per zoning site for the purpose of advertising an event or service that is associated with or accessory to

the premises upon which the mobile sign is located except that where a zoning site is occupied by more than one (1) use, then one (1) mobile business sign shall be permitted for each use up to a maximum of two (2) mobile business signs on the zoning site at any one time, and the mobile signs shall be located on the site a minimum of forty (40) feet apart.

- (g) The minimum distance from a mobile business sign to a site line shall be four (4.0) feet.
  - (h) A mobile business sign shall not be located within forty (40) feet of any free standing sign or any Residential Zone Boundary, measured radially from any point of the sign surface of the mobile sign.] **(B/L 2537)**
- (5) A satellite dish antenna is subject to the requirements of Table Seven Bulk Requirements and as follows:
- No person shall erect or maintain in a Commercial or Industrial Zone any satellite dish antenna, unless the following requirements can be fulfilled:
- a) A satellite dish antenna is permitted within any required front yard, side yard or rear yard of a site in a Commercial or Industrial Zone, except that where it may obstruct the light or view from the window of a habitable room of a building located on an adjacent site, then no portion of the satellite dish antenna shall be located closer than five (5) feet to the site line;
  - b) Where a satellite dish antenna is structurally attached to a principal or accessory building, the vertical clearance between the exterior roof finish and the bottom extremity of the dish shall not exceed three (3) feet; and
  - c) Where a satellite dish antenna is structurally attached to a mast, truss, or other similar freestanding structure, the clearance between grade and the bottom extremity of the dish shall not exceed the height of the principal building.
- (6) Accessory OFF-STREET PARKING AND LOADING SPACES as required and regulated in PART IV Section 12 and this PART.

- (a) The number of parking and loading spaces required for Commercial and Industrial Uses are specified in Tables Four and Five respectively as follows:

**TABLE FOUR  
PARKING SPACE REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL ZONES**

USE	PARKING SPACES
Single-family dwelling unit accessory or incidental to another permitted or conditional use	1 per dwelling unit
Multiple-family dwellings of 5 or more dwelling units	1.5 per dwelling unit
Religious institutions	1 for each ten (10) seats in the principal assembly are but not less than ten (10) spaces
Arenas, auditoriums, stadiums, swimming pools, clubs and other assembly places	1 for each eight (8) seats
Motels	1 per guest room or suite of rooms
Hotels	1 per three (3) guest rooms
Theatres, cinema	1 for every (8) seats
Bowling alleys, curling rinks, theatres	5 per bowling alley or curling sheet of ice
Food stores, retail	0 for a floor area of one thousand (1000) square feet
	Two (2) spaces plus 1 additional parking spaces for each two hundred (200) square feet of floor area in excess of one thousand (1000) square feet.
Personal services, financial establishments, offices, clinics, public buildings and utilities, general retail and service establishments (when establishments are located in one building, the aggregate floor area is used in the calculation of parking spaces)	0 for a floor area eight hundred (800) square feet or less
	Two (2) spaces plus 1 for each four hundred (400) square feet of floor area in excess of eight hundred (800) square feet
Miscellaneous uses as follows: Manufacturing plants, food products, industries and other industrial uses (except public utility buildings)	1 for every one thousand (1000) square feet of floor area, but not less than two (2) spaces or 1 for every two (2) employees on the maximum shift, whichever is greater
Restaurants and other eating establishments (where these establishments are located in one building with other businesses, the aggregate floor area is used in the calculation of parking spaces)	0 for a floor area eight (800) square feet or less
	Two (2) spaces plus 1 additional space for each two hundred (200) square feet of floor area in excess of eight hundred (800) square feet.
Other permitted uses and conditional uses	To be determined by the Council.

**TABLE FIVE  
LOADING SPACE REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL ZONES**

USE	FLOOR AREA (sq.ft.)	NUMBER OF LOADING SPACES REQUIRED
Banks or other financial institutions, medical clinics, business and professional offices; broadcasting studios; theatres bowling alleys, dance halls; swimming pools, rinks, and similar amusements; commercial trade schools; studios	Less than 10,000	0
	10,000 to 20,000	1
	20,001 or more sq.ft.	1 plus 1 addition space for each 20,000 sq. ft. or fraction thereof in excess of 20,001 sq. ft.
Uses not elsewhere classified and primarily concerned with the manufacture, sale or handling of goods and services	Less than 8,000	0
	8,000 to 20,000	1
	20,000 to 39,999	2
	40,000 to 59,999	3
	60,000 to 79,999	4
	80,000 or more	4 plus 1 additional space for each 50,000 sq. ft. or fraction thereof in excess of 80,000 sq. ft.

- (7) Land, buildings or structures used for the storage of goods customarily offered for sale in connection with a permitted or conditional commercial use, provided that the storage does not create an unusual hazard to public health or safety.
- (8) Land, buildings or structures used for the storage of goods or equipment required for any manufacturing process in connection with a permitted or conditional industrial use, provided that the storage does not occur in the front yard unless provided for in Section 8 of this PART nor creates an unusual hazard to public health or safety.
- (9) No accessory building or structure shall be constructed on any site prior to the time of construction of the principal building, unless the accessory building or structure is required for the storage of equipment or material needed for the construction of the principal building.

**4. ACCESSORY DWELLING UNIT**

- (1) Dwelling Units may be established as accessory uses to a principal commercial building.

- (2) Dwelling Units are to be located to the rear or above the principal commercial uses. A separate unit may be established in the CH "Commercial Highway Zone provided that all requirements of the "RS" Residential Single-Family Zone are fulfilled.
- (3) An attached dwelling unit shall be a minimum of 480 square feet in floor area.
- (4) A detached dwelling unit shall be a minimum of 600 square feet in floor area.

**5. MULTIPLE BUILDINGS AND USES**

- (1) More than one (1) principal building shall be permitted on one (1) parcel provided that the yard requirements for each building are fulfilled. Where there is conflict such as in the case of site area or site frontage, the higher and more stringent requirement shall prevail.
- (2) A multiple-unit building shall be considered one (1) building for the purposes of establishing yard requirements.
- (3) A Planned Unit Development shall be a conditional use and shall be approved by Council.

**6. COMMERCIAL AND INDUSTRIAL USE TABLE DESCRIPTION**

TABLE SIX "COMMERCIAL AND INDUSTRIAL USES", lists all uses that are:

- (1) "P", Permitted;
- (2) "C", Conditional; and
- (3) "-", Not Permitted

in the Commercial and Industrial Zones. No land shall be used or occupied and no building or structure shall be erected, relocated, altered, used or occupied hereafter for any use in any Commercial Zone or in any industrial Zone other than a use listed as permitted or conditional in TABLE SIX.

7. **COMMERCIAL AND INDUSTRIAL BULK REQUIREMENTS TABLE DESCRIPTION**

- (1) The Commercial and Industrial Bulk Regulations shall be as set forth in TABLE SEVEN "COMMERCIAL AND INDUSTRIAL BULK REQUIREMENTS TABLE" and shall apply to all permitted and conditional uses. These regulations are intended to ensure that the site area, site width, site depth and yards will be adequate to allow space for the buildings or streets as well as parking and loading areas appropriate for each zone.
- (2) The owner shall maintain the minimum site area, site width, site depth and required yards and other requirements specified herein for any use. Furthermore, the minimum requirements allocated to a use as specified by this By-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the requirements for any other use.
- (3) No land shall be subdivided into sites, unless each site conforms with the bulk regulations as set forth in TABLE SEVEN, or unless a variation order is approved in accordance with Sections 57 and 58 of The Planning Act and Section 9 of PART III of this By-law.
- (4) No required yard shall be reduced below the minimum requirements as set forth in TABLE SEVEN unless a variation order is approved in accordance with Sections 57 and 58 of The Planning Act and Section 9 of PART III of this By-law.

**TABLE SIX  
COMMERCIAL AND INDUSTRIAL USE TABLE**

<b>LEGEND: P – PERMITTED USE C – CONDITIONAL USE - - USE NOT PERMITTED</b>	<b>ZONES</b>				
	<b>CC</b>	<b>CH</b>	<b>CL</b>	<b>ML</b>	<b>MH</b>
<b>USES</b>					
Abattoirs	-	-	-	-	C
Accessory Uses, Buildings and Structures (see Section 3 of this PART)	P	P	P	P	P
Agricultural Implements, Equipment and Structures, Manufacturing	-	-	-	-	-
Agricultural Implements, Equipment and Structures, Sales and Service	-	P	C	P	P
Amusement Enterprises	P	C	-	-	-
Animal Feed, Manufacture	-	-	-	-	P
Animal Feed, Sales and Storage	-	-	C	P	P
Antique Stores and Second Hand Stores	P	P	-	-	-
Automobiles, Boats, Trucks, Trailers and recreational Vehicles (including Snowmobiles and motorcycles) Body Shops	-	C	-	-	P
Repair Shops (muffler shops, Transmission shops, etc.	C	P	P	P	P
Sales, Storage and Service	C	P	P	P	-
Service Stations	P	P	P	P	P
Tire Shop	C	P	P	P	P
Washing Establishments	C	P	P	P	P
Bakeries	P	-	P	-	-
Banks and Financial Institutions	P	-	C	-	-
Banks in conjunction with another use	P	P	P	-	-
Banquet Halls	P	-	P	-	-
Barber Shops and Beauty Parlors	P	-	-	-	-
Billiard Parlors and Bowling Alleys	P	-	P	-	-
Book Stores	P	-	-	-	-
Building Contractors' Establishments, including Plumbers and Electricians	C	-	C	P	P
Building Supply Sales, Interior and Exterior Storage (when enclosed by a 6 foot high fence)	-	P	P	P	P

**COMMERCIAL AND INDUSTRIAL**

**TABLE SIX  
COMMERCIAL AND INDUSTRIAL USE TABLE**

LEGEND: P – PERMITTED USE C – CONDITIONAL USE -- USE NOT PERMITTED	ZONES				
	CC	CH	CL	ML	MH
<b>USES</b>	CC	CH	CL	ML	MH
Building Supply Sales, Interior Storage only	P	P	P	P	-
Bus Garages and Compounds	-	-	C	P	P
Bus Depots	P	P	P	P	-
Cafes, Coffee Shops, Restaurant and Beverage Rooms	P	-	P	-	-
Cafes, Coffee Shops, Restaurants and Beverage Rooms in conjunction with an allowed use	P	P	P	P	-
Carpentry and Cabinet Shops	-	-	-	P	P
Catering Establishments	P	-	P	-	-
Cement, Batch Plants and Ready Mix	-	-	-	-	P
Child Care Services – Group Day Care	C	-	C	-	-
Churches and Church Halls	P	-	-	-	-
Cleaning Establishments, including Dry Cleaners and Laundromats	P	-	P	-	-
Clinics, Dental, Medical, Optical and Chiropractic	P	-	-	-	-
Clothing Stores and Fabric Stores	P	-	-	-	-
Clubs, Halls and Lodges	P	C	P	-	-
Community Centres and Community Clubs	P	-	P	-	-
Dairies and Creameries	-	-	C	C	P
Department Stores	P	-	P	-	-
Drive-In Eating Establishments and Restaurants	C	P	C	-	-
Drive-In Theatres	-	C	-	-	-
Drop-In Centers	P	-	P	-	-
Drug Stores	P	-	P	-	-
Dry Goods and Notions Stores	P	-	P	-	-
Earth Moving Contractors	-	-	-	-	P
Existing Uses *(also see Section 14 of PART IV and Section 11 of PART III)	P	P	P	P	P
Fertilizer Sales and Storage, Non-Hazardous Chemicals	-	-	C	C	P
Fire and Police Stations	P	P	P	P	P
Florists Stores	P	-	P	-	-
Food Processing Establishments	-	-	-	P	P
Fuels, (Oil, Gas, Propane), Bulk, Sales and Storage	-	-	-	C	P

**COMMERCIAL AND INDUSTRIAL**

**TABLE SIX  
COMMERCIAL AND INDUSTRIAL USE TABLE**

LEGEND: P – PERMITTED USE C – CONDITIONAL USE -- USE NOT PERMITTED	ZONES				
	CC	CH	CL	ML	MH
<b>USES</b>	CC	CH	CL	ML	MH
Farmer’s Market – Temporary	P	-	P	P	-
Furniture Stores	P	-	P	-	-
Funeral Homes and Parlours	P	-	P	-	-
Gift and Novelty Shops	P	-	P	-	-
Gift Shop in conjunction with an allowed use	P	P	P	-	-
Golf:	-	C	C	-	-
Miniature	-	C	-	-	-
Driving Range	-	C	-	-	-
Government Offices	P	C	P	-	-
Grain Elevators and Storage	-	-	-	C	P
Grocery Stores	P	-	P	-	-
Hardware and Appliance Stores	P	-	P	-	-
Hotels	P	-	-	-	-
Industrial Service Shops (and blasting shop, etc.)	-	-	-	C	P
Interior Decorating Establishments	P	-	P	P	-
Jewelry Stores	P	-	-	-	-
Kennel	-	-	C	C	C
Libraries, and Theatres	P	-	-	-	-
Liquor Stores	P	-	P	-	-
Machine Shops and Welding Shops	-	-	-	P	P
Mail Order Stores	P	-	P	-	-
Maintenance Buildings and Compounds	-	-	-	P	P
Meat Markets and Delicatessens	P	-	P	-	-
Motels	P	P	P	-	-
Museums	P	C	C	-	-
Newspaper and Printing Establishments	P	-	P	-	-
Offices, Business, Professional	P	-	P	-	-
Oil Industry Equipment, Sales and Service	-	-	-	C	P
Parking Lots	P	P	P	P	P
Parks and Buffer Strips	P	P	P	P	P
Personal Service Shops	P	-	P	-	-
Photography Studios	P	-	-	-	-

**COMMERCIAL AND INDUSTRIAL**

**TABLE SIX  
COMMERCIAL AND INDUSTRIAL USE TABLE**

LEGEND: P – PERMITTED USE C – CONDITIONAL USE -- USE NOT PERMITTED	ZONES				
	CC	CH	CL	ML	MH
<b>USES</b>	CC	CH	CL	ML	MH
Planned Unit Development (See Section 8, PART IV)	C	C	C	-	-
[Pottery and Ceramic Studios Including Associated Retail Sales (when all services are provided within an enclosed building)](B/L 2668)	C	C	-	-	-
Public Utilities and Services	P	P	P	P	P
Radio and Television and Small Appliance Sales, Service and Repairs	P	-	P	-	-
Railway Maintenance Buildings and Compounds	-	-	-	P	P
Recycling Depot	-	-	C	P	P
Residential Multiple-Family Dwellings (6 or more units per building)	C	-	C	-	-
Residential apartments, dwelling units, or suites located above the first storey or in the rear portion of the main floor of a principal building	P	P	P	-	-
Seed Processing Plants	-	-	-	C	P
Service Clubs	P	-	P	-	-
Sewage Treatment Plants	-	-	-	-	C
Shoe Sales and Repair Stores	P	-	-	-	-
Sign Painters' Establishments	-	-	C	P	P
Signs: Advertising (see this PART and Part IV, Section 13)	C	C	C	C	C
Sporting Goods Stores	P	-	P	-	-
Stockyards for holding, sales and shipping of livestock	-	-	-	-	C
Storage Buildings, Non-Hazardous Materials	-	-	C	P	P
Travel Trailer Parks and Campgrounds	-	C	-	-	-
Truck Terminals	-	C	-	C	P
Upholstering Shops	C	C	C	P	P
Veterinary Clinics	-	C	C	C	P
Water Treatment Plants	-	-	-	C	C
Wholesale Businesses and Warehousing	-	-	C	P	P

\*Existing uses in the commercial and industrial zones at the time of adoption of this By-law which do not conform to Table VI shall be considered as permitted uses on the sites on which they are located. Expansion of said uses shall be limited to the site associated with them at the time of adoption of this By-law.

**TABLE SEVEN  
COMMERCIAL AND INDUSTRIAL BULK REQUIREMENTS**

PERMITTED OR CONDITIONAL USE	ZONES	MINIMUM							MAXIMUM	
		Site Area (sq.ft.)	Site Width (ft.)	c,b,d Front Yard (ft.)	c,d,b,e Side Yard (ft.)		c,d,b,f Rear Yard (ft.)		q Height (ft.)	Site Coverage (%)
					Interior	corner	lane	no lane		
Accessory Building, Uses and Structures	CC	-	-	a	5	a	10	5	20	10
	CL	-	-	a	5	a	10	5	20	10
	CH	-	-	a	5	a	10	5	20	10
	ML	-	-	a	5	a	10	5	20	10
	MH	-	-	a	5	a	10	5	20	10
Agricultural Implements, Equipment and Structures, Manufacturing	MH	30,000	150	30	10	15	25	25	30	60
Agricultural Implements, Equipment and Structures, Sales and Service	CH	30,000	150	50	15	15	20	10	30	50
	CL	30,000	150	50	15	15	20	10	30	50
	ML	30,000	150	30	15	15	20	10	30	55
	MH	30,000	150	30	15	15	20	10	30	55
Animal Feed, Manufacture	MH	30,000	150	30	15	15	25	25	40	55
Animal Feed, Sales and Storage	CL	12,000	100	40	15	15	20	20	30	35
	MI	12,000	100	30	15	15	20	20	30	35
	MH	12,000	100	30	15	15	20	20	30	35
Automobiles, Boat, Trucks, Trailers and Recreation Vehicles Establishments: Body Shops	CH	15,000	100	45	15	15	20	10	30	40
	M2	12,000	100	30	10	15	20	10	30	35
Repair Shops and Tire Shops	ML	5,000	50	30	12n	15	20	10	30	25
	MH	5,000	50	30	12n	15	20	10	30	25
	CC	5,000	50	40	5	10	1	10	30	40
	CL	15,500	100	45	15	15	20	10	30	40
	CH	15,000	100	45	15	15	20	10	30	40

**COMMERCIAL AND INDUSTRIAL**

**TABLE SEVEN  
COMMERCIAL AND INDUSTRIAL BULK REQUIREMENTS**

PERMITTED OR CONDITIONAL USE	ZONES	MINIMUM							MAXIMUM	
		Site Area (sq.ft.)	Site Width (ft.)	c,b,d Front Yard (ft.)	c,d,b,e Side Yard (ft.)		c,d,b,f Rear Yard (ft.)		q Height (ft.)	Site Coverage (%)
					Interior	corner	lane	no lane		
Sales and Storage and Service Establishments	CC	15,000	100	30	20	20	20	20	30	40
	CH	30,000	150	40	20	20	20	20	30	50
	CL	30,000	150	40	20	20	20	20	30	50
	ML	30,000	150	40	20	20	20	20	30	50
	MH	30,000	150	40	20	20	20	20	30	50
Service Station and Washing Establishments	CC	15,000	100	40gi	15gi	20gi	20gi	20gi	30	40
	CL	15,000	100	40gi	15gi	20gi	20gi	20gi	30	40
	ML	15,000	100	40gi	15gi	20gi	20gi	20gi	30	40
	MH	15,000	100	40gi	15gi	20gi	20gi	20gi	30	40
	CH	40,000	150	45hi	30hi	30hi	30hi	30hi	30	40
Carpentry and Cabinet Shops	MH	5,000	50	25	15	15	15	10	30	25
Cement, Batch Plants and Ready Mix	MH	40,000	150	40	20	20	20	20	40	50
Child Care Services	CC	12,000	50	30	10	15	25	25	30	45
	CL	12,000	50	40	10	15	25	25	30	42
Churches and Church Halls	CC	12,000	50	10	10	15	15	10	30	55
	CL	12,000	50	40	10	15	15	10	30	45
Community Centers and Community Clubs	CC	12,000	100	10	5	15	15	10	30	70
	CL	12,000	100	45	10	15	15	10	30	40
Earth Moving Contractors	MH	30,000	150	30	15	15	15	15	30	60
Food Processing Establishments	ML	25,000	100	30	15	15	15	10	40	55
	MH	25,000	100	30	15	15	15	10	40	55
Fuels, Bulk Sales and Service	ML	30,000	100	40ig	15ig	20ig	20ig	20ig	30	40
	MH	30,000	100	40ig	15ig	20ig	20ig	20ig	30	40
Golf Driving Range	CH	60,000	200	45	10	15	10	10	30	70
Grain Elevators and Storage	ML	40,000	200	25	10b	15	15	15	80	55
	MH	40,000	200	25	10b	15	15	15	80	55
Hotels	CC	20,000	100	0	10	10	0	10	40	80

**TABLE SEVEN  
COMMERCIAL AND INDUSTRIAL BULK REQUIREMENTS**

PERMITTED OR CONDITIONAL USE	ZONES	MINIMUM							MAXIMUM	
		Site Area (sq.ft.)	Site Width (ft.)	c,b,d Front Yard (ft.)	c,d,b,e Side Yard (ft.)		c,d,b,f Rear Yard (ft.)		q Height (ft.)	Site Coverage (%)
					Interior	corner	lane	no lane		
Machine Shops and Welding Shops	ML	10,000	70	30	10	10	15	10	30	45
	MH	10,000	70	30	10	10	15	10	30	45
Motels	CC	12,000	100	40	10	10	15	15	25	40
	CL	12,000	100	40	10	10	15	15	25	40
	CH	40,000	150	45	20	20	20	20	35	55
Multiple- Family Dwellings	CC	10,000p	100	15	10	15	25	25	70	45
	CL	10,000p	100	40	10	15	25	25	40	25
Railway Maintenance Buildings and Compounds	ML	80,000	200	25	15	15	25	25	30	70
	MH	80,000	200	25	15	15	25	25	30	70
Seed Plants	ML	10,000	100	25	15	15	20	10	40	35
Sewage Treatment Plants	MH	55,000	200	30	30	30	30	30	30	50
Stock Yards	MH	80,000	200	30	15	15	15	10	30	65
Travel Trailer Campgrounds	CH	80,000	200	45	15	15	25	25	25	70
Truck Terminals	CH	80,000	200	50	20	30	20	20	30	65
	ML	80,000	200	50	20	30	20	20	30	65
	MH	80,000	200	50	20	30	20	20	30	65
Veterinary Clinics	CH	15,000	100	45	10	15	20	20	30	40
	ML	15,000	100	30	10	15	20	10	30	50
	MH	15,000	100	30	10	15	20	10	30	50
	CL	15,000	100	30	10	15	20	10	30	50

**COMMERCIAL AND INDUSTRIAL**

**TABLE SEVEN  
COMMERCIAL AND INDUSTRIAL BULK REQUIREMENTS**

PERMITTED OR CONDITIONAL USE	ZONES	MINIMUM							MAXIMUM	
		Site Area (sq.ft.)	Site Width (ft.)	c,b,d Front Yard (ft.)	c,d,b,e Side Yard (ft.)		c,d,b,f Rear Yard (ft.)		q Height (ft.)	Site Coverage (%)
					Interior	corner	lane	no lane		
All Other Permitted and Conditional Uses in the 'CC' COMMERCIAL Central Zone except existing Single-Family dwellings which shall have the same requirements as found in the 'RT' zone	CC	3,000	25	0	0,j,k	0	10	10m	30	90
All Other Permitted and Conditional Uses in the 'CL' Commercial Linear Zone	CL	5,500	50	30	5	10	5	10	30	40
All other Permitted and Conditional Uses in the 'CH' Commercial Highway Zone	CH	15,000	100	45	15	15	20	10	30	40
All other Permitted and Conditional Uses in the 'ML' Industrial Light Zone	ML	5,500	50	25	5n	10	20	10	30	45

**COMMERCIAL AND INDUSTRIAL**

**TABLE SEVEN  
COMMERCIAL AND INDUSTRIAL BULK REQUIREMENTS**

PERMITTED OR CONDITIONAL USE	ZONES	MINIMUM							MAXIMUM	
		Site Area (sq.ft.)	Site Width (ft.)	c,b,d Front Yard (ft.)	c,d,b,e Side Yard (ft.)		c,d,b,f Rear Yard (ft.)		q Height (ft.)	Site Coverage (%)
					Interior	corner	lane	no lane		
All Other Permitted and Conditional Uses in the 'MH' Industrial Heavy Zone	MH	15,000	100	30	5n	10	20	10	40	60

**EXPLANATIONS AND EXCEPTIONS**

The following explanations and exceptions apply to the COMMERCIAL AND INDUSTRIAL BULK REQUIREMENTS TABLE SEVEN:

- (a) In the case of accessory buildings or structures, the required front and corner side yards shall be the same as the required front and corner side yards of the principal buildings or structure.
- (b) Where the boundary of a site in "CL", "CH", "ML" or "MH" zone is coterminous with the side site line or rear site line of a site in a Residential Zone, the principal and accessory buildings or structures shall be set back at least fifteen (15) feet or as required in the TABLE, from the common site line.
- (c) Notwithstanding anything provided herein, in the case of detached accessory buildings or structures used for storage of hazardous materials, all required yards must be the same as those required for the principal building or structure.
- (d) Buildings, structures and hedges adjacent to major provincial highways and their centres of intersections shall have a setback in accordance with the Highway Protection Act.
- (e) (i) Where a dwelling unit is contained within a commercial building and side yards are provided, each side yard shall not be less than five (5) feet or as required in the TABLE, whichever is greater.

- (ii) The side yard shall not be less than five (5) feet or as required in the TABLE, whichever is greater, where a "CC" Commercial Central Zone abuts a Residential Zone or Institutional Zone.
- (f) Where a dwelling unit is contained within a commercial or industrial building, the rear yard shall be twenty (20) feet or as required in the TABLE, whichever is greater.
- (g) Gasoline pumps shall have a minimum front, side and rear yard of fifteen (15) feet.
- (h) Gasoline pumps shall have a minimum front, side and rear yard of twenty (20) feet.
- (i) Bulk propane tanks shall have a minimum setback from building and site lines as regulated by the Provincial Authority having jurisdiction.
- (j) In the "CC" Zone, where the wall of a building or structure is located closer than four (4) feet to an interior site line, it shall be fire-rated as required by the building code.
- (k) Where a side yard is provided, it shall be a minimum width of four (4) feet.
- (m) The rear yard may be reduced to four (4) feet, provided that all required parking and loading spaces are provided elsewhere on the site.
- (n) Where there is no lane, one of the required side yards shall be a minimum of fifteen (15) feet in width to accommodate loading facilities and incidental exterior storage of materials.
- (p) The minimum site area shall be ten thousand (10,000) square feet for the first ten (10) dwelling units and an additional one thousand (1000) square feet for each unit thereafter.
- (q) See Section 15 - PART IV of this By-law.

## **8. PROJECTIONS INTO REQUIRED YARDS**

- (1) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space. The following features are permitted to be located in required yards unless otherwise specified:
  - a) Parking and loading areas as required and regulated by Section 3(6) of this PART;

- b) Outside storage of materials and equipment, but not in any front yard, corner side yard or yard abutting a Residential or Open Space/Recreational Zone, except that farm machinery, automobiles, trucks, boats, trailers or motorized appliances may be stored in a front or corner side yard provided that no traffic hazard is created. Where outside storage is permitted, a fence as indicated in clause 8.(1)(c) shall be provided by the owner except in the case of all types of vehicles for sale;
- c) Fences and walls provided that the height of these features does not exceed three (3) feet above grade in any front yard or in any corner side yard, and does not exceed six (6) feet above grade in any rear yard or interior side yard;
- d) Signs subject to the provisions of Section 3(4) of this PART and Section 13, PART IV.
- e) Open terraces, steps, decks and patios not exceeding a height of four (4) feet above grade or projecting more than twelve (12) feet from the building and, provided that the following minimum separations are maintained:
  - i) fifteen (15) feet from any front site line;
  - ii) ten (10) feet from the side site line on the street side of a corner site; and
  - iii) two (2) feet from any interior side site line;
- f) Chimneys, bay windows, alcoves, eaves, gutters, canopies, awnings and other similar building elements, provided that a minimum separation of two (2) feet from any site line is maintained where a building setback is required;
- g) Uncovered sidewalks and driveways; and
- h) Trees, shrubs, trellises, arbours, retaining walls, flagpoles, lighting fixtures, and similar features.

**9. STATIONARY STORAGE OF ANHYDROUS AMMONIA**

A stationary anhydrous ammonia storage tank shall not be located within the Town of Virden.

10. **LOCATION OF COMMERCIAL BULK PROPANE, NON-HAZARDOUS SOLID AND LIQUID FERTILIZER AND BULK OIL STORAGE, BUILDINGS AND STRUCTURES**

Bulk propane, solid fertilizer and bulk oil storage, sales and service establishment buildings and structures shall be set back from other buildings and structures as required by the Canadian Transport Commission and/or the Manitoba Fire Commissioners Office.

11. **HABITABLE BUILDING LOCATION WITH RESPECT TO SANITATION FACILITIES**

Dwellings or buildings where people spend their work day on a daily basis shall not be located within a setback distance as recommended by the local Health Inspector with respect to the existing sewage treatment property.

Dwellings or buildings where people spend their work day on a daily basis shall not be located within one thousand three hundred and twenty (1320) feet of an open or close solid waste disposal grounds or as recommended by the local Health Inspector.

## **PART VIII – OPEN/SPACE RECREATIONAL ZONE AND INSTITUTIONAL ZONE**

The Open Space/Recreational Zones and the Institutional Zones established in this By-law are intended to accommodate various recreational uses and institutional uses in the Town, in accordance with the policies set forth in the Virden-Wallace Development Plan.

### **1. INTENTS OF ZONES**

- (1) The “OR” OPEN SPACE/RECREATIONAL ZONE primarily provides for the development of public recreational and public open space uses or privately owned recreational uses such as gold courses.
- (2) The “I” INSTITUTIONAL ZONE primarily provides for the development of governmental, educational, hospitals and other institutional uses on relatively large track of land.

### **2. GENERAL PROVISIONS**

The general provisions applying to all OPEN SPACE/RECREATIONAL ZONES and INSTITUTIONAL ZONES are contained within this PART. Also applying to these zones are the provisions of PART II “DEFINITIONS”, PART III “ADMINISTRATION”, PART IV “GENERAL PROVISIONS”, PART V “ZONES” and “APPENDIX A”.

### **3. ACCESSORY BUILDINGS, STRUCTURES AND USES**

In the Open Space/Recreational Zones and the Institutional Zone accessory buildings, structures, and uses include, but not limited to the following:

- (1) Buildings and structures used for operations, maintenance and administration;
- (2) Fences, decks, patios, gazebos, statutory and flagpoles;
- (3) Accessory staff or owner dwellings, required for operation, maintenance and security of facility, including multiple unit dwellings, single or two family dwellings and mobile homes. The bulk requirements for these dwellings shall be determined by Council and shall be similar to the Residential Zone requirements in this By-law.
- (4) Accessory Signs:
  - (a) One (1) identification or business sign, not exceeding one hundred (100) square feet in sign surface area;

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- (b) One (1) identification or business sign, not exceeding one hundred (100) square feet in sign surface area;
  - (c) Temporary posters, bulletins, legal notices and the like;
  - (d) One (1) bulletin board; and
  - (e) Directional signs, not exceeding thirty (30) square feet in sign surface area;
  - (f) Also see requirements under Section 13 PART IV of this By-law.
  - (g) [One mobile business sign with a maximum surface area of 48 square feet per side will be permitted per zoning site in the Institutional Zone for the purpose of advertising an event or service that is associated with or accessory to the premises upon which the mobile sign is located, subject to:
    - i) the minimum distance from a mobile business sign to a site line shall be four (4) feet, and
    - ii) a mobile business sign shall not be located within forty (40) feet of any freestanding sign or any Residential Zone Boundary, measures radially from any point of the sign surface of the mobile sign.] **(B/L 2537)**
- (5) Satellite dish antennas as regulated in Section 3.(5) of PART VII.
- (6) Accessory off-street parking areas as follows:
- a) See Section 12 – GENERAL PROVISIONS PART IV of this By-law for parking provisions and the following Table.

**TABLE EIGHT  
PARKING REQUIREMENTS FOR OPEN SPACE/RECREATION  
AND INSTITUTIONAL ZONES**

USE	NUMBER OF PARKING SPACES REQUIRED
Dwellings	1 parking space per dwelling unit
Personal Care Home	1 per employee plus 1 unassigned visitor parking space per 7 residents
Seniors Apartment	1 per dwelling unit
Churches	1 for each ten (10) seats in the principal assembly area but not less than ten (10) spaces.
Community Centers	1 for every eight (8) persons of the total building capacity
Hospitals	To be determined by Council, but not less than one (1) space for each staff position and ten (10) spaces for visitors
Libraries and schools	To be determined by Council, but not less than one (1) space for each staff position and five five (5) spaces for customers/visitors
Religious institutions	1 for each ten (10) seats in the principal assembly area but not less than ten (10) spaces
Arenas, auditoriums, stadiums, swimming pools, clubs, race tracks and other assembly places	1 for each (8) seats
Theatres, cinema	1 for every (8) seats
Bowling alleys, curling rinks, tennis courts, theatres and other similar recreation facilities	5 per bowling alley, tennis court, curling sheet of ice
Personal services, financial establishments, offices, clinics, public buildings and utilities, general retail and service establishments (when establishments are located in one building)	0 for a floor area eight hundred (800) square feet or less 1 for each four hundred (400) square feet of floor area in excess of eight hundred (800) square feet, but not less than two (2) spaces
Other permitted uses and conditional uses	To be determined by the Council

- b) Where an accessory parking lot is provided for three (3) or more vehicles, the design of the parking lot, including all exits and entrances, shall conform to Section 11 of PART IV and shall be subject to the approval of the Development Officer.

**4. MULTIPLE BUILDINGS AND USES**

- (1) More than one (1) principal building shall be permitted on one (1) site provided that the yard requirements for each building are fulfilled. Where there is conflict such as in the case of site area or site frontage, the higher or more stringent requirement shall prevail.
- (2) A multiple-unit building shall be considered one (1) building for the purposes of establishing yard requirements.

**5. OPEN SPACE/RECREATIONAL AND INSTITUTIONAL USE TABLE**  
**DESCRIPTION**

TABLE EIGHT “OPEN SPACE/RECREATIONAL AND INSTITUTIONAL USES”, lists all uses that are:

“P”, Permitted;

“C”, Conditional and

“-”, Not Permitted

in the “OR” OPEN SPACE/RECREATIONAL ZONE and the “I” INSTITUTIONAL ZONE. All listed uses are subject to the provisions contained herein.

- (1) No land shall be used or occupied and no building or structure shall be erected, relocated, altered, used or occupied hereafter for any use in any Open Space/ Recreational Zone or in any Institutional Zone other than a use listed as permitted or conditional in TABLE EIGHT.
- (2) Uses which are not listed in TABLE NINE but were lawfully established prior to the effective date of this By-law, or any amendments thereto, are deemed to be non-conforming uses and are allowed to continue subject to the provisions of Sections 51 to 55 of The Planning Act and Section 10 of PART III of this By-law.
- (3) Any use listed as a conditional use in TABLE NINE shall comply with Section 8 of

**OPEN SPACE / RECREATIONAL AND INSTITUTIONAL**

PART III of this By-law and Section 59 of The Planning Act.

**6. OPEN SPACE/RECREATIONAL ZONES AND INSTITUTIONAL ZONES BULK REQUIREMENTS TABLE DESCRIPTION**

- (1) The OPEN SPACE/RECREATIONAL AND INSTITUTIONAL BULK REGULATIONS shall be as set forth in TABLE NINE, "OPEN SPACE/RECREATIONAL AND INSTITUTIONAL BULK TABLE", and shall apply to all permitted and conditional uses. These regulations are intended to ensure that the site area, site width, site depth and yards will be adequate to allow space for the buildings as well as parking and loading areas appropriate for each zone.
- (2) The owner shall maintain the minimum site area, site width, site depth required yards and other requirements specified herein for any use. Furthermore, the minimum requirements allocated to a use as specified by this By-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the requirements for any other use.
- (3) No land shall be subdivided into sites, unless each site conforms with the bulk regulations as set forth in TABLE NINE, or unless a variation order is approved in accordance with Sections 57 and 58 of The Planning Act and Section 9 of PART III of this By-law.
- (4) No required yard shall be reduced below the minimum requirements as set forth in TABLE NINE unless a variation order is approved in accordance with Sections 57 and 58 of The Planning Act and Section 9 of PART III of this By-law.
- (5) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space. The following features are permitted to be located in required yards unless otherwise specified:
  - a) Open terraces, steps, decks and patios not exceeding a height of four (4) feet above grade;
  - b) Chimneys, bay windows, alcoves, eaves, gutters, canopies, awnings and other similar building elements;
  - c) Uncovered sidewalks, driveways and accessory parking spaces;
  - d) Trees, shrubs, trellises, arbours, retaining walls, flagpoles, lighting fixtures, and similar features;
  - e) Fences and walls; and

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f) Signs subject to the provisions of Section 3.4(4) of this PART.

**TABLE NINE  
OPEN SPACE/RECREATIONAL AND INSTITUTIONAL USE TABLE**

<b>LEGEND: P – PERMITTED USE C – CONDITIONAL USE - - USE NOT PERMITTED</b>		
USES	OR	I
Accessory Uses, Buildings and Structures (See Section 3 of this PART)	P	P
Arenas, Curling or Ice Skating	P	-
Athletic Fields	P	-
Auditoriums, Grandstands and similar Assembly Facilities	P	C
Campgrounds	P	-
Cemeteries	C	-
Churches, Church Halls and other Religious Institutions	P	P
Communications Facilities	C	P
Dog Kennels	C	-
Exhibition Grounds and Fair Grounds	P	-
Existing Uses (See Section 14 of PART IV and Section 11 of PART III)	P	P
Golf Courses	C	-
Golf Driving Ranges	C	-
Hospitals	-	P
Institutions such as Nursing and Care Homes, Senior Citizens Housing, Rest Homes, Convalescent Home and similar uses	-	P
Libraries, Museums and Arts Centres	C	P
Offices, Governmental, Medical, Chiropractic, Dental and Optical	-	P
Parks, Playgrounds, Tot Lots and Buffer Strips	P	P
Public Utilities	P	P
Race Tracks, Equestrian	P	-
Railway Lines and Facilities	C	-
Recreational Facilities including Tennis Courts and Swimming Pools	P	C
Schools, Private or Public	-	P
Temporary Farmers Market	P	-
Temporary Events	P	P

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**TABLE TEN  
OPEN SPACE/RECREATIONAL AND INSTITUTIONAL BULK REQUIREMENTS**

PERMITTED OR CONDITIONAL USE	ZONES	MINIMUM REQUIREMENTS				
		SITE AREA (sq.ft.)or acres	SITE WIDTH (ft.)	FRONT YARD (ft.)	SIDE YARD (ft.)	REAR YARD (ft.)
Accessory Uses, Buildings and Structures	OR I	- -	- -	a a	10 10	15 15
Campgrounds	OR	2 acres	150	30	30	30
Cemeteries	OR	40,000	150	30	30	30
Churches, Church Halls and other Religious Institutions	OR	12,000	100	25	15	15
	I	12,000	100	25	15	15
Communication Facilities	OR I	6,000 6,000	50 50	25 25	15 15	15 15
Exhibition Grounds and Fair Grounds	OR	2 acres	200	30	30	30
Golf Courses	OR	50 acres	300	25	25	25
Golf Driving Ranges	OR	3 acres	200	25	25	25
Hospitals	I	3 acres	150	30	30	30
Institutions such as Nursing and Care Homes, Senior Citizens Housing, Rest Homes, Convalescent Homes, and similar uses	I	12,000(c)	75	25	15	15
Libraries, Museums and Art Centers	I	12,000	75	20	15	15
Offices, Governmental, Medical, Chiropractic, Dental and Optical	I	12,000	75	20	15	15
Parks, Playgrounds, Tot Lots and Buffer Strips	OR	12,000	75	20	15	15
	I	12,000	75	20	15	15
Public Utilities (b)	OR	6,000	50	25	15	15
	I	6,000	50	25	15	15
Race Tracks, Equestrian	OR	25 acres	300	30	30	30

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**TABLE TEN  
OPEN SPACE/RECREATIONAL AND INSTITUTIONAL BULK REQUIREMENTS**

PERMITTED OR CONDITIONAL USE	ZONES	MINIMUM REQUIREMENTS				
		SITE AREA (sq.ft.)or acres	SITE WIDTH (ft.)	FRONT YARD (ft.)	SIDE YARD (ft.)	REAR YARD (ft.)
Recreational Facilities including Tennis Courts and Swimming Pools	OR	12,000	75	25	15	15
	I	12,000	75	25	15	15
Schools, Private or Public	I	5 acres (d)	300	75	25	25
All other Permitted or Conditional Uses on the Use Table	OR	30,000	100	25	15	15
	I	30,000	100	25	15	15

**EXPLANATIONS AND EXCEPTIONS**

The following explanations and exceptions apply to the OPEN SPACE/RECREATIONAL AND INSTITUTIONAL BULK REQUIREMENTS TABLE NINE.

(a) Detached accessory buildings and structures shall be located to the rear of the front wall of the principal building and to the rear of the front walls of any adjacent principal buildings.

(b) PUBLIC UTILITIES

Bulk requirements do not apply to the transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and Manitoba Telephone System transmission buildings since all of this apparatus may require only very small land areas or none at all (easements). The bulk requirements will apply to offices, equipment or vehicle storage, parking or workshops.

(c) Twelve Thousand (12,000) square feet of site area for the first twelve (12) dwelling units and one thousand (1,000) additional square feet of site area for each additional dwelling unit in excess of twelve (12) dwelling units.

(d) Elementary schools require five (5) acres, Junior High Schools require ten (10) acres and Senior High Schools require fifteen (15) acres.

**6. HEIGHT OF BUILDINGS AND STRUCTURES AND HEIGHT EXCEPTIONS**

The maximum height of all buildings and structures shall be thirty (30) feet, with the

exception of requirements in Section 15, PART IV.

**PART IX – REPEAL AND EFFECTIVE DATE**

1. **REPEAL**

By-law No. 1958, being a By-law adopting The Wallace District Planning Scheme 1975, and all By-laws adopted from time to time amending said By-law are hereby repealed.

2. **EFFECTIVE DATE**

This By-law is hereby adopted and shall come into full force on, from and after the date on which it received third reading by the Council.

DONE AND PASSED, in Council duly assembled this 2<sup>nd</sup> day of June A.D., 1992

THE TOWN OF VIRDEN

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER

READ A FIRST TIME THIS 21<sup>st</sup> DAY OF April A.D. 1992

READ A SECOND TIME THIS 2<sup>nd</sup> DAY OF June A.D. 1992

READ A THIRD TIME THIS 2<sup>nd</sup> DAY OF June A.D. 1992