OFFICE CONSOLIDATION OF ZONING BY-LAW 1938-08 ADOPTED

CONSOLIDATED FEBRUARY 12, 2019

Note:

This document has been consolidated for convenience only and contains reproductions of the *City of Winkler Bylaw No. 1938-08.* The official Bylaw and amendments thereto are available from the City Office at (204) 325-9524, and should be consulted for all purposes of interpreting and applying the law or when certified copies are required.

The City of Winkler provides this information in good faith but it gives no warranty nor accepts any liability from any incorrect, incomplete or misleading information, or its use for any purpose.

All persons making use of this consolidated version of City of Winkler Bylaw No. 1938-08 are advised that it has no legislative sanction; that the amendments have been embodied for convenience of reference only and that the original bylaw must be consulted for all purposes of interpreting and applying the law.

Sub sections of the original bylaw and/or amendments which have been repealed have not been included in this consolidation.

THE CITY OF WINKLER BY-LAW NO. 1938-08

A By-law of the City of Winkler, in the Province of Manitoba, to regulate and control the use and development of land and buildings within the Municipal limits of the City of Winkler.

WHEREAS pursuant to the provisions of Subsection 40(1) of *The Planning Act* (the *Act*), the Morden-Stanley-Thompson-Winkler (MSTW) Planning District, which includes the City of Winkler, has, by By-law, adopted *The MSTW Planning District Development Plan By-law 4-05*;

AND WHEREAS Section 68 of the *Act* provides that a Municipal Council within a Planning District must adopt a zoning by-law that is generally consistent with the Development Plan by-law;

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

1. *The City of Winkler Zoning By-law No. 1578-96*, and all amendments thereto, are hereby rescinded.
2. The Zoning By-law, attached hereto and marked as Schedule "A", is hereby adopted.
3. This By-law shall be known as the *City of Winkler Zoning By-law*.
4. The *City of Winkler Zoning By-law* shall take force and effect on the date of Third Reading of this By-law.

DONE AND PASSED in Council assembled in Council Chambers, in Winkler, Manitoba, this _____ day of _____, A.D. 20___.

_____
Mayor

_____
Chief Administrative Officer

Read a First time this _____ day of _____, A.D. 20___.

Read a Second time this _____ day of _____, A.D. 20___.

Read a Third time this _____ day of _____, A.D. 20___.

Certified a true copy of By-law No. _____ of the City of Winkler.

_____
Chief Administrative Officer

THE CITY OF WINKLER
ZONING BY-LAW

BEING SCHEDULE "A"

ATTACHED TO BY-LAW NO. 1938-08

OF

THE CITY OF WINKLER

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1.0 TITLE AND CONTENTS

1.1 TITLE

1) This By-law may be cited as the City of Winkler Zoning By-law and shall apply to all lands within the limits of the City of Winkler.

1.2 INTENT AND PURPOSE

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

1) To ensure general conformance with the objectives and policies of the *MSTW Planning District Development Plan*.

2) To outline the powers and duties of City of Winkler Council (Council), the MSTW Planning District Planning Board (Planning Board), the Designated Officer and the landowner and/or developer as they relate to this By-law.

3) To regulate the following:

   a) all buildings and structures erected hereafter;

   b) all uses or changes in use of all buildings, structures and land established hereafter;

   c) all structural alterations or relocations of existing buildings and structures occurring hereafter;

   d) the increase or decrease of the average grade of a site by 0.15 m (0.50 ft.) or more in height; and

   e) all enlargements or additions to existing buildings, structures and uses.

1.3 REGULATION OF USES

1) With the exception of Section 5.2 of this By-law, no land, building or structure shall be constructed, enlarged, placed, used or occupied except for a use that:

   a) is listed in the Zoning District clauses as:

      i. a permitted use development;

      ii. a conditional use development, subject to approval as such; or

   b) is an accessory use, building or structure.

   c) has been granted a use variance as per Section 97(2) of *the Act*.

2) There shall be a maximum of one dwelling unit per lot or parcel of land, except for the following:

   a) Single Family Dwellings, Two Family Dwellings, Townhouse Dwellings, Multiple Family Dwellings or Temporary Additional Dwellings or Mobile Home Dwellings as provided for in this By-law; and

   b) Mobile Home Dwellings in a mobile home park that has been approved by Council.

3) Where any land, building or structure is used for more than one purpose, all provisions of the By-law relating to each use shall apply. Where there is a conflict, the more restrictive regulations shall prevail, except as otherwise approved by Council.

1.4 CONTENTS OF THE BY-LAW

The contents of this By-law include:

1) Part I, comprising of Section 1.0 to Section 7.0, outlines the Operative and Interpretive Clauses.

2) Part II, comprising of Section 8.0 to Section 49.0, outlines the General Administrative Clauses, General Development Regulations and Special Land Use Regulations.

3) Part III, comprising of Section 50.0 to Section 71.0, outlines the Zoning District clauses.

4) Part IV comprises the Zoning District Maps.

1.5 HEADINGS AND TITLES

1) Despite any other provision of this By-law or any other By-law passed by Council to the contrary, headings and titles within this By-law shall be deemed to form part of the text of this By-law.

1.6 INTERPRETATION

1) Words, phrases and terms defined herein shall be given the defined meaning.

2) Words, phrases and terms neither defined herein nor defined in By-laws of the City of Winkler shall be given their usual and customary meaning except where, in the opinion of Council, the context indicates a different meaning.

3) The phrase *used for* includes *arranged for*; *maintained for*; *designed for*; or *occupied for*.

4) The provisions of this By-law shall be interpreted to be the minimum regulations except where the abbreviation for, or word, *maximum* is used, in which case the maximum regulation shall apply.

5) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions *and*, *or*, or *either-or*, the conjunctions shall be interpreted as follows:

   a) *and* indicates that all the connected items, conditions, provisions or events shall apply;

   b) *or* indicates that all the connected items, conditions, provisions or events may apply singly or in combination; and

   c) *either-or* indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

6) The word *includes* shall not limit a term to the specified examples, but is intended to extend the meaning to all instances or circumstances of the like kind or character.

1.7 UNITS OF MEASUREMENT

1) For convenience, this By-law contains both metric and imperial measurements. In cases where a discrepancy occurs between the metric and imperial standards, the imperial unit shall prevail.

1.8 EFFECTIVE DATE

1) This By-law shall be in full force and effect when the Council of the City of Winkler has given it Third Reading.

1.9 CONTROL OF DEVELOPMENT

1) No development, other than that designated in Section 11.1, shall be undertaken in the City of Winkler unless an application has been approved and the development permit has been issued.

1.10 RELATIONSHIP TO FORMER BY-LAWS

1) The adoption of this By-law shall not prevent any pending or future legal action to deal with any existing land use violations.

1.11 VALIDITY

1) Should a court of competent jurisdiction declare any Section or part of a Section of this By-law invalid, the same shall not affect provisions of the By-law as a whole or any part thereof beyond that which is declared invalid.

2.0 NON-CONFORMING BUILDINGS, STRUCTURES, LOTS AND USES

1) When on or before the day on which this By-law or any By-law for the amendment of it comes into force, a development permit has been issued, and the enactment of the By-law would render the development in respect of which the permit was issued a non-conforming building, structure, lot, or use, the development permit continues in effect despite the enactment of the By-law.

2) Any lawful building or structure which does not conform to one or more of the applicable yard regulations of the Zoning District in which it is located, either on the effective date of this By-law or amendments thereto, shall be deemed to be a permitted building or structure and shall be used as if it conformed to all such regulations, in accordance with Section 2.0 (5) hereof.

3) Any legal existing lot which does not conform to the minimum site area, site width, front yard or access regulations hereof for the Zoning District wherein it is located, shall be deemed to be a permitted lot and shall be used as if it conformed to all such regulations, in accordance with Section 2.0 (5) hereof.

4) Any lawful use of a building, structure or lot, or portion thereof, which does not conform to one or more of the applicable use regulations of the Zoning District in which it is located,

either on the effective date of this By-law or amendments thereto, shall be deemed to be a permitted use and shall be used as if it conformed to all such regulations, in accordance with Section 2.0 (5) hereof.

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

6) A non-conforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continues.

7) A non-conforming use of part of a building shall not be extended throughout the building and the building, whether or not it is a non-conforming building shall not be enlarged or added to and no structural alterations shall be made thereto or therein.

8) A non-conforming building may continue to be used, but the building shall not be enlarged, added to, rebuilt or structurally altered except:

   a) as may be necessary to make it a conforming building; or

   b) as the Designated Officer considers necessary for the routine maintenance of the building.

9) Where a building or structure that does not conform to the provisions of this By-law or amendments thereto is destroyed or damaged to an extent that is 50.00 percent or more of the assessed 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.

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

11) Despite Section 2.0 (1) to Section 2.0 (10), as per the *Act* a non-conformity may be altered by way of variation order by Council.

12) Any owner may apply to the Designated Officer for a Non-Conforming Certificate in accordance with provisions of *the Act*, and in so doing, must provide adequate documentation to support the application.

3.0 THE ZONING DISTRICT MAPS

1) The Zoning District Maps are Part IV of this By-law, which divide the City of Winkler into Zoning Districts and specifies regulations applying to particular lands.

3.1 ZONING DISTRICT BOUNDARIES

Should uncertainty or dispute arise relative to the precise location of the boundary of any Zoning District, as depicted on the Zoning District Maps, the location shall be determined by the following:

1) Where a Zoning District boundary is shown as approximately following the centre of streets, lanes or other public thoroughfares, it shall be deemed to follow the centre line thereof.

2) Where a Zoning District boundary is shown as approximately following the boundary of a site, the site boundary shall be deemed to be the boundary of the Zoning District for that portion of the Zoning District boundary which approximates the site boundary.

3) Where a Zoning District boundary is shown approximately following Municipal limits, it shall be deemed to be following Municipal limits.

4) Where a Zoning District boundary is shown as approximately following the centre of pipelines, railway lines, or utility easements, it shall be deemed to follow the centre line of the right-of-way thereof.

5) Where a Zoning District is shown as approximately following a topographic contour line or a top-of-bank line, it shall be deemed to follow the said line. In the event of a change in the said line, it shall be deemed as moving with that line.

6) Where a Zoning District boundary is shown as being parallel to or as an extension of features noted above, it shall be so construed.

7) Where features on the ground are at variance with those shown on the Zoning District Map or in other circumstances not mentioned above, the Designated Officer shall interpret the Zoning District boundaries. Any such decision may be appealed to Council.

8) Where a Zoning District boundary is not located in conformity to the provisions of Section 3.1(1) to Section 3.1(7) of this By-law, and in effect divides or splits a registered parcel of land into more than one Zoning District:

   a) the disposition of the said boundaries shall be determined by dimensions indicated on the Zoning District Maps or by measurements directly scaled from the Zoning District Maps; and

   b) each such portion of the said parcel of land shall be used in accordance with the applicable Zoning District regulations of this By-law as if it were a separate site.

3.2 RIGHT-OF-WAY BOUNDARIES

1) Despite anything contained in this By-law, no Zoning District shall be deemed to apply to any public roadway and any public roadway may be designed, constructed, widened, altered, redesigned and maintained in such manner as may be determined by Council.

2) Where any public roadway is closed pursuant to the provisions of *The Municipal Act*, as amended, the land contained therein shall there upon be deemed to carry the same Zoning District as the abutting land.

3) Despite Section 3.2 (2), where such abutting lands are governed by different Zoning Districts, the centre line of the public right-of-way shall be deemed to be the Zoning District boundary.

4.0 APPROVAL REQUIRED FOR DEVELOPMENT

1) No person

   a) shall commence, or cause or allow to be commenced, a development without a development permit which has been issued under the provisions of this By-law; or

   b) shall carry on, or cause or allow to be carried on a development without a development permit which has been issued under the provisions of this By-law.

5.0 OTHER LEGISLATION

5.1 COMPLIANCE

1) A person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with:

   a) the regulations of the *National Building Code* as well as applicable Municipal building regulations and Provincial building code regulations;

   b) the *MSTW Planning District Development Plan*;

   c) any other appropriate Federal, Provincial or Municipal legislation; and

   d) the conditions of any caveat, covenant, site plan, development agreement, variation order or conditional use order, easement or other instrument affecting a building or land.

2) Whenever provisions contained in any appropriate Federal, Provincial or Municipal legislation impose overlapping regulations, laws or policies over the use of land, buildings or structures, or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest standard shall apply.

3) Whenever the provisions of a special agreement or development agreement entered into between the City of Winkler and a developer impose overlapping regulations over the use of land, buildings or structures, or contain any restrictions covering any of the same subject matter contained in this By-law, the most restrictive or highest standard shall govern.

4) The Province of Manitoba and the Government of Canada are not bound or restricted by any regulation of this By-law. The said governments are encouraged, however, to permit only those developments that are consistent with the regulations of this By-law.

5.2 PUBLIC UTILITIES AND SERVICES

1) Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any Public Utility Service or Protective and Emergency Service, as defined in this By-law.

6.0 DEFINITIONS

Terms and words in this By-law as defined in the *Act* have the meaning expressed therein. Other terms and words, unless the context otherwise requires, are defined below.

6.1 GENERAL DEFINITIONS

1) **Abut or abutting** means immediately continuous to or physically touching, and when used with respect to a site, means that the site physically touches upon another site or piece of land, and shares a lot line or boundary line with it.

2) **Accessory** means, when used to describe a use, building or structure, said use, building or structure is naturally or normally incidental, subordinate, and exclusively devoted to the principal use or building, and located on the same lot or site.

3) ***Act*, the** means *The Planning Act*, being Chapter P80 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.

4) **Affordable Housing** is considered to be "affordable" when it costs less than 30% of before tax household income. For renters, shelter costs include rent and any payments for electricity, fuel, water and other municipal services. For owners, shelter costs include mortgage payments (principal and interest), property taxes, and any condominium fees, along with payments for electricity, fuel, water and other municipal services (Canada Housing and Mortgage Corporation). "Affordable Housing" for the purposes of this by-law shall mean any unity that costs less than 30% of the before tax median household income of the community within which it is built.

5) **Alteration** means a change or modification to an existing building, structure or use that, unless otherwise provided for herein, does not increase the exterior dimensions with respect to height and area.

6) **Animal Unit (A.U.)** Animal Unit (A.U.) means the number of animals of a particular category of livestock that will excrete 73.00 kg. (160.93 lb.) of nitrogen in a twelve month period, in accordance with Appendix D, attached hereto.

7) **Aquifer** means a water bearing geological formation that is capable of producing water to wells or springs in quantities that are economically useful.

8) **Attached**, when used in reference to a building, means a building otherwise complete in itself, which is dependent for structural support, or complete enclosure, upon a wall or walls shared in common with an adjacent building or buildings.

9) **Basement** means the portion of a building or structure which is wholly or partially below grade, having above grade no more than 1.83 m. (6.00 ft.) of its clean height which lies below the finished level of the floor directly above or being a minimum depth of 1.22 m. (4.00 ft.).

10) **Bedrooms** means a habitable room located within a dwelling unit that is used primarily for sleeping.

11) **Bedroom Suites** means a bedroom located within a dwelling unit that contains washroom facilities for the exclusive use of the occupants thereof.

12) **Bees** means any member of the genus Apis mellifera or Megachile rotundata insect or similar insects at the discretion of the Designated Officer.

13) **Blank Walls** means exterior walls containing no windows, doors or other similar openings.

14) **Buffer Strip** means a strip of landscaping or vegetation used to provide a screen between sites in order to mitigate objectionable features between them.

15) **Building** means any structure used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment.

16) **Building Permit** means a document authorizing erection, placement, alteration, addition to or enlargement of a building issues pursuant to the City of Winkler Building By-law, as amended. A development permit may include a building permit.

17) **Bulk Fuel Storage Tank** means a tank used for the bulk storage of petroleum products or other flammable liquids legally stored within a structure or establishment that is incidental to the primary use of the site.

18) **Caliper** means the trunk diameter of a tree measured at a point 300.00 mm. (12.00 in.) above the top of the root ball.

19) **Cannabis** means cannabis as defined in the Cannabis Act (Canada).

20) **Caretaker** means a person in charge of a building on a temporary or interim basis.

21) **Composting** means a designed and managed system to facilitate the process of aerobic decomposition of organic matter by biological action.

22) **Conditional Use Order** means those uses of land, buildings or structures which may be permitted in a particular Zoning District but only at the discretion of Council in accordance with the *Act*.

23) **Condominium** means individual ownership of a unit in a multiple unit structure where expenses common to all parties are shared as per *The Condominium Act*.

24) **Condominium Bare Land Unit** means a unit of land defined by delineation of its horizontal boundaries without reference to any buildings on a condominium plan.

25) **Condominium Unit** means a part of the land or building that is designated as a unit by the condominium plan, and is comprised of the space enclosed by its boundaries and all material parts of the land within this space at the time the condominium declaration and plan are registered.

26) **Construction or Constructed** means the physical location, erection, increase or decrease in size of any building or structure or ground including any excavation, building, drilling, digging, alteration, addition, extension, location, relocation, demolition, replacement and/or development.

27) **Conversion** means a change in use of land or a building or an act done in relation to land or a building that results, or is likely to result, in a change in the use of such land or building without involving major structural alterations.

28) **Council** means the Council of the Municipal Corporation of the City of Winkler.

29) **Cultivated Land** means land that is prepared and used for the growing of crops.

30) **Curb Cutting** means the cutting or lowering of a curb, sidewalk or boulevard, or any of them, to provide a driveway for vehicular and pedestrian access to a site.

31) **Density** means the total number of dwelling units divided by the total area of land to be developed, expressed in either gross hectares and/or acres.

32) **Deck** means an unenclosed roofless amenity area adjoining a building.

33) **Designated Officer** means the Designated Officer as appointed by the MSTW Planning District Board on behalf of the Council for the City of Winkler in accordance with the *Act, or an individual appointed by same to undertake the duties of the Designated Officer as outlined in this By-law*.

34) **Development Permit** means a permit issued by the City of Winkler authorizing development.

35) **Development Plan** means the *MSTW Planning District Development Plan* adopted by By-law and as amended.

36) **Dwelling Unit** means one or more self-contained rooms provided with sleeping and cooking facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a household.

37) **Dwelling Unit Area** means the total floor area of the dwelling unit contained within the outside surface of the exterior walls. This calculation shall exclude basement or other areas that are below-grade.

38) **Elevation, Lot Grade** means either the elevation of the finished ground surface at any specific reference point, at any point on the slope between two specific reference points on a lot, or a combination thereof.

39) **Enlargement** means an addition to the floor area of an existing building or structure, or an increase in that portion of a parcel of land occupied by an existing use.

40) **Environmental Impact Statement** means a study prepared in accordance with established procedures to identify and assess the impacts of development on a specified feature or system.

41) **Extension** means an increase in the amount of existing floor area used for an existing use, within an existing building.

42) **Family** means one or more persons related by blood or marriage or common law marriage, or group of not more than four persons who may not be related by blood or marriage occupying a dwelling unit and living together as a single housekeeping unit.

43) **Flood Proofed** means the measures taken to ensure that a structure or building is safe from the effects of flooding and includes: no openings of any kind such as windows, doors and vents, or electrical meeting equipment etc. shall be permitted below the flood datums.

44) **Flood Risk Area** means that land adjacent to a watercourse that is divided into two parts: the floodway and the floodway fringe. The floodway includes the area where the majority of floodwaters pass. The floodway fringe includes the area outside the floodway that may be subjected to periodic flooding or inundation of floodwaters.

45) **Floor Area Ratio** means the ratio of the gross floor area of a building to the area of the lot on which the building is located. The gross floor area of the building excludes:

a) basement areas used exclusively for storage or service to the building;

b) parking areas below grade, and

c) floor areas devoted exclusively to mechanical or electrical equipment servicing the development, divided by the area of the site.

The diagram below illustrates how a floor area ratio of 1:1 may be reached in three different ways.

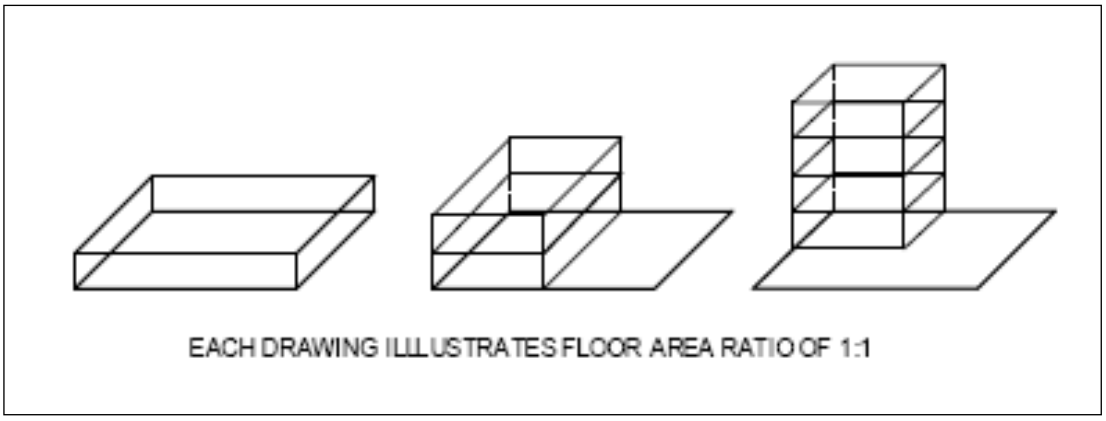


Figure 1. Floor Area Ratio

46) **Frontage** means all that portion of a site fronting on a street and measured between side lot lines.

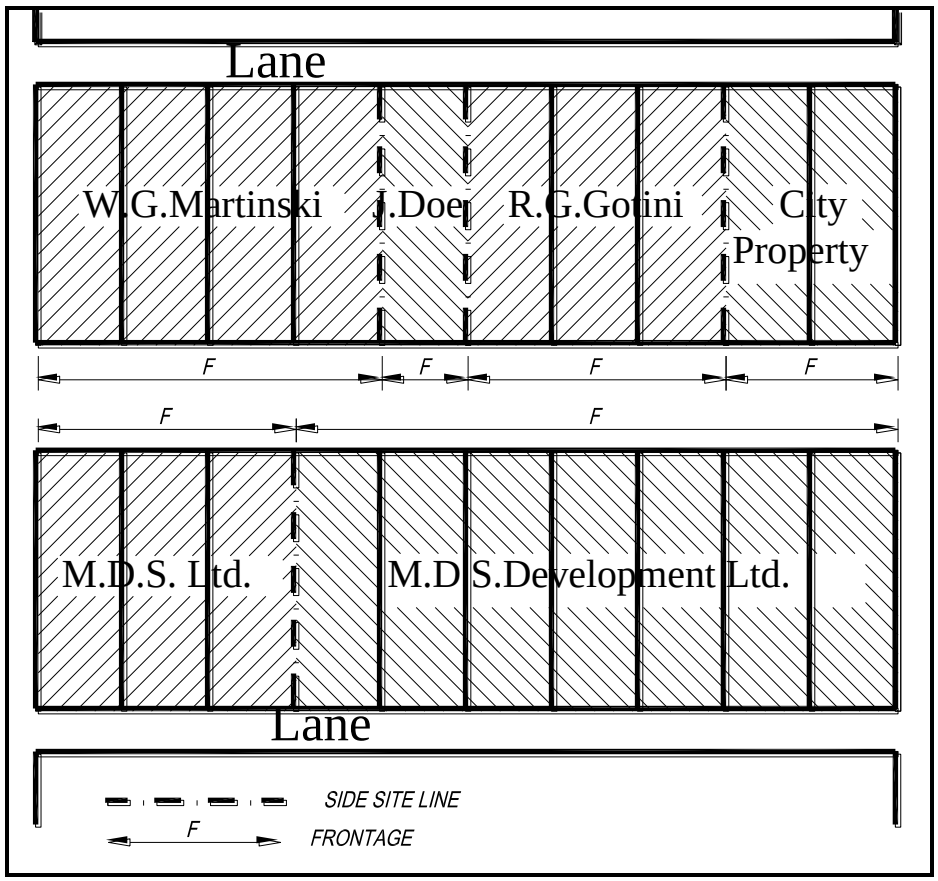


Figure 2. Frontage

47) **Fuel Tank Storage** means a tank for the bulk storage of petroleum products or other inflammable liquids which are being legally kept in a retail store or storage tank which is incidental to the primary use of the premises.

48) **Garage** means an accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.

49) **Grade, Building Lot** means the lot grade elevation of the finished ground surface immediately adjacent to the foundation of a building.

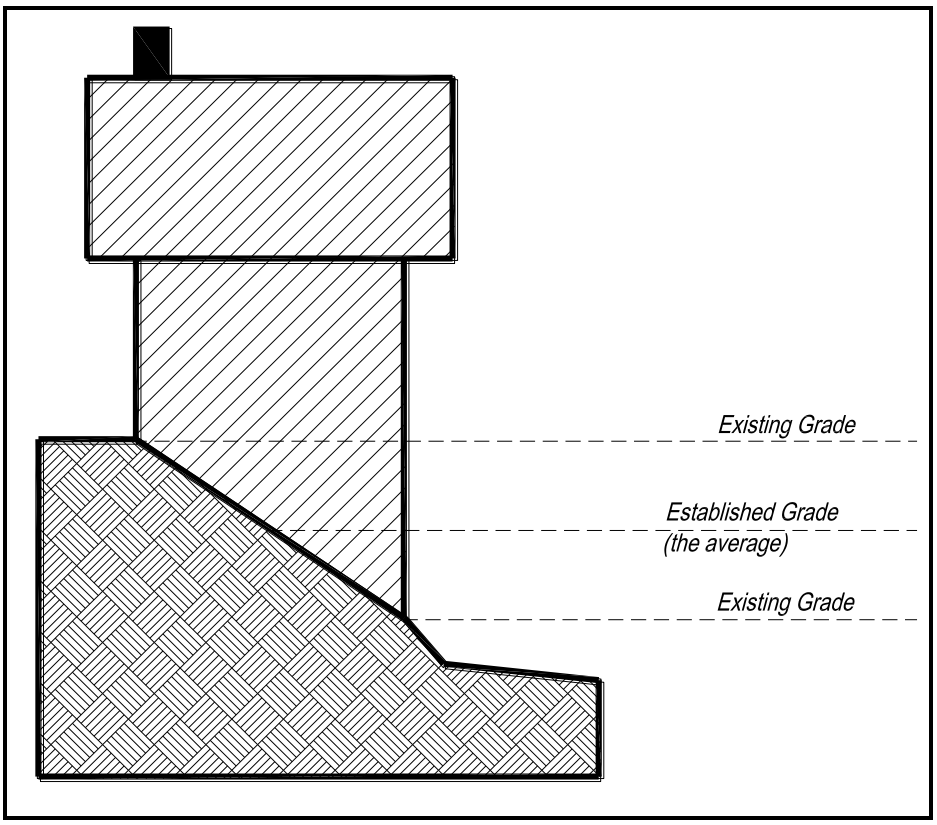


Figure 3. Established Grade of a Building

50) **Groundwater** means water below the surface of the ground.

51) **Habitable Room** means any room in a dwelling other than a non-habitable room.

52) **Hard surfaced** means the paving of the ground with poured concrete, hot mix asphalt, or any other surface material approved by the Designated Officer.

53) **Height** means, when used with reference to a building or structure, the vertical distance between the horizontal plane through grade and a horizontal plane through:

a. the highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20.00 degrees; and

b. the average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of more than 20.00 degrees, provided that in such cases the ridge line of the roof shall not extend more than 1.52 m. (5.00 ft.) above the maximum permitted building height of the Zoning District.

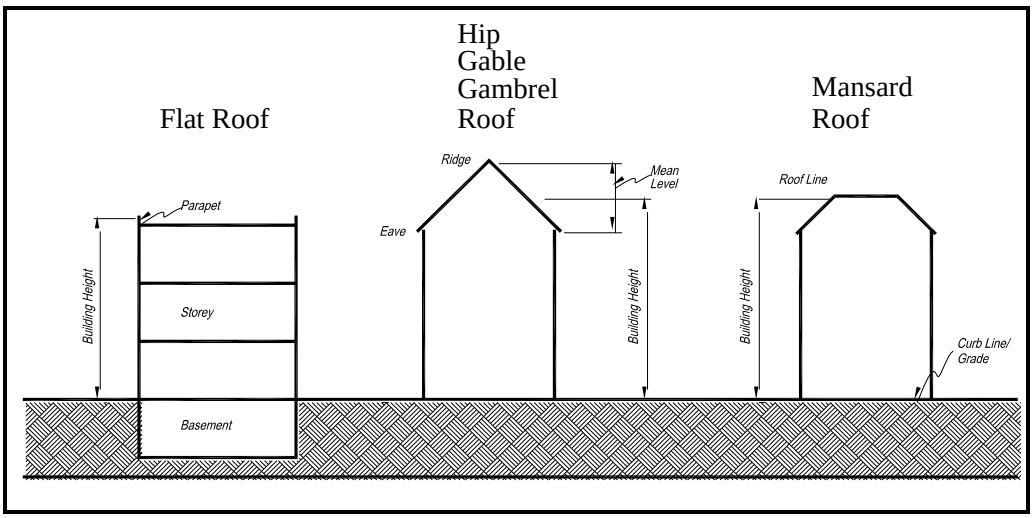


Figure 4. Height of Buildings

54) **Household** means one person or two or more persons voluntarily associated, plus any dependents, living together as an independent, self-governing single housekeeping unit.

55) **Household Pets** means Domestic Pets including cats and dogs, as more fully defined in the Animal Control By-law.

56) **Institution** means a building or part of a building used for a Residential-Related purpose by an organized body or society for promoting a particular object or cause, but does not include Private Clubs.

57) **Landscaping** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a site or to provide a screen between sites in order to mitigate objectionable features between them.

58) **Lane** means a street not over 9.14 m. (30.00 ft.) in width.

59) **Livestock** means horses, cattle, swine, pigs, goats, sheep, pigeons, all domestic poultry, and specialty fowl, or similar animals at the discretion of the Designated Officer.

60) **Loading Space** means an off-street space or berth on the same site with a building, or contiguous with a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandize or materials, and which abuts upon a street, lane or other appropriate means of access.

61) **Lot, Corner** means a lot located at the intersection of two public roadways, the interior angle of such intersection not exceeding 135.00 degrees.

62) **Lot, Flag** means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

63) **Lot, Interior** means any lot other than a corner lot or through lot.

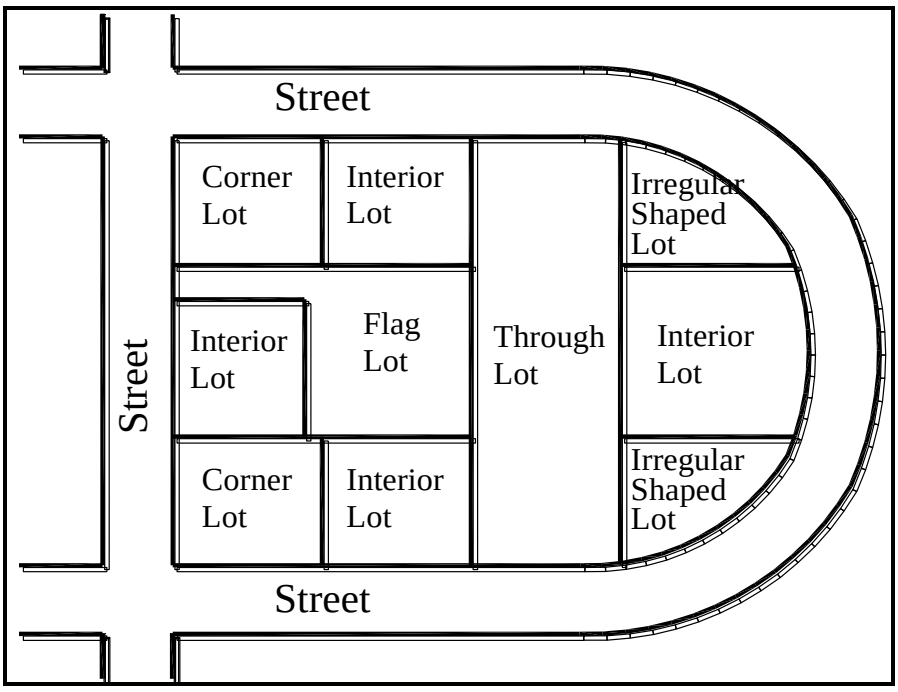


Figure 5. Lot Types

64) **Lot, Through** (also referred to as a Double Fronting Lot) means a lot having a pair of opposite lot lines along two streets. On a through lot, both street lines shall be deemed front lot lines.

65) **Lot Line, Front** means the property line a lot abutting public roadway other than a lane. In the case of a corner lot, the front lot line is the shorter of the lot lines abutting a public roadway.

66) **Lot Line, Rear** means either the lot line which is furthest from and opposite the front lot line, or, where there is no such lot line, the point of intersection of any side lot lines which is furthest from and opposite the front lot line.

67) **Lot Line, Side** means the property line of a lot other than a front lot line or rear lot line.

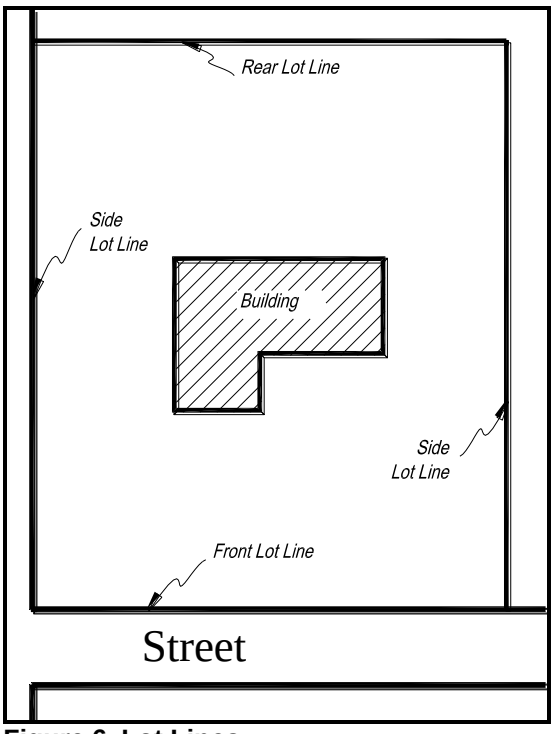


Figure 6. Lot Lines

68) **Manufactured Home Dwelling** means a factory built dwelling unit certified prior to the placement on the lot as having been built as a modular home in accordance with CSA building regulations, being placed on a permanent foundation, having its chassis or frame permanently removed, and arriving at the lot ready for occupancy apart from incidental operations and connections.

69) **Mobile Home Park** means a parcel or land under one ownership upon which mobile home spaces are provided for rent or lease and have been approved by Council.

70) **Mobile Home Site** means a site in a mobile home subdivision that may be purchased for the placement of a mobile home.

71) **Mobile Home Subdivision** means a parcel of land subdivided into mobile home sites that may be sold for the placement of mobile homes.

72) **Modular Home Dwelling** means a building assembly or system of building sub-assemblies manufactured in its entirety, or in substantial part, off-site and transported to the point of use for installation on-site, with or without other specified components, as a finished building or as part of a finished building in accordance with CSA building regulations. Modular homes need not have electrical, plumbing, heating, ventilation, insulation or other service systems, but when such systems are installed at the off-site manufacture or assembly point, they shall be deemed a part of such building or system of building assemblies. Modular homes do not include open frame construction which can be completely inspected on-site.

73) **Motor Home** means a certified and licensed vehicular structure, as defined in *The Highway Traffic Act* that is used as temporary accommodation for recreational purposes and being independent of Municipal sewer, water and electrical services.

74) **Municipal Engineer** means the Municipal Engineer as appointed by Council for the City of Winkler.

75) **Municipality** means the Municipal Corporation of the City of Winkler.

76) **Non-Habitable Room** means a space in a dwelling unit providing a service function and not intended primarily for human occupancy, including bathrooms, entryways, corridors, or storage areas.

77) **Nuisance** means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

78) **Occupancy** means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

79) **Occupancy Permit** means permission or authorization issued in writing pursuant to applicable zoning regulations, to occupy any building or part thereof, in the City of Winkler.

80) **Offensive or objectionable** means, when used with reference to signage, lighting or a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise; vibration; smoke; dust or other particular matter; odour; toxic or non-toxic matter; radiation hazards; fire or explosive hazards; heat; glare; unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which in the opinion of Council may be or become hazardous or injurious as regards health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land, building or structure.

81) **Off-Road Vehicle** means any wheeled or tracked motor vehicle designed or adapted for cross-country travel on land, water, ice, snow, marsh or swamp land or other natural terrain, and includes motorcycles, all-terrain vehicles, mini-bikes, dirt-bikes and trail-bikes, dune or sport buggies, snowmobiles, and amphibious vehicles.

82) **Oriel Windows** means a type of bay or bow window that projects out from an upper storey of a dwelling unit.

83) **Outdoor Storage** means the storage of merchandise, goods, inventory, materials or equipment or other items that are not intended for immediate sale, by locating them outside.

84) **Owner** means a person who appears by the records of the Land Titles Office to have any right, title, estate or interest in land and includes the agent of such a person in possession or occupation of the land with the express or implied consent of the owner.

85) **Parcel of Land** means the aggregate of all land described in any manner in the certificate of title.

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

87) **Passenger Vehicles** means a motor vehicle that is designed, constructed or adapted for the principal purpose of transporting passengers, but excludes off-road, motor home, trailer, travel trailer and truck vehicles.

88) **Patio** means a paved area adjoining a building.

89) **Performance Standard** means a standard to control noise, odour, smoke, toxic or noxious matter, vibration, fire and explosive hazards or glare or heat generated by, or inherent in, uses of land or buildings.

90) **Pollution** means the presence of foreign substances that adversely affect the natural constituents of the air, water or soil.

91) **Private & Public Communications Towers & Facilities** means outdoor equipment and structures required for the purposes of transmitting or receiving television, radio, microwave,

radar, laser, or similar communications signals. These facilities may include, but are not limited to: antennae, aerials, receiving dishes, transmission beacons, masts and towers.

92) **Ready-To-Move Dwelling** means a method of constructing a dwelling unit whereby all of its component parts have been assembled in an off-site manufacturing facility and transported to a site where it is anchored to a permanent foundation.

93) **Repair** means the renewal or reconstruction of any part of an existing structure for the purpose of its maintenance or restoration.

94) **Runway** means a defined rectangular area on a land aerodrome prepared for the landing and take-off of aircraft along its length.

95) **Runway Strip** means a rectangular area extending 30.48 m. (100.00 ft.) on either side of the runway and 60.96 m. (200.00 ft.) beyond the ends of the runway.

96) **Separation Distance** means a distance to be maintained between two uses, measured from the nearest points of any structure or areas upon which the uses are located.

97) **Separation Space** means open space around dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation, and privacy.

98) **Setback** means the distance that a development or a specified portion of it must be set back from a lot line.

99) **Site** means an area of land consisting of one or more abutting lots.

100) **Site Coverage** means the combined area of all buildings or structures on the site as a percentage of the site area, measured at the level of the lowest storey above the grade, including all enclosed and insulated decks, sunrooms, porches and verandas, but excluding seasonal non-insulated structures, open or covered, such as decks, screened porches or verandas, patios at grade, steps, uncovered walks, wheelchair ramps, cornices, eaves and similar projections.

101) **Site Depth** means the average horizontal distance between the front and rear lot lines of the site.

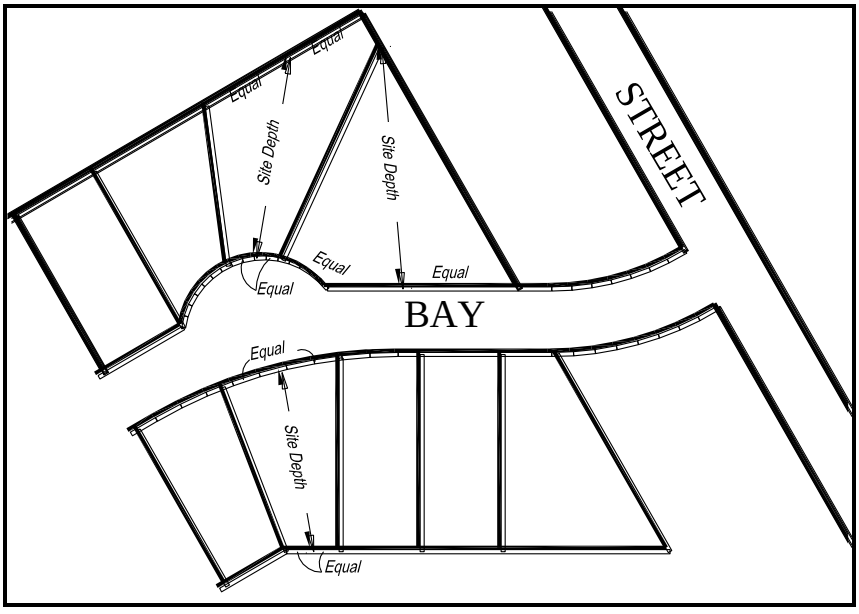


Figure 7. Site Depth

102) **Site Plan** means a map or series of maps drawn to scale showing some or all of the following information: proposed and existing buildings, structures, alterations and additions, roads, walkways, landscaping, parking areas, stacking spaces, loading spaces, vegetation, buffer strips, elevations, areas to be raised by fill, grade level, physical features of the site and other relevant information as may be required by the Designated Officer or Council for any proposed development.

103) **Site Width** means the horizontal distance between the side lot lines of a site, measured at right angles to the site depth at a point midway between the front and rear lot lines, or at 15.24 m. (50.00 ft.) from the front lot line, and the lesser of these distances is the site width.

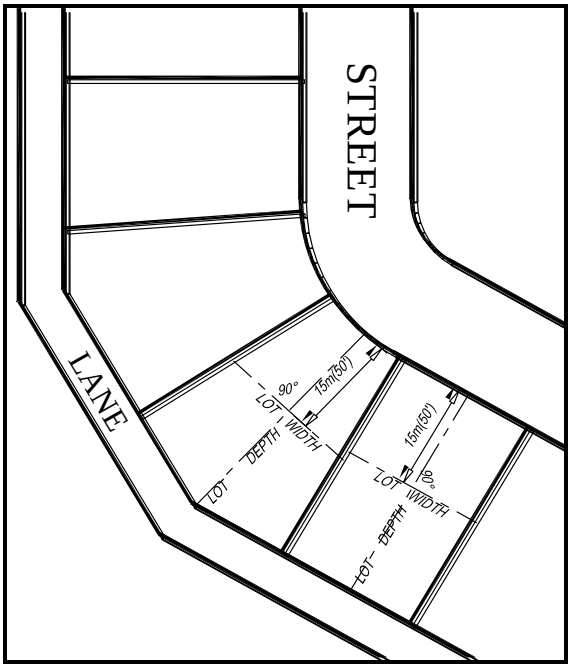


Figure 8. Site Width

104) **Sleeping Unit** means a habitable room, or a group of two or more habitable rooms, not equipped with self-contained cooking facilities, providing accommodation for not more than two persons.

105) **Solar Collector** means a panel or other solar energy device with the primary purpose of gathering, storing, and distributing solar energy for electricity generation, space heating, space cooling, or water heating.

106) **Solar Collector, (Ground Anchored)** means a ground anchored solar collector and associated equipment for converting solar energy to power.

107) **Solar Collector, (On-Site Use)** means a solar collector intended to primarily serve the electrical needs of the on-site user or consumer (either behind the meter or off-grid) rather than to produce power for resale. Rooftop Solar Collectors are a type of On-Site Use Solar Collectors.

108) **Solar Collector, (Rooftop)** means a roof mounted solar collector and associated equipment for converting solar energy to power.

109) **Solar Collector, (Wall-Mounted)** means a wall mounted solar collector and associated equipment for converting solar energy to power.

110) **MSTW Planning District Board** means the MSTW Planning District Board as established under *the Act*.

111) **Stacking Space** means an on-site queuing area for a passenger vehicle that is separated from other vehicular traffic and pedestrian circulation by barriers, markings or signs.

112) **Storey** means that portion of a building which is situated between the top of any floor and the top of the floor next above it. If there is no floor above, the storey is the portion of the building which is situated between the top of any floor and the ceiling above it. If the top of the floor directly above a basement is more than 1.83 m. (6.00 ft.) above grade, such basement shall be considered a storey for the purpose of this By-law.

113) **Storey, Half** means a storey under a gable, hip, or gambrel roof, the wall plates of which, on at least two opposite walls, are not more than 0.66 m. (2.17 ft.) above the floor of such storey.

114) **Street** means a public roadway having a right-of-way at least 10.06 m. (33.00 ft.) in width that affords the principal means of access to abutting land.

115) **Structure** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure.

116) **Surface Water** means any body of flowing or standing water, whether naturally or artificially created, including but not limited to a lake, river, creek, spring, drainage ditch, roadside ditch, reservoir, swamp, wetland and marsh, including ice on any of them, but not including a dugout on the property of an agricultural operation.

117) **Temporary Buildings and Uses** means an incidental use, building or structure for which a development permit has been issued for a limited time only.

118) **Traffic Generation** means the volume of vehicular traffic generated over a prescribed area within a prescribed time frame, which can be directly attributed to a particular development or geographic area.

119) **Trailer** means a vehicle designed for carrying chattels, and for being towed by a motor vehicle.

120) **Travel Trailer** means a certified and licensed portable vehicle designed for carrying persons as temporary accommodation for recreational purposes that is towed by a motor vehicle.

121) **Truck** means a motor vehicle that is constructed or adapted to carry goods, wares, merchandise, freight or commodities, but not passengers.

122) **Use** means the purpose or activity for which a piece of land or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.

123) **Variation Order** means the altering of any of the regulations found in this By-law in accordance with the *Act*.

124) **Watercourse** means the channel in or bed on which surface water flows or stands, whether continuously or intermittently, but does not include a dugout, reservoir, intermittent slough, drainage ditch or intermittent stream that is completely surrounded by private land controlled by the owner or operator of an agricultural operation and that has no outflow going beyond the private land.

125) **Wind Energy Generation System** means any device or group of devices such as a wind charger, windmill or wind turbine that converts wind energy to electrical energy whether it is used for personal use or for generation of power for sale by an enterprise.

126) **Wind Energy Generating System, (On-Site Use)** means a wind energy generating system intended to primarily serve the electrical needs of the on-site user or consumer (either behind the meter or off-grid) rather than to produce power for resale. Rooftop Wind Energy Generation Systems are a type of On-Site Use Wind Energy Generating System.

127) **Wind Energy Generation System (Rooftop)** means a roof mounted wind turbine(s) and associated equipment for converting wind energy to power.

128) **Yard** means required open space that is unoccupied by any building or structure and unobstructed from its lowest level to the sky, unless otherwise permitted in this By-law.

129) **Yard, Front** means a yard extending all the full length of the front lot line between the corner property pins. All front yard regulations found in this By-law shall be measured from the front lot line.

130) **Yard, Rear** means a yard extending along the full length of the rear lot line from the front yard to the rear yard.

131) **Yard, Side** means a yard extending along the side lot line from the front yard to the rear yard.

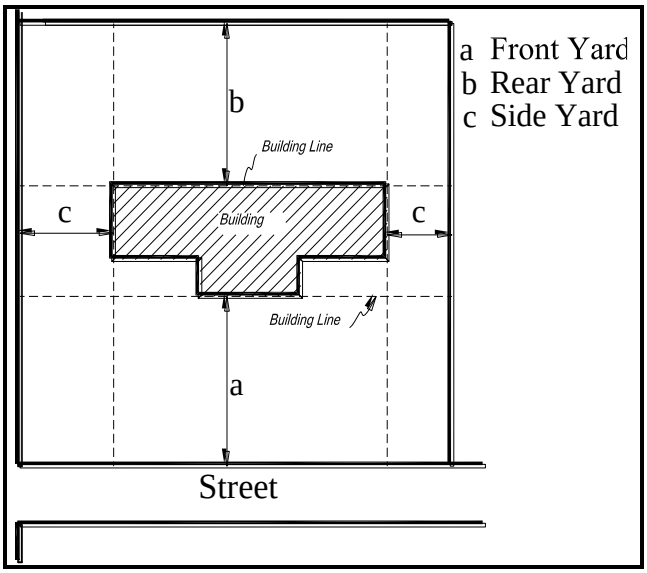


Figure 9. Yards

132) **Zoning District** means a Section contained in Part II of this By-law which regulates the use and development of land as depicted on the Zoning District Map comprising Part IV of this By-law.

6.2 SIGN DEFINITIONS

Terms and works used in this By-law regarding the regulations of signs, unless the context otherwise requires, are defined as follows:

1) **Abandoned Sign** means any sign which no longer correctly identifies a business or the products and services offered on the site where the sign is located, or any sign which is not in a readable state.

2) **Animated Sign** means any sign or portion of a sign having moving parts or electronically controlled colour changes which depict action or give motion to the sign.

3) **Awning Sign** means a non-illuminated sign painted or stencilled on the fabric surface of a shelter supported entirely from the exterior wall of a building and designed to be collapsible, retractable or capable of being folded against the wall or supporting building.

4) **Business Identification Sign** means a sign identifying the name, dealer, franchise, association, primary function, product or service of the commercial activity conducted on the premises, and may include local advertising and changeable copy.

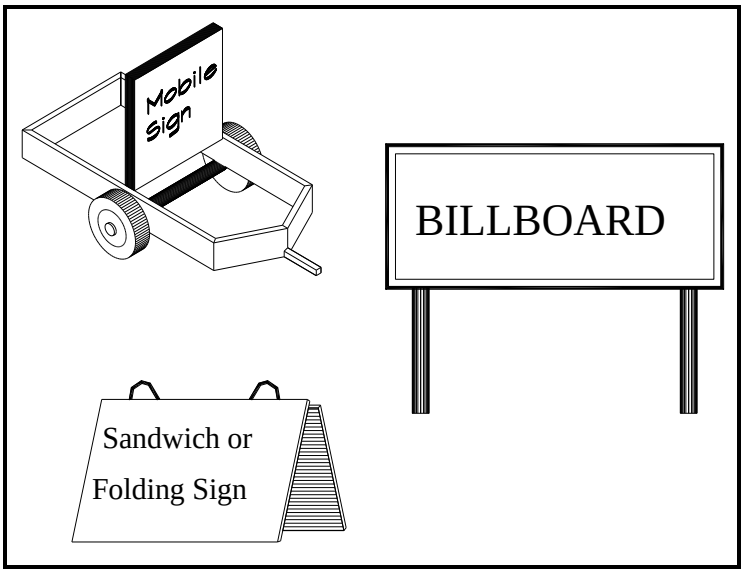


Figure 10. Types of Signs (Mobile, Sandwich, Billboard)

5) **Canopy Sign** means a sign attached to, or forming part of, a permanent building projecting or fixed structural framework which extends outward from the exterior wall of a building and which may be roofed over or covered to provide protection over the entrance to a building.

6) **Copy** means the letters, graphics or characters which make up the message on sign face.

7) **Copy Area** means the total area within one or more rectangles which enclose the entire limits of the copy.

8) **Directional Sign** means on premise or off-site signs providing direction to pedestrian or vehicular traffic without advertising copy, except a business logogram.

9) **Electric Sign** means any sign containing electrical wiring or lights built into the sign face which are intended for connection to an electrical energy source.

10) **Fascia Sign** means any sign painted on or attached to an exterior building wall so that the sign does not extend more than 40.00 cm. (15.75 in.) out from the wall or beyond the horizontal limits of the wall.

11) **Free Standing Sign** means any sign supported independently of a building and permanently fixed to the ground.

12) **General Advertising Sign** means a sign which directs attention to a business, activity, product, service or entertainment which cannot be considered as the principal products sold nor a principal business, activity, entertainment, or service provided on the premises where the sign is displayed, and general advertising has a similar meaning.

13) **Height (sign)** means the vertical distance measured from the finished ground surface directly under the sign to the highest point of the sign.

14) **Identification Sign** means a sign which contains only the name and address of a building, institution or person and the activity carried on in the building or institution, but does not include any other advertising copy.

15) **Illuminated Sign** means any sign having only steady illumination of the same intensity by artificial means, either from lighting directed on the sign face or from a light source located within the sign which is transmitted through a transparent or translucent sign face.

16) **Mural Sign** means a non-illuminated sign painted on the exterior wall of a building which enhances the visual appearance of the building and does not include business identification or general advertising.

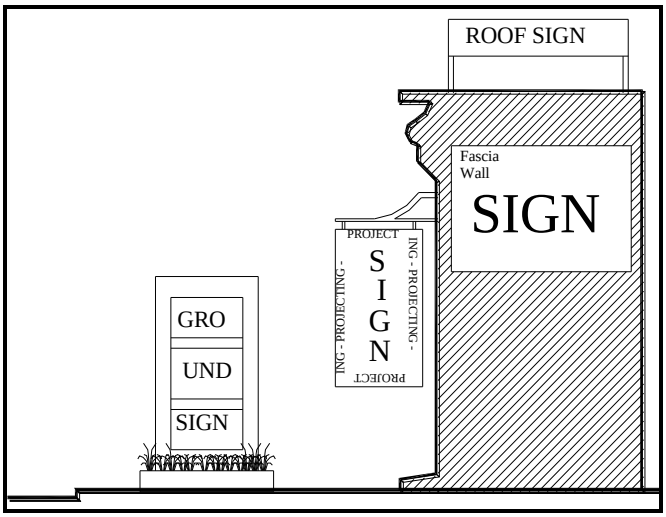


Figure 11. Types of Signs (Ground, Roof, Fascia, Projecting)

17) **Official Sign** means a sign required by, or erected pursuant to, the provisions of Federal, Provincial or Municipal legislation.

18) **Portable Sign** means a sign greater than 0.50 sq. m. (5.38 sq. ft.) in area that is mounted on a stand or other support structure other than a stationary trailer and is designed in such a manner than the sign can readily be relocated to provide advertising at another location or readily taken on and off a site, and may include copy that can be changed manually through the use of attachable characters, message panels or other means.

19) **Projecting Sign** means any sign, except a canopy sign, which is supported by an exterior building wall and projects outward from the building wall by more than 40.00 cm. (15.75 in.).

20) **Real Estate Sign** means a sign displaying real estate copy.

21) **Roof Sign** means any sign erected upon, against, or above a roof, or on top of or above, the parapet of a building.

22) **Sign** means any visual medium, including its structure and other component parts, illuminated or not illuminated, which is used or capable of being used, on a permanent or temporary basis, to identify or convey information, or to advertise or attract attention to a product, service, place, activity, person, institution or business. Without limiting the generality of the foregoing, signs shall include banners, placards, and painted messages.

23) **Sign Alteration** means any modification of a sign or supporting structure, excluding the routine maintenance or repainting of a sign or changing the copy on signs specifically designed for this purpose.

24) **Sign Area** means the entire area of the sign on which copy is intended to be placed. In the case of double-faced or multi-faced sign, only half of the area of each face of the sign used to display advertising copy shall be used in calculating the total sign area.

25) **Sign Structure** means any structure which supports a sign, including materials used to conceal or improve the visual appearance of the structural parts.

26) **Temporary Sign** means a sign which is not permanently anchored to a footing extending below grade or permanently affixed to, or painted on, a building and on which the copy has been painted or affixed in a permanent manner. The copy on the sign shall relate to an activity, use or event of limited time duration not exceeding six months. Temporary signs include such signs as political campaign signs, real estate signs, construction identification signs, signs identifying seasonal businesses, signs advertising specific community events, and signs providing temporary identification for developments awaiting installation of a permanent sign. For the purpose of this By-law, temporary signs shall include sandwich and folding signs but not portable signs.

27) **Warning Sign** means an on premise sign providing a warning to the public, including such signs as *No Trespassing* or *Private Driveway* signs.

7.0 DEFINITIONS

1) The Use Classes group individual land uses into a specified number of classes, with common functional or physical impact characteristics.

2) The Use Classes of this Section are used to define the range of uses which are permitted or conditional within the various Zoning Districts of this By-law.

3) The typical uses which may be listed in the definitions are not intended to be exclusive or restrictive. Reference should be made to the definition of the Use Class in determining whether or not a use is included within a particular Use Class.

4) Where a specific use does not conform to the wording of any Use Class definition or generally conforms to the wording of two or more Use Class definitions, the Designated Officer may deem that the use conforms to and is included in that Use Class which he/she considers to be the most appropriate in character and purpose. In such a case, this use shall be considered a conditional use, whether or not the Use Class is listed as either a permitted use or conditional use within the applicable Zoning District.

7.1 RESIDENTIAL USE CLASSES

1) **Institutional Residence** means a premise which is intended for the training, treatment, rehabilitation, housing, care and/or supervision of seniors. This Use Class includes nursing homes, personal care homes, residential care homes, attached housing and rehabilitation homes.

2) **Mobile Home Dwelling** means a dwelling unit designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, being on the site on wheels, jacks or similar supports, or on a permanent foundation, and having been built in accordance with CSA building regulations and *The Buildings and Mobile Homes Act*. For the purpose of this By-law, the removal of the wheels or permanent or semi-permanent attachment of a foundation to a Mobile Home Dwelling shall not change the classification.

3) **Multiple Family Dwelling** means a building containing three or more dwelling units served by common corridors and entrance. Each dwelling unit shall be designed for and used by one family.

4) **Planned Unit Development (Residential)** means an area of land used primarily for residential purposes under single ownership or control but including multiple home owners who share the use and financial responsibility of common areas.

5) **Semi-Detached Dwelling** means the whole of a building divided vertically into two separate dwelling units, each of which has an independent entrance.

6) **Single Attached Dwelling** means one of a group of up to four Single Family Dwellings that are attached, with each dwelling unit having an independent entrance directly from the outside.

7) **Single Family Dwelling** means a development consisting of a building containing only one dwelling, which is separate from any other dwelling or building. This Use Class includes a manufactured home dwelling, ready-to-move dwelling and modular home dwelling, but not a Mobile Home Dwelling.

8) **Townhouse Dwelling** means a dwelling unit divided vertically into three or more attached dwelling units by fire separations, each of which has an independent entrance.

9) **Two Family Dwelling** means an attached or semi-detached building designed for and used by not more than two families, each having exclusive occupancy of a dwelling unit.

7.2 RESIDENTIAL-RELATED USE CLASSES

1) **Bed and Breakfast Home** means a principal dwelling where sleeping accommodation with or without light meals is provided to members of the travelling public for remuneration.

2) **Boarding or Rooming House (1 unit)** means a building or portion thereof, that includes one additional residential suite, without cooking facilities, meant to provide lodging for compensation.

3) **Boarding or Rooming House (more than 1 unit)** means a building or portion thereof, other than a hotel, motel or bed and breakfast home, that includes residential suites with shared cooking facilities, meant to provide lodging for compensation.

4) **Care Home** means a building or portion of a building used for the residential accommodation and care/treatment/supervision of persons. Care/treatment/supervision is not provided to persons not resident in the care home.

5) **Guest Cabin** means a building accessory to and subordinate to a permitted residential use designed to provide additional sleeping quarters for occasional guests of the owner and without kitchen facilities.

6) **Home Occupation** means an occupation, trade, profession or craft carried on, in or from a dwelling unit or its accessory building for consideration and which is clearly incidental or accessory to the residential use of the dwelling unit.

7) **Secondary Suite** means that area of a single family that is or is intended to be a dwelling unit that is smaller than the principal residence in the same building where the two dwelling units have internal access between them.

8) **Short Term Rental** means a furnished residential building or portion thereof, meant to provide a temporary lodging for compensation for tourists. Short Term Rental Homes may be occupied for a minimum of 3 consecutive nights and a maximum of 3 consecutive weeks.

7.3 COMMERCIAL USE CLASSES

1) **Aircraft Landing Field** means any area of land or water that is used or intended for a use for the landing or taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities, including taxiways, aircraft storage and hangars.

2) **Amusement Establishment** means a facility within any building, room or area having table games or electronic games played by patrons for entertainment. This Use Class includes arcades but does not include Carnivals or Indoor Participant Recreation Services.

3) **Animal Shelter and Veterinary Service** means a development used for the care and treatment of animals where the veterinary services primarily involve outpatient care and minor medical procedures. This Use Class includes pet clinics and veterinary offices.

4) **Auctioneering Establishment** means a development specifically intended for the auctioning of goods and equipment, including temporary storage of such goods and equipment.

5) **Automotive and Equipment Repair Shop** means a development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This Use Class includes transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops, but does not include body repair and paint shops.

6) **Automotive and Recreational Vehicle Sales** means the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, utility trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sale of parts. This Use Class includes automobile dealerships, car rental agencies and motorcycle dealerships.

7) **Body Modification Establishment** means an establishment which specializes in the placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa, which includes micro-blading.

8) **Broadcasting and Motion Picture Studio** means a development used for the production or broadcasting of audio and visual programming typically associated with radio, television and motion picture studios.

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

10) **Cannabis Cultivation Operation** means the growing of cannabis plants and harvesting material from those plants, as well as associated activities.

11) **Cannabis Processing Operation** means the manufacturing, packaging and labelling of cannabis projects destined for sale to consumers, and the intra-industry sale of these products, including to provincially authorized distributors, as well as any associated activities.

12) **Cannabis Retail Store** means the premises specified in a retail cannabis licence where the retail sale of cannabis is authorized.

13) **Car Broker** means a development used for the retail purchase and sale of used passenger vehicles from a single detached dwelling unit. The Use Class does not include Automotive

and Equipment Repair Shops, Automotive and Recreational Vehicle Sales and/or Convenience Vehicle Rentals.

14) **Carnival** means a temporary use of land, buildings or structures for the purpose of providing or locating facilities for commercial entertainment and participatory amusement activities, including games and rides, and includes circuses and midways.

15) **Commercial School** means a development used for training and instruction in a specific trade, skill or service for the financial gain of the individual or company owning the school. Typical uses include secretarial, business, hairdressing, beauty culture, dancing or music schools.

16) **Convenience Retail Store** means a development used for the retail sale of those goods required by area residents or employees on a day-to-day basis, from business premises which do not exceed 275.00 sq. m. (2,960.17 sq. ft.) in gross floor area. Typical uses include small food stores, drug stores, and variety stores, selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter.

17) **Convenience Vehicle Rentals** means a development used for the rental of new or used automobiles, light trucks and utility trailers. This Use Class includes those establishments which are not strictly office in nature, but include, as an integral part of the operation, minor vehicle servicing, storing, fuelling or car washing facilities.

18) **Custom Manufacturing Establishment** means a development used for small-scale on-site production of goods.

19) **Drive-In Food Service** means a development used for eating and drinking which offer a limited menu produced in a manner that allows rapid customer service and include one or more of the following features: car attendant services; drive-through food pickup services; or parking primarily intended for the on-site consumption of food within a motor vehicle.

20) **Eating and Drinking Establishment** means the sale to the public of prepared foods, for consumption within the premises or off the site. This includes licensed drinking establishments, restaurants, cafes, delicatessens, tearooms, banquet catering, lunchrooms, and take-out restaurants. This Use Class does not include drive-in food services which provide services to customers who remain in their vehicles, refreshment stands, take-out windows where service is provided to customers on the outside, or mobile catering food services.

21) **Equipment Rentals and Sales** means a development used for the rental of tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items.

22) **Fleet Service** means a development using a fleet of vehicles for the delivery of people, goods or services, where such vehicles are not available for sale or long-term lease. This Use Class includes ambulance services, taxi services, bus line, messenger and courier services.

23) **Funeral Service** means a development used for the preparation of the dead for burial or cremation, and the holding of funeral services. This Use Class includes funeral homes, undertaking establishments and includes cremation and interment services.

24) **Gas Bar** means a development used for the retail sale of gasoline, other petroleum products, and incidental auto accessories. This Use Class does not include Service Stations.

25) **General Contractor Service** means a development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated

with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal Contractor Services Use only.

26) **General Retail Store** means a development used for the retail sale of groceries, beverages, household goods, furniture and appliances, hardware, printed matter, confectionary, tobacco, pet sales and grooming, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationary and similar goods from within an enclosed building. Minor public services, such as postal services and film processing depots are permitted within general retail stores. This Use Class includes Convenience Retail Stores and big box stores but does not include developments used for the sale of gasoline, heavy agricultural or industrial equipment, pawn shops, massage parlours, adult entertainment establishments or adult video rental or sales stores.

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

28) **Greenhouse, Plant and Tree Nursery** means a development used primarily for the raising, storage and sale of bedding, household and ornamental plants.

29) **Health Service** means a development used for the provision of physical and mental health services on an outpatient basis. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative or counselling nature. Typical uses include medical and dental offices, health clinics and counselling services.

30) **Hotel** means a development used for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor and are not equipped with individual kitchen facilities. Hotels may include accessory Eating and Drinking Establishments, meeting rooms and Personal Services Shops.

31) **Household Repair Service** means a development used for the provision of repair services to goods, equipment and appliances normally found within a dwelling unit. This Use Class includes radio, television and appliance repair shops, furniture refinishing and upholstery shops.

32) **Mobile Catering Food Service** means a development using a fleet of vehicles for the delivery and sale of food to the public.

33) **Motel** means a development used for the provision of rooms or suites for temporary lodging or light housekeeping, where each room or suite has its own exterior access. Motels may include accessory Eating and Drinking Establishments and Personal Service Shops.

34) **Non-Accessory Parking** means a development providing vehicular parking which is not primarily intended for the use of residents, employees or clients of a particular development. Typical uses include surface parking lots and parking structures located above or below grade.

35) **Outdoor Amusement Establishment** means a permanent development providing facilities for entertainment and amusement activities which primarily take place out-of-doors and where patrons are primarily participants. Typical uses include amusement parks, go-cart tracks and miniature golf establishments.

36) **Personal Service Shop** means a development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This Use Class includes barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, and dry cleaning establishments and laundromats. This use does not include Body Modification Establishments.

37) **Planned Unit Development (Commercial)** means an area of land used primarily for commercial purposes under single ownership or control but including multiple business owners who share the use and financial responsibility of common areas.

38) **Professional, Financial and Office Support Service** means a development primarily used for the provision of professional, management, administrative, consulting, and financial services. Typical uses include the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial uses.

39) **Rapid Drive-Through Vehicle Service** means a development providing rapid cleaning, lubrication, maintenance or repair services to motor vehicles, where the customer typically remains within his vehicle or waits on the premises. Typical uses include automatic or coin operated car washes, rapid lubrication shops, or speciality repair establishments.

40) **Recycling Depot** means a development used for the buying and temporary storage of bottles, cans, newspapers and similar household goods for reuse where all storage is contained within an enclosed building. This does not include auto wreckers.

41) **Retail Cannabis Licence** means a licence to be issued under the Liquor, Gaming and Cannabis Control Act.

42) **Service Station** means the servicing, washing and repairing of vehicles; and the sale of gasoline, other petroleum products and a limited range of vehicle parts and accessories. Service Stations may include Eating and Drinking Establishments.

43) **Shopping Centre** means a planned unit development consisting of a building or group of buildings designed, developed, owned and managed as a unit by a single owner or tenant, or group of owners or tenants, containing three or more separated spaces for lease or occupancy of commercial uses or business or professional offices.

44) **Small Animal Breeding and Boarding Establishment** means a development used for the breeding, boarding or training of small animals normally considered as household pets. Typical uses are kennels and pet boarding establishments.

45) **Solar Collector (Commercial)** means a solar collector designed and built to provide electricity for commercial sale and distribution to the electricity grid.

46) **Spectator Entertainment Establishment** means a development providing facilities within an enclosed building specifically intended for live theatrical, musical or dance performances; or the showing of motion pictures. Typical uses include auditoria, cinemas, and theatres.

47) **Truck and Mobile Home Sales and/or Rentals** means a development used for the sale or rental of new or used trucks, motorhomes, mobile homes, and automobiles, together with incidental maintenance services and the sale of parts and accessories. Typical uses include truck dealerships, recreation vehicle sales and mobile home dealerships.

48) **Trucking Operation** means the use of land, buildings or structures for the purpose of storing, servicing, repairing or loading trucks, transportation trailers and/or buses.

49) **Truck Stop** means a highway oriented commercial operation that may include multiple uses such as eating and drinking areas, gas bar, retail sales, service station, vehicle repair, and other similar or related uses primarily intended to service the travelling public and trucking industry.

50) **Warehouse Sales** means a development used for the wholesale or retail sale of bulky goods primarily within an enclosed building with limited outdoor storage where the size and nature of the principal goods being sold typically require large floor areas for direct display to the

purchaser or consumer. This Use Class includes developments where principal goods being sold are such bulky items as furniture, carpet, major appliances and building materials.

51) **Wind Energy Generating System (Commercial) means** a wind energy generating system designed and built to provide electricity for commercial sale and distribution to the electricity grid.

7.4 INDUSTRIAL USE CLASSES

1) **Automobile Wrecking** means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

2) **Bulk Storage Facility** means a place for the outdoor storage or tank storage of large quantities of raw materials or industrial related goods such as liquids, fuels, gases, minerals, pipes, gravel, fertilizers, and grain. This Use Class does not include Anhydrous Ammonia Facilities.

3) **General Industrial** means development used principally for one or more of the following activities: the assembling of semi-finished or finished goods, products or equipment; the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses; or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible with adjacent land uses; the storage or transhipping of materials, goods and equipment; and the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses.

4) **Industrial Vehicle and Equipment Sales and/or Rentals** means a development used for the sale, rental and repair of heavy vehicles, machinery or mechanical equipment typically used in building, roadway, manufacturing, assembly and processing operations and agricultural production.

5) **Light Industrial** means processing and manufacturing uses, provided that they do not create unusual fire, explosion or safety hazards, noise in excess of average intensity of street and traffic noise in the area in question; they do not emit smoke, dust, dirt, toxic or offensive odours or gas and there is no production of heat or glare perceptible from any adjacent site. Typical uses include automotive body repair and paint shops, commercial manufacturing and research facilities.

6) **Planned Unit Development (Industrial)** means an area of land used primarily for industrial purposes under single ownership or control but including multiple business owners who share the use and financial responsibility of common areas.

7) **Portable Asphalt Plant** means a temporary facility with equipment designed to heat, dry and mix aggregate with asphalt to produce asphalt paving material and includes stockpiling and storage of bulk materials used in the process.

8) **Processing Use** means a development used for the extraction, treatment, preparation, packaging, transportation, handling and storage of raw materials and other minerals. Typical uses include concrete batching plants, tire recycling plants, ethanol processing.

9) **Storage Compound** means a development used exclusively for temporary outdoor storage of goods and materials where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land. Typical uses include vehicle storage compounds, automobile wrecking yards, automobile recycling facilities and salvage yards.

10) **Transport Terminal** means a development where commercial passenger vehicles pick up and discharge fare-paying passengers or a development used for the sale, rental, repair or storage of commercial vehicles.

11) **Wayside Pit and Quarry** means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a project such as a road construction contract that is not located on the road right-of-way.

7.5 AGRICULTURAL USE CLASSES

1) **Apiary (Beekeeping)** means any place where bees are kept.

2) **Abattoir means a building, structure, or part thereof, used for the slaughtering of animals and related activities.**

3) **Agri-Business** means a commercial establishment that provides goods or services to the agricultural sector. Typical uses include farm equipment and machinery repair shops, bulk fuel stations, feed and fertilizer supply operations, livestock auction marts and commercial seed cleaning plants.

4) **Agricultural Activities** means a use of land for agricultural purposes. Typical uses include farming, pasturage, agriculture, apiculture, aquaculture, floriculture and horticulture. This Use Class does not include Livestock Operations or Natural Resource Developments.

5) **Agricultural Crop Protection Warehouse** means a facility used to store, blend and/or distribute chemicals used for crop protection and production. Products can include herbicides, insecticides, fungicides, rodenticide, and fertilizers. This Use Class does not include Anhydrous Ammonia Facilities.

6) **Agricultural Implement Sales and Service** means a building and open space area used for display, sale and rental of new or used farm implements that includes repair work.

7) **Equestrian Establishment** means a facility engaged in the training of horses or the operation of a horse riding academy or horse riding stables.

8) **Farmstead Dwelling** means any dwelling unit which is accessory to a farm operation and is on a parcel of land that includes associated agricultural buildings.

9) **Livestock Production Operation** means a permanent or semi-permanent facility or non-grazing area where at least 10.00 Animal Units of livestock are kept or raised either indoors or outdoors, and includes all associated manure collection facilities, but does not include an auction mart. Animals kept under this definition are limited to the areas located outside of the Local Improvement Area, in accordance with the Local Improvement District By-law as amended from time to time.

10) **Residential-Related Farm** means a development for small scale, Residential-Related agricultural pursuits ancillary to rural residential uses. This Use Class shall be developed so that it will not unduly interfere with the general enjoyment of adjacent property. Less than 10 A.U. or 10 heads of, Animals, whichever is less, may be kept for the use or enjoyment of the householder only. Animals kept under this definition are limited to the areas located outside of the Local Improvement Area, in accordance with the Local Improvement District By-law as amended from time to time.

11) **Specialized Agriculture** means the use of land for apiculture, floriculture, horticulture including market gardening, orchards and tree farming, and similar agricultural activities on a commercial basis.

7.6 NATURAL RESOURCE DEVELOPMENT USE CLASSES

1) **Wildlife and Conservation Reserve** means land that has been designated by Provincial legislation for the protection and conservation of wildlife. This Use Class includes Wildlife Management Areas.

7.7 BASIC SERVICE USE CLASSES

1) **Cemetery** means a development of a parcel of land, primarily a landscaped open space for the entombment of the deceased, and may include the following accessory developments: crematories, cinerarium, columbarium, and mausoleums. Typical uses include memorial parks, burial grounds and gardens of remembrance.

2) **Extended Medical Treatment Service** means a development providing room, board, and surgical or other medical treatment for the sick, injured or infirm including outpatient services and accessory staff residences. Typical uses include hospitals, sanatoriums, nursing homes, convalescent homes, and auxiliary hospitals.

3) **Government Service** means a development providing Municipal, Provincial or Federal government services directly to the public. Typical uses include government offices, taxation offices, courthouses, postal distribution offices, manpower and employment offices, and social service offices.

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

5) **Public Utility Service** means any system, works, plant, pipeline, equipment or services and facilities available at approved rates to the public, and includes all such carried on by or for the owner of a public utility or a Municipality or the Province of Manitoba. Typical uses include sanitary landfill sites, sewage treatment plants, sewage lagoons, garbage transfer and compacting stations and waste recycling plants.

7.8 COMMUNITY, EDUCATIONAL, RECREATIONAL AND CULTURAL SERVICE USE CLASSES

1) **Child Care Service** means a development licensed by the Province of Manitoba to provide daytime personal care and education to children, but does not include overnight accommodation. Typical uses include day care centres, day nurseries, kindergartens, nursery schools and play schools.

2) **Community Recreation Service** means a development for recreational, social or multiple purpose use without fixed seats and primarily intended for local community purposes. Typical uses include community halls and community centres.

3) **Community Service Club** means a non-profit corporation chartered by *The Canada Corporation Act* or *The Manitoba Corporation Act*, or an association consisting of persons who are bona fide members paying annual dues, which owns or leases land, a building, or a portion thereof, the use of such premises being restricted primarily to meeting, community and related activities.

4) **Indoor Participant Recreation Service** means a development providing facilities within an enclosed building for sports and active recreation where patrons are predominately participants. Typical uses include athletic clubs; health and fitness clubs; curling, roller-skating and hockey rinks; swimming pools; rifle and pistol ranges; bowling alleys; paintball games; and racquet clubs.

5) **Outdoor Participant Recreation Service** means a development providing facilities which are available at the public at large for sports and active recreation conducted outdoors. Typical uses include golf courses, driving range, ski hills, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, paintball games, riding stables and fitness trails.

6) **Private Club** means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, without on-site residences. Private Clubs may include rooms for eating, drinking and assembly.

7) **Private Education Service** means a development for instruction and education which is not maintained at public expense and which may or may not offer courses of study equivalent to those offered in a public school or private instruction as a home occupation. This Use Class includes dormitory and accessory buildings.

8) **Public Education Service** means a development which is publicly supported or subsidized involving public assembly for educational, training or instructing purposes, and includes administration offices required for the provision of such services on the same site. This Use Class includes public schools, community colleges, and technical and vocational schools, and associated administrative offices.

9) **Public Library and Cultural Exhibit** means a development for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use; or a development for the collection, preservation and public exhibition of works or objects of historical, scientific or artistic value. Typical uses include libraries, museums and art galleries.

10) **Public Park** means a development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and human-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, amphitheatres, and athletic fields.

11) **Religious Assembly** (home-based) means a house or multiple family unit that also serves as a place of communal worship and related activities.

12) **Religious Assembly** (non-home-based) means a place of worship and related activities that may take place in a church, chapel, mosque, temple, synagogue, parish hall, convent, monastery, or other similar facility, but not in a house or multiple family unit.

13) **Tourist Campsite** means a development of land which has been planned and improved for the seasonal short term use of motor homes, tents, campers and similar recreational vehicles and is not used as year round storage, or accommodation for residential use. Typical uses include recreational vehicle parks, campsites and tenting grounds.

8.0 AUTHORITY AND RESPONSIBILITY OF THE DESIGNATED OFFICER

8.1 ESTABLISHMENT AND APPOINTMENT

1) The Designated Officer shall be a person or persons appointed by the MSTW Planning District Board on behalf of the Council of the City of Winkler to occupy the position of Designated Officer or Municipal Designated Officer.

8.2 DESIGNATED OFFICER AND/OR DESIGNATED MUNICIPAL DEVELOPMENT OFFICER DUTIES AND RESPONSIBILITIES

The Designated Officer and/or Municipal Designated Officer:

1) Shall review each development permit application to ascertain whether it conforms to the adopted *MSTW Planning Development Plan* and amendments thereto, all applicable regulations and information regulations of this By-law and amendments thereto, and other Municipal By-laws, the conditions of any caveat, covenant, site plan, development agreement, variance or conditional use order, easement or any other instrument affecting a building or land.

2) May refer a development permit application to any municipal, provincial or federal department or any other agency or body, deemed appropriate to obtain comments on the application.

3) Shall approve, without any conditions, or with such conditions as are required to ensure compliance, an application for development of a Permitted Use provided the development complies with the regulations of this By-law, or shall refuse an application for development of a Permitted Use if the development does not comply with the regulations of this By-law unless he/she uses his/her discretion pursuant to Section 8.4 of this By-law.

4) May give notice of his/her decision on applications for development as follows:

   a) where an application has been approved notice to the applicant shall be given in writing by ordinary mail; or

   b) where an application has been refused, notice in writing shall be given to the applicant, by ordinary mail, and such notice shall state the reason for refusal.

5) Shall receive, review and process variation, permitted use and conditional use order applications.

6) Shall perform other such duties as described or implied elsewhere in this By-law or required by the Planning Board or Council.

7) A person who is unsatisfied with a decision or order of the Designated Officer and/or Municipal Designated Officer may request the Planning Board or Council to review the decision or order by written notice within 14 days after the person receives the decision or order.

8) After giving the person a reasonable opportunity to be heard, the Planning Board or Council may confirm, vary, substitute or cancel the order or decision.

8.3 ENTRY FOR INSPECTION AND OTHER PURPOSES

1) The Designated Officer or Municipal Designated Officer may, after giving reasonable notice to the owner or occupier of the land or a building or other structure to be entered:

   a) enter the land, building or structure at any reasonable time for the purpose of administering or enforcing this By-law in accordance with the *Act*;

   b) request that anything be produced to assist in inspection, remedy, or enforcement; and

   c) make copies of anything related to the inspection, remedy, or enforcement.

2) The Designated Officer or Municipal Designated Officer must display or produce on request identification showing his/her official capacity.

3) In an emergency or in extraordinary circumstances, the Designated Officer or Municipal Designated Officer need not give reasonable notice or enter at a reasonable time and may undertake inspection, remedy or enforcement activities referred to in Section 8.3(1) of this By-law without the consent of the owner or occupant.

8.4 VARIANCE TO REGULATIONS

1) In accordance with Section 102 of the Planning Act, The Municipal Designated Officer may approve, with or without conditions, a minor variation not to exceed fifteen percent (15%) of the regulations of this By-law governing height, distance, area, size or intensity of use regulations, or the number of parking spaces required, subject to appropriate provincial approval.

8.5 PUBLIC INSPECTION OF APPLICATIONS

2) The Designated Officer or Municipal Designated Officer shall ensure that a Register of Applications is maintained, and is made available to any interested person during normal office hours.

8.6 PUBLIC INSPECTION OF APPLICATIONS

The Designated Officer or Municipal Designated Officer shall:

1) Make available to the public during normal office hours copies of this By-law and all subsequent amendments thereto.

2) Charge the specified fee for supplying to the public copies of this By-law.

9.0 RESPONSIBILITIES OF COUNCIL AND THE PLANNING DISTRICT BOARD

9.1 RESPONSIBILITIES OF COUNCIL AND/OR THE MUNICIPAL DESIGNATED DEVELOPMENT OFFICER

Subject to the provisions of the *Act*, the Council and/or the Municipal Designated Development Officer is responsible for:

1) The enactment of this By-law.

2) Considering the adoption or rejection of proposed amendments or the repeal of this By-law.

3) Approving or rejecting variation order applications.

4) Approving or rejecting conditional use order applications and considering revoking the authorized conditional use order for any violation of any conditions imposed by it.

5) Assist and advise the public with respect to the requirements of the Zoning By-law and other pertinent legislation.

6) Receiving completed applications for a development permit, variation orders, conditional use orders, and amendments to the Zoning By-law and the issue development permits in accordance with the Zoning By-law.

7) Issuing zoning memoranda.

8) Establishing a schedule of fees and charges for development and building permits. Until all applicable fees and charges have been paid in full, no action need to be taken on any application.

9.2 RESPONSIBILITIES OF THE PLANNING DISTRICT BOARD AND THE DESIGNATED OFFICER

Subject to the provisions of the Act, the Planning District Board and/or the Designated Officer is responsible for:

1) Administering and enforcing those provisions of *the Act*, where applicable.

2) Administering and enforcing the provisions of this By-law, where applicable.

3) Establishing a schedule of fees and charges for development and building permits. Until all applicable fees and charges have been paid in full, no action need to be taken on any application.

10.0 DUTIES OF THE OWNER

1) Neither the granting of a development permit nor the approval of the drawings and specifications or the inspections made by the Designated Officer shall in any way relieve the owner of the responsibility of complying with the regulations of this By-law or of any relevant By-laws of the City of Winkler.

2) Every owner shall:

   a) permit the Designated Officer to enter any building or premises for the purpose of administering or enforcing this By-law at all reasonable times and with the consent of the owner in accordance with Section 8.3 of this By-law;

   b) after the development application has been approved and the permit issued, notify the Designated Officer and obtain his/her approval before doing any work at variance with the approved documents filed; and

   c) be responsible for obtaining, where applicable, from the appropriate authorities, permits or licenses relating to the buildings, grades, plumbing, blasting, street, occupancy, electrical, highways, and all other permits required in connection with the proposed work.

d) be responsible for any pre-design studies required by the municipality to confirm the municipality can accommodate the demand for water supply, wastewater treatment, and waste disposal.

11.0 DEVELOPMENT CLASSES

The following classes of development are hereby established.

1) Class A No Permit Required

2) Class B Permitted Use

3) Class C Conditional Use

11.1 CLASS A DEVELOPMENT (NO PERMIT REQUIRED)

No development permit is required under this By-law for the developments listed below, provided that such developments shall comply with the Permitted Use and regulations of this By-law. For a development listed below, the Designated Officer shall advise the applicant that no permit is required and return the submission, including any fees paid. Developments exempted from applications are as follows:

1) Regular maintenance and repair of any development provided it does not include structural alterations.

2) Patios which are accessory to a development.

3) A fence, wall, or gate.

4) An accessory building that:

   a) is less than 10 sq. m. (107.639 sq. ft.) in area; and

   b) does not exceed 4.57 m. (15.00 ft.) or one storey in height; whichever is lesser, and

   c) is not considered a hazard by the Designated Officer.

5) Landscaping where the existing grade and natural surface drainage pattern is not materially altered.

6) The erection or placement of a temporary building, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building is removed within 30 days of substantial completion or as determined by the Designated Officer.

7) Temporary buildings, structures and uses associated with fairs, events, games, exhibitions, public markets, sales in public places, transient traders and similar provided the necessary licenses under the Municipal Act and/or Building and Mobile Homes Act are obtained as required;

8) The following types of signs are exempt but this shall not relieve the owner or person in control of such signs from erecting and maintaining the signs in a safe and good condition:

   a) signs of less than 0.60 sq. m. (6.46 sq. ft.) in area, advertising the sale, lease, or rent of property, premises, or buildings on that site;

   b) memorial signs or tablets of bronze, brass, stone or other non-combustible materials when built into or attached to the walls of a building or other structure provided such tablets bear only the name of the owner, the name and use of the building, the date

of erection of the building or reading matter commemorating a person or event;

c) signs of a duly constituted governmental body, including traffic or regulating devices, legal notices, railway crossing, danger or other emergency signs;

d) one real estate sign;

e) non-illuminated directional signs, each sign not to exceed 0.50 sq. m. (5.38 sq. ft.) in sign area;

f) signs posted by duly constituted public authorities in performance of their public duties;

g) flags or emblems of a political, civic, educational or religious organization; and

h) Signs required by law, government order or regulation.

9) The use of farmland, farm buildings and structures for permitted agricultural activities, excluding livestock operations.

10) When a change in land use is from one agricultural activity to another, excluding livestock operations.

11) Public and private communication facilities or towers less than 15 meters (49.21 feet) above ground level, and, in accordance with Section 38.14.

12.0 DEVELOPMENT PERMIT APPLICATION SUBMISSIONS

12.1 GENERAL CONDITIONS

1) An application for a development permit shall not be considered to have been received until the applicant has submitted all information required pursuant to this Section of the By-law, and any information specifically required pursuant to the regulations of the applicable Zoning District or any other Section of this By-law and until the applicant has paid the appropriate fee.

2) Despite Section 12.1(1) of this By-law, the Designated Officer may consider an application if the development is of such a nature as to enable a decision to be made on the application without all of the information required in this Section of the By-law.

3) The Designated Officer may require an applicant to submit such additional information as he/she considers necessary to verify the compliance of the proposed use or development with the regulations of this By-law.

4) Despite Section 11.1(4) of this By-law, a development permit for an accessory building cannot be issued unless a development permit for the main building has also been issued.

5) The approval of any application, drawings, or the issuing of a development permit shall not prevent the Designated Officer from thereafter requiring the correction of errors, nor from prohibiting the development being carried out when the same is in violation of this By-law.

6) Where an application for a development permit is determined to contain incorrect information, no development permit shall be issued until the applicant corrects such information.

7) Any development permit issued on the basis of incorrect information contained in the application shall be invalid.

8) Unless otherwise specified in this By-law, all drawings submitted shall be drawn on substantial standard drafting material to a scale of not less than 1:100 or such other scale as the Designated Officer may approve, and shall be fully dimensioned, accurately figured, explicit and complete.

12.2 CLASS B DEVELOPMENTS (PERMITTED USE)

The following information shall be submitted with an application for Class B (Permitted Use) developments, and the appropriate application form fully and accurately completed in accordance with the following regulations:

1) The municipal address of land and buildings presently occupying the site, if any.

2) A status of Title.

3) A legal description of the land on which the proposed development is to occur, by lot, block, subdivision and registered plan numbers.

4) The applicant's name, address and interest in the land.

5) A sketch plan of the site, showing the location of the proposed development relative to the boundaries of the site.

6) Description of the work to be performed with respect to:

   a) change in current occupancy of land use; or

   b) description of proposed development or building operations.

7) Identification of the scale of the development with respect to:

   a) gross floor area of the development in square metres;

   b) area of the site covered in square metres;

   c) height of the structure in metres;

   d) number of floors or storeys; and

   e) number of dwelling units.

8) The estimated value, in dollars, of the proposed work.

9) A site plan, in duplicate, at a minimum scale of 1:500, showing the following:

   a) a directional true north arrow with the north point located in such a manner that the true north is in the upper position of the drawings;

   b) setbacks and yard dimensions;

   c) site boundaries and dimensions;

   d) the location of all buildings or structures in relation to property lines; and

   e) dimensioned layout of existing and proposed parking areas, driveways, entrances and exits, abutting public roadways, median breaks and auxiliary lanes.

10) Identification of the scale of the development with respect to the number of dwellings, or establishments for commercial, industrial or other purposes.

11) If required by the Designated Officer, a site plan, in duplicate, at a minimum scale of 1:500, showing:

a) the location of pedestrian and cycle pathways connections; where applicable, parking, loading, storage, outdoor service and display areas; and

b) the location of fences, screening, retaining walls, trees, landscaping, and other physical features both existing and proposed in the site and adjoining boulevard, if any.

12) Floor plans, in duplicate, at minimum scale of 1:100, indicating all uses or occupancies, storage and garbage holding areas.

13) Elevations and drawings, in duplicate, indicating sections and the bulk of buildings at a minimum scale of 1:100.

14) Number of parking and loading spaces required and provided.

15) A building location certificate.

12.3 CLASS C DEVELOPMENTS (CONDITIONAL USE)

In addition to two copies of the information required for Class B (Permitted Use) developments, the applicant shall submit two copies of the following for Class C (Conditional Use) developments:

1) A plan showing the location of adjacent buildings and structures indicating the approximate height and number of storeys.

2) A written statement and other supportive material explaining the proposed development.

12.4 SIGN DEVELOPMENTS

The following information shall be submitted, in duplicate, with an application for a development permit for a sign, and the appropriate application form shall be fully and accurately completed:

1) The municipal address and legal description of the land or building where the sign is to be erected.

2) The applicant's name, address, telephone number and interest in the land.

3) The name of the business or development where the signs is to be erected.

4) Whether the development where this sign is to be erected is single business occupancy or multiple business occupancy development.

5) A letter from the owner of the property on which the sign is to be erected, or his/her agent, authorizing the applicant's sign development.

6) Two sets of working drawings for the proposed sign showing:

a) the overall dimensions of the sign, including all sign boxes and cabinets;

b) a description or illustration of the copy to be displayed on the sign;

c) the method of illumination, if any;

d) the materials from which the sign is to be constructed; and

e) method used to support the sign and the type of wall construction if the sign is anchored to a building.

7) Two sets of a sketch plan showing:

a) the location of the sign on the building;

b) the clearance from grade from the lowest portion of the sign,

c) maximum extension of the sign above the building roof or parapet wall;

d) the distance of the maximum projection of the sign beyond the building wall; and

e) any sidewalks, pedestrian passageways, or public roadways that the proposed sign will extend over.

13.0 SPECIAL INFORMATION REGULATIONS

13.1 SLOPE AND SOIL INFORMATION

1) When an application for a development permit is submitted to the Designated Officer for the development of a site abutting a water course and Municipal drain, the Designated Officer may require, in consultation with a Certified Professional Engineer of Manitoba, information regarding the existing and proposed grades at 0.25 m. (0.82 ft.) contour intervals. The final grades shall be to the satisfaction of the Designated Officer and in accordance with the City of Winkler Lot Grade By-law, as amended.

2) Despite anything contained herein, the Designated Officer may require a detailed engineering study of the soil conditions prepared by a Certified Professional Engineer of Manitoba prior to the issuance of a development permit or the construction of any development abutting a water course and Municipal drain. If required, the engineering study may be required to include evidence derived from:

   a) test borings (including hydro-carbon analysis);

   b) ground water piezometer test;

   c) slope indicators where necessary;

   d) identification of any sub-surface mining operations;

   e) water erosion analysis;

   f) surface erosion analysis; and

   g) hydro-carbon analysis.

   The detailed engineering study shall conclude with the registered Professional Engineer certifying that the foundations proposed for the development are designed with full knowledge of the soil conditions and the proposed siting of the development upon this site.

3) The Designated Officer may require the submission of a detailed engineering study as outlined in Section 13.1(2) of this By-law prior to the issuance of a development permit at any location within the City which in the opinion of the Designated Officer or Certified Professional Engineer of Manitoba has unstable soil conditions.

4) The Designated Officer, having required a detailed engineering study of the soil conditions may, acting on the advice of the Certified Professional Engineer of Manitoba, apply conditions to the approval of the development permit to prevent erosion, stabilize soil conditions and ensure proper land drainage.

14.0 CONDITIONS ATTACHED TO A DEVELOPMENT PERMIT

1) The Designated Officer, the Planning Board or Council may impose, with respect to a permitted use, such conditions as are required to ensure compliance with this By-law.

2) Council may, with respect to a conditional use, impose such conditions as deemed appropriate, having regard to the regulations of this By-law, other municipal, provincial and federal government regulations, and matters raised at the conditional use hearing.

3) The Designated Officer or Council may, as a condition of issuing a development permit, require the applicant to make satisfactory arrangements for the supply of electric power, vehicular and pedestrian access, or any of the aforementioned, including payment of the costs of installation or constructing any such utility or facility by the applicant.

4) The Designated Officer or Council may, as a condition of issuing a development permit require that an applicant enter into an agreement or an interim agreement, which shall be attached to and form part of such development permit, to do all or any of the following:

   a) to construct, or pay for the construction of, or improvement to, a public roadway required to give access to the development;

   b) to specify the location and number of vehicular and pedestrian access points to sites from public roadways, including the construction, or payment for the construction thereof or improvements thereto;

   c) to install, or pay for the installation of, utilities that are necessary to serve the development, or pay the recovery costs of services which have already been installed;

   d) to repair, improve or reinstate, or to pay for the repair, improvement or reinstatement, of any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise harmed by the development or building operations upon the site; and

   e) to construct, or pay for the construction of, or improvement to, land drainage works that are necessary to serve the development.

5) The Designated Officer or Council may require any agreement entered into pursuant to Section 14.0 (4) of this By-law to be caveated against the title to the site at the Land Titles Office.

15.0 ENFORCEMENT AND PENALTIES

15.1 OFFENCES

1) Any owner, lessee, tenant or occupant of land, or a building or a structure thereon, who, with respect to such land, building or structure contravenes; or causes, suffers or permits a contravention of, any provision of the *Act*, a development permit, a development agreement or this By-law commits an offense.

2) Any contractor, worker, or other person who constructs a building or structure, or makes an addition or alteration thereto:

   a) for which a development permit is required but has not been issued or is not subsisting under this By-law; or

b) in contravention of a condition of a development permit issued under this By-law;

commits an offense

15.2 PENALTIES

1) Fines and penalties will be imposed as per the *Act*.

15.3 SUSPENSION OR REVOCATION OF THE DEVELOPMENT PERMIT

1) The Designated Officer or Municipal Designated Officer may suspend or revoke a development permit where:
   a) the applicant fails to comply with the conditions of issuance of a permit; or
   b) any person undertakes or causes or permits any development on a site contrary to the terms or conditions of a permit; or
   c) the development has not been established or partially established as determined by the one year after issuance of the permit; or
   d) the permit was issued in error; or
   e) the permit was issued on the basis of incorrect information.
2) Any person who undertakes, or causes or permits, any development on a site without a permit, or after a permit has been suspended or revoked, shall discontinue such development forthwith upon notice in writing issued by the Designated Officer or Municipal Designated Officer so requiring, and shall not resume such development unless a permit has been issued or the permit reinstated.

16.0 REZONING AMENDMENTS

16.1 TEXT AND MAPPING AMENDMENTS

1) Any person applying to amend Parts I, II, III and IV of this By-law shall apply in writing to the Municipal Designated Officer, furnishing reasons in support of the application and requesting that the Designated Officer submit the application to the Council.
2) If a person applies to the Council in any manner for an amendment to Parts I, II, III and IV of this Zoning By-law, the Council may require him/her to submit his/her application to the Municipal Designated Officer in accordance with the provisions of this Section of the By-law before it considers the amendment proposed by such person.
3) Any person applying to amend Part III of this By-law to change the Zoning District governing any land shall apply in writing to the Designated Officer and submit the following to the Municipal Designated Officer:
   a) a status of Title which has been issued no later than 30 days prior to the receipt of the amendment application by the Designated Officer;
   b) the applicant's name, signature, address and interest in the property;
   c) a signed statement by the applicant stating that he/she is willing to pay for all costs incurred by the City in processing the proposed amendment, whether it be enacted

or not, including, but not limited to, all mapping, printing, reproduction, planning, engineering, legal, surveys and advertising costs;

d) the appropriate application fee; and

e) a brief written statement by the applicant in support of his/her application, and his/her reasons for applying.

16.2 REVIEW AND PROCESSING OF AMENDMENTS

1) Upon receipt of an application for a rezoning amendment, the Municipal Designated Officer shall forward the application to Council for review.

2) If Council deems it appropriate to give the application first reading, the Municipal Designated Officer shall then examine the proposed amendment or undertake an investigation and analysis of the potential impacts of development under the proposed Zoning District. The analysis shall be based upon the full development potential of the uses and development regulations specified in the proposed Zoning District and not on the merits of any particular development proposal. The analysis may, among other things, consider the following impact criteria:

   a) relationship to and compliance with the *MSTW Planning District Development Plan* and Council policy;

   b) compatibility with surrounding development in terms of land use function and scale of development;

   c) traffic impacts;

   d) relationship to, or impacts on utility services and public facilities such as recreational facilities and schools;

   e) relationship to Municipal land, right-of-way or easement regulations;

   f) effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;

   g) necessity and appropriateness of the proposed Zoning District in view of the stated intentions of the applicant;

   h) relationship to the documented concerns and opinions of area residents regarding the application;

   i) groundwater and soil conditions; and

   j) topographical, physical and natural features.

3) The Municipal Designated Officer may prepare a written report on the proposed amendment and advise the applicant of the hearing date.

4) The Municipal Designated Officer, in his/her discretion, may present for the consideration of Council any proposed amendment to this By-law, and the proposed amendment shall be accompanied by the report and recommendation of the Designated Officer.

5) Council, in its discretion, may initiate any amendment to this By-law, and prior to the approval of any amendment, Council may refer the proposal to the Municipal Designated Officer for his/her report and recommendation.

6) Every rezoning application shall be accompanied by the required fee as set out by the Planning Board or Council.

7) When a Development and/or Zoning Agreement is to be entered into between the City and the applicant, the applicant shall pay to the City, in addition to any other fee required pursuant to this or any other By-law, a Development and/or Zoning Agreement fee.

16.3 NOTIFICATION OF AMENDMENTS

1) Prior to consideration by Council of a proposed rezoning amendment, the Municipal Designated Officer shall:

   a) place a public notice in compliance with the *Act*

   b) circulate notice to School Division and Health Authority.

17.0 CONDITIONAL USES

1) Where a use is classified as a conditional use and exists as an allowable use at the date of the adoption of this By-law or amendments thereto, it shall be considered as a legally existing conditional use.

2) Any change in a conditional use shall be subject to the provisions of this Section and the appropriate provisions of the *Act*.

3) An owner or his/her agent may file an application to use land for a use listed as a conditional use in this By-law.

4) An application for approval of a conditional use shall be filed with the Municipal Designated Officer and shall be in such form and accompanied by such information and fees as determined by Council.

5) Council may request the Municipal Designated Officer to prepare a written report that identifies potential impacts. The analysis may be required to, among other things, consider the following impact criteria:

   a) relationship to and compliance with the *MSTW Planning District Development Plan* and Council policy;

   b) compatibility with surrounding development in terms of land use function and scale of development;

   c) traffic impacts;

   d) relationship to, or impacts on utility services and public facilities such as recreational facilities and schools;

   e) relationship to Municipal land, right-of-way or easement regulations;

   f) effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;

   g) relationship to the documented concerns and opinions of area residents regarding the application;

   h) groundwater and soil conditions; and

   i) topographical, physical and natural features.

6) Prior to consideration by Council of a conditional use application, the Municipal Designated Officer shall place a public notice in compliance with the *Act*.

7) An application for a conditional use shall be processed and approved or rejected in accordance with the *Act*. If warranted, Council may want to consider imposing conditions to ensure that the proposed development will not significantly impact the City. This could include:

   a) additional buffering measures such as increased yard setbacks, berms and fencing;

   b) performance standards dealing with such potential impacts as noise, odour and vibration;

   c) limiting the hours of operation;

   d) imposing design and siting regulations including landscaping, outdoor lighting, refuse and storage areas, and building design and architectural appearance;

   e) the owner/applicant upgrading certain municipal services such as roads and ditches;

   f) a letter of credit related to municipal improvements such as road or drainage works;

   g) liability insurance protecting the City from any future legal claims, including environmental contamination to water sources; or

   h) the owner/applicant entering into a development agreement with the City.

8) The approval of Council shall expire and cease to have any effect if it is not acted upon within twelve months of the date of the decision, unless it is renewed at the discretion of Council for one additional period not exceeding twelve months.

18.0 VARIATION ORDERS

1) Any person who is of the opinion that this By-law injuriously or adversely affects him/her or his/her property rights, may at any time apply for a variation order, in accordance with the provisions of the *Act*.

2) An application for a variation order shall be filed with the Designated Officer, and shall be in such form and accompanied by such information and fees as determined by the Municipal Designated Officer or Council.

3) Prior to consideration by Council of a proposed variation order, the Municipal Designated Officer shall place a public notice in compliance with the *Act*. Council may request the Designated Officer to prepare a written report that assesses the merits and implications of the proposed application.

4) An application for a variation order shall be processed and approved or rejected in accordance with the provisions of the *Act*. As a condition of approval, Council may require that the owner/applicant enter into a development agreement with the City.

5) The approval of Council shall expire and cease to have any effect if it is not acted upon within twelve months of the date of the decision, unless it is renewed at the discretion of Council for one additional period not exceeding twelve months.

19.0 SUBDIVISIONS

1) Subject to Section 19.0 (2) and 19.0 (3) of this By-law, no parcel of land shall hereafter be divided into sites, unless each site conforms to the regulations of the Zoning District in which the site is located.

2) Council may, as provided in the *Act*, vary the regulations as they apply to an individual site, subject to complying with the objectives and policies of the *MSTW Planning District Development Plan.*

3) An existing undersized lot may be increased in area or frontage, or both, and still remain an existing undersized lot if after the increase the lot still remains undersized.

4) In addition to the requirements contained herein, all subdivisions shall conform to the provisions of the *MSTW Planning District Development Plan*, and the provisions of the *Act*, where applicable.

5) An application for a subdivision shall be processed and approved or rejected in accordance with the provisions of the *Act*. As a condition of approval, Council may require that the owner/applicant enter into a development agreement with the City.

20.0 APPLICABILITY

1) The General Development Regulations apply to any development on any site, irrespective of the Zoning District in which it is located.

21.0 YARDS ON CORNER LOTS AND THROUGH LOTS

1) In the case of a corner lot, the front yard shall be the yard abutting the front lot line.
2) Despite Section 21.0(1) of this By-law, the Designated Officer may require any corner lot to provide an additional front yard or yards other than that required, having regard to the orientation and access of adjacent developments.
3) The Designated Officer may require a through lot to provide a front yard on each public roadway, other than a lane, provided that at least one front yard shall be provided.

22.0 PROJECTIONS INTO YARDS

22.1 PERMITTED PROJECTIONS INTO REQUIRED FRONT, SIDE AND REAR YARDS

The following features may project into a required yard as provided for below:

1) Uncovered walks, driveways, fixtures and other landscape architectural features, guardrails for safety around ramps and ramps for the handicapped may be located in any required yard.
2) Architectural features, such as eaves, chimneys, air conditioner units, and fire escapes together with any other architectural features which, in the opinion of the Designated Officer, are of a similar character, may project five (5) feet into any yard provided said features project no closer than two (2)feet to any side site line.
3) Open, unenclosed and uncovered stairways, balconies, or decks attached to the main building with a maximum three and one-half foot high railing, or verandas may project ten (10) feet into any required front or rear yard.
4) Architectural features of an accessory building or structure, such as eaves, chimneys, and fire escapes together with any other architectural features which, in the opinion of the Designated Officer, are of a similar character and are located to the rear of the main building may project no closer than 18 inches to the side or rear site line.
5) Parking spaces and off-street parking and loading may be located in any required yard, except in the case of sites in the following zones, where there shall be no parking in the required front yard other than a driveway:

    - RS: Residential Single Family
    - RT: Residential Two-Family
    - RM: Residential Multiple Family
    - RMA: Residential Restricted Multi-Family
    - RMH: Residential Mobile Home
    - RC: Residential Comprehensive

23.0 OBJECTS PROHIBITED OR RESTRICTED IN CERTAIN RESIDENTIAL AREAS

No person shall keep in any part of a site in the RS: Residential Single Family, RT: Residential Two-Family, RM: Residential Multiple Family, RMA: Residential Restricted Multi-Family, RMH: Residential Mobile Home and RC: Residential Comprehensive Zoning Districts:

1) Any large commercial vehicle in accordance with the Traffic & Parking By-law.

2) Any dismantled or wrecked vehicle, in accordance with the Derelict Vehicles By-law.

3) Any unsightly object or chattel, in accordance with the Unsightly Yards By-law. Any above-ground or below-ground Bulk Storage Facility.

24.0 FENCES

24.1 GENERAL

1) A fence shall be permitted in a required yard.

2) The permitted height of any fence can be increased or decreased at the discretion of the Designated Officer to reflect the grade of surrounding sites.

3) Electric, barbed wire fences and snow fences shall not be permitted in any district except in the case of Commercial and Industrial Use Class developments where the top 0.60 m. (2.00 ft.) of the fence may be barbed wire for security purposes, and in the case of the RR: Rural Residential Zoning District where an electric fence may be used in conjunction with an approved Equestrian Establishment or Residential-Related Farm Use Class.

24.2 FENCES IN CERTAIN RESIDENTIAL DISTRICTS

A fence in the RS: Residential Single Family, RT: Residential Two-Family, RM: Residential Multiple Family, RMA: Residential Restricted Multi-Family, RMH: Residential Mobile Home and RC: Residential Comprehensive Zoning Districts:

1) Shall not be higher, measured from the general ground level at a distance of 0.61 m. (2.00 ft.) from within the lot line of the site on which the fence is to be constructed, than:

   a) 1.22 m. (4.00 ft.) in a required front yard; and

   b) 2.00 m. (6.56 ft.) in a required side or rear yard.

24.3 FENCES IN OTHER ZONING DISTRICTS

A fence in the other Zoning Districts not referred to in Section 24.2 of this by-law, excluding the RR: Rural Residential Zoning District:

1) Shall not be higher than:

   a) 1.22 m. (4.00 ft.) in a required front yard subject to the limitations set out in Section 38.5 (1); and

   b) 2.00 m. (6.56 ft.) in a required side or rear yard subject to the limitations set out in Section 38.5 (1);.

2) Notwithstanding the above, the maximum height of a fence for Public Education Service, Private Education Service, Public Utility Service or Public Park Use Class developments shall be 3.05 m. (10.00 ft.), excepting chain link fences for which there shall be no height limitation.

3) Notwithstanding the above, for Industrial and Commercial Use Class developments:

   a) the maximum height of a fence located in a rear and side yard to the front of the principal building shall be 3.66m. (12.00 ft.);

   b) outside storage shall not be allowed to project above the height of the fence; and

   c) permitted materials for the construction of fences shall include:

      i. 1.90 cm. (0.75 in.) thick douglas fir, cedar or hemlock;

      ii. concrete;

      iii. ornamental block;

      iv. brick;

      v. metal;

      vi. combination of the above materials; and

      vii. any other material, subject to an illustration by a certified engineer, architect or landscape architect to the satisfaction of the Designated Officer or Council

25.0 ACCESSORY USES, BUILDINGS AND STRUCTURES

25.1 GENERAL REGULATIONS

1) Accessory developments are permitted when accessory to a permitted use.

2) Accessory developments are conditional when accessory to a conditional use.

3) Where any building or structure on a site is attached to a principal building on the site by a roof, an open or enclosed structure above grade, a floor or a foundation which is above grade, or any structure below grade allowing access between the buildings such as a parking garage or a corridor or passageway connecting the buildings, it is a part of the building and is not an accessory building.

4) No accessory building or structure shall be erected prior to the erection of the principal building or structure except

   a. Where it is necessary for the storage of tools and materials for use during construction of the main building or structure or is essential to the construction of the main building or structure.

   b. Notwithstanding the above, in the case of adjoining lots, an accessory building may be constructed on an abutting lot owned by the same legal owner prior to the construction of a principal building provided a principal building exists on one of the lots, subject to a conditional use.

5) No accessory building or structure shall be used as a dwelling unit

6) No accessory building or structure shall be located within a dedicated easement or right-of-way

25.2 ACCESSORY BUILDINGS IN CERTAIN RESIDENTIAL DISTRICTS

In the RS: Residential Single Family, RT: Residential Two-Family, RM: Residential Multiple Family, RMA: Residential Restricted Multi-Family, RMH: Residential Mobile Home and RC: Residential Comprehensive Zoning Districts:

1) Accessory buildings and structures shall be located on a site as follows:

   a) where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the principal building; and

   b) where the accessory building is detached from the principal building, it shall have a minimum separation distance of 3.05 m. (10.00 ft.) clear of all projections to the principal building or any other building or structure on site, nor shall it be located closer to a public roadway than the front wall of the principal building.

25.3 ACCESSORY BUILDINGS IN THE OTHER ZONING DISTRICTS

1) Accessory buildings or structures shall be subject to the regulations for that Zoning District.

2) Notwithstanding Section 25.3(1) of this By-law, the maximum height of accessory buildings or structures on a site which abuts a site in the RS: Residential Single Family, RT: Residential Two-Family, RM: Residential Multiple Family, RMA: Residential Restricted Multi-Family, RMH: Residential Mobile Home and RC: Residential Comprehensive Zoning District shall not be greater than the height of the principal buildings permitted in the said abutting Zoning District.

25.4 TEMPORARY BUILDINGS AND USES

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

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

3) Temporary buildings, structures and uses to be used in conjunction with a construction site:

   a) shall not exceed one thousand (1,000) square feet in floor area not fifteen (15) feet in height;

   b) may be used for storage of construction materials and equipment incidental to and necessary for construction;

   c) may be used for office space for contractor or developer;

   d) shall not be used for human habitation, except as temporary accommodation for a caretaker, watchman or construction workers; and

   e) shall not be detrimental to the public health, safety, convenience and general welfare.

4) Notwithstanding the regulations of this Section of the By-law, a temporary development permit shall be issued for a Carnival development provided its maximum permitted duration on a site, which includes the installation and removal of all equipment and structures thereon, is five days.

26.0 LIGHTING OF SITES

Outdoor lighting for any development:

1) Shall be low-glare in nature and located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices.

27.0 HEIGHT

1) In determining whether a development conforms to the maximum height permissible in any Zoning District, the following features, when attached or affixed to the principal dwelling, shall not be considered for the purpose of height determination: chimney stacks, steeples, belfries, domes or spires, monuments, elevator housings, roof stairway entrances, water or other tanks, ventilating equipment, skylights, fire walls, receiving or transmitting structures, masts, flag poles, clearance markers or other erections which are considered to be similar by the Designated Officer.

27.1 PERMITTED PROJECTIONS THROUGH MAXIMUM HEIGHT LIMITS

Architectural features such as air conditioners, chimney stacks, steeples, spires, elevator housings, roof stairway entrances, ventilating equipment, skylights, fire walls, receiving or transmitting structures, masts, flag poles, clearance markers or other features which, in the opinion of the Designated Officer, are of a similar character, may project 10 feet above the maximum height of the principal building in the applicable zoning district.

28.0 ACCESS TO SITES

1) All access locations and curb crossings on Municipal Roads shall require the approval of the Municipal Designated Officer or Municipal Engineer.

2) Permits for developments adjacent to Provincial Truck Highways, Provincial Roads and Provincial Access Roads shall be required from the appropriate Provincial government agency.

28.1 DRIVEWAYS

1) All driveways that access a hard surfaced roadway must be hard surfaced from property line to edge of roadway to minimize the tracking of dirt and foreign matter onto the public roadway.

Table 1: Maximum Dimensions for Driveway Widths*

Residential	50% lot width up to a maximum of 9 Meters. Exceptions may be made for odd shaped lots.
Commercial	12.0 Meters
Industrial	15.0 Meters

* This table applies to driveways proposed to municipal roads only.

To be measured as a straight line from driveway edge to driveway edge, perpendicular to the length of the driveway at its widest point in the city right-of-way.

2) All driveways that access a roadway which is gravelled but will be paved must be paved with (asphalt or concrete) within one (1) year of street construction completion.

3) Every residential corner lot must situate the driveway on the interior side of the lot in order to increase the distance from the corner to the driveway. The driveway accesses must be a minimum of 3 meters from the end of the radius on the curb.

4) Residential driveways are limited to one (1) per lot.

5) Commercial and Industrial driveways are limited to one (1) per lot unless otherwise approved by the Designated Officer.

6) All boulevards must be seeded with grass and maintained by the property owner fronting the boulevard. Rock, gravel, or artificial cover of any kind is not permitted on the boulevard, with the exception of turfstone. Notwithstanding the above, where existing driveways end 12 inches or less from an interior property line, the portion between the driveway and property line may be hard surfaced, subject to the discretion of the Designated Officer.

7) All curb cuts must be made horizontally unless other arrangements have been made with the Designated Officer.

29.0 HARD SURFACING OF PARKING AND LOADING AREAS

1) Every off-street parking and loading space provided or required in the following districts shall be hard surfaced if such area lies in front of the principal building:

- CC : Commercial Central
- CH: Commercial Highway
- CN: Commercial Neighbourhood
- CL: Commercial Linear
- CS: Commercial Shopping Centre

2) Every off-street parking and loading space provided or required in the following districts, including the access thereto, shall be hard surfaced if the access is from a public roadway which is hard surfaced:

- CC: Commercial Central
- CH: Commercial Highway
- CN: Commercial Neighbourhood
- CL: Commercial Linear
- CS: Commercial Shopping Centre
- MB: Industrial Business

3) Any area at the rear of the principal building provided or required for off-street parking and loading space need not be hard surfaced, but shall be of such a surface that will minimize the carrying of dirt or foreign matter onto the public roadway in the following districts:

- CC: Commercial Central
- CH: Commercial Highway
- CN: Commercial Neighbourhood
- CL: Commercial Linear
- CS: Commercial Shopping Centre
- MB: Industrial Business
- MG: Industrial General
- MR: Industrial Restricted

30.0 LANDSCAPING

30.1 LANDSCAPING IN COMMERCIAL, INDUSTRIAL, COMMUNITY, EDUCATIONAL, RECREATIONAL AND CULTURAL SERVICE AND RESIDENTIAL USE CLASS DEVELOPMENTS (EXCLUDING SINGLE FAMILY DWELLINGS)

1) A landscaping plan is required and no landscaping work shall be commenced unless the landscaping plan is approved by the Designated Officer.

2) A landscaping plan shall contain the following information for the site and adjacent boulevards:

   a) all physical features, existing or proposed, including vegetation, berm contours, walls, fences, outdoor furniture and fixtures, surface utilities, and paving; and

   b) all shrubs and trees, whether existing or proposed, labelled by their common name, botanical name, and size.

3) Notwithstanding the regulations of Section 30.1 [2(b)] of this By-law, the Designated Officer may consider an application if, in his/her opinion, the development is of such a nature as to enable the decision to be made on the application without all of the information.

4) In the event that planting material required in an approved development is inappropriate or fails to survive, the Designated Officer may allow or require alternative materials to be substituted.

5) The applicant shall be responsible for landscaping and proper maintenance. The Designated Officer shall require, as a condition of approval, that the applicant provide an irrevocable letter of credit in the amount of 100.00 percent of the estimated landscaping cost, the condition of the said irrevocable letter of credit being that, if the landscaping is not completed in accordance with this By-law and the plan within one growing season after the completion of the development, then the amount required to complete the landscaping shall be paid to the City from the said irrevocable letter of credit.

6) Where landscaping is required as part of any Commercial Use Class development, trees shall be provided on the basis of a minimum one tree for each 45.00 sq. m. (484.59 sq. ft.) of any landscaped area, or as approved by the Designated Officer.

7) All required yards and all open spaces on Commercial and Industrial Use Class developments, excluding parking spaces, on-site circulation, outdoor storage, display and service areas, shall be landscaped in accordance with the landscaping plan. This shall include appropriate screening of utility facilities.

8) All plant material required shall be hardy to the location on the site where they are planted. The horticultural standards of the Canadian Nursery Trades Association shall be used as a reference in selecting plants.

9) For Commercial Use Class developments, deciduous trees shall be at least 63.00 mm. (2.50 in.) caliper when planted and evergreen trees shall have a minimum height of 2.50 m. (8.20 ft.) when planted, or as approved by the Designated Officer. A permit is required from Manitoba Infrastructure for any planting placed within 15.2 m (50 feet) from the edge of the right-of-way of a highway under the jurisdiction of Manitoba Infrastructure.

30.2 LANDSCAPING FOR PARKING AND STORAGE AREAS

1) Where off-street parking for fifty or more vehicles is provided at grade on a site, there shall be landscaped open space within the parking area. Landscaped open space in the parking areas shall be provided in the minimum amount of 1.50 sq. m. (16.15 sq. ft.) for each parking space. The required landscaping shall not be located in one area, and shall be placed within the parking area so as to break up large areas of parking and to provide visual relief.

2) A parking area having eight or more parking spaces and which is visible from an abutting site in the RS: Residential Single Family, RT: Residential Two-Family, RM: Residential Multiple Family, RMA: Restricted Residential Multiple Family, RMH: Residential Mobile Home and RC: Residential Comprehensive Zoning Districts shall be fenced or have a screen planting. The location, length, thickness and height of such fence or screen planting shall be in accordance with the landscaping plan.

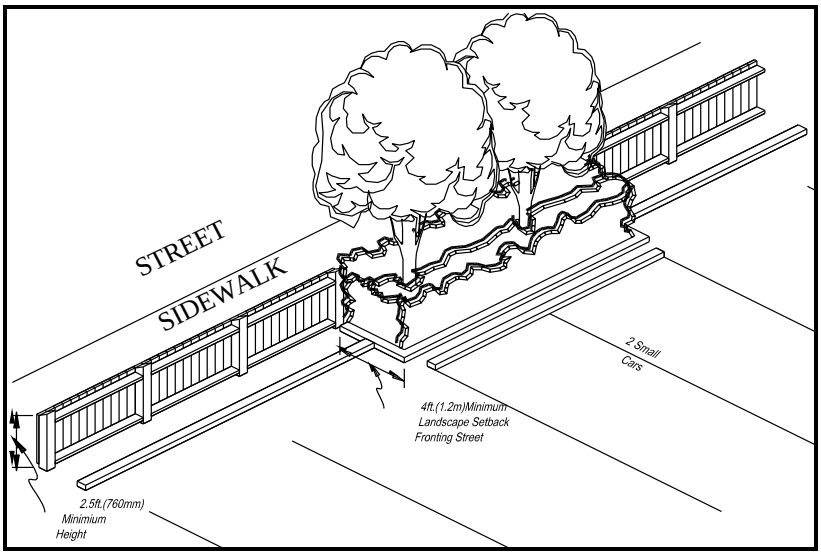


Figure 12. Parking

3) A garbage collection area, an open storage area, or an outdoor service area, which is visible from an abutting site in the RS: Residential Single Family, RT: Residential Two-Family, RM: Residential Multiple Family and RC: Residential Comprehensive Zoning Districts, or from a public roadway other than a lane, shall be fenced or have a screen planting. The location, length, thickness and height of such fence or screen planting shall be in accordance with the landscaping plan. Such fence or screen planting shall be maintained to provide effective screening from the ground to a height of 1.83 m. (6.00 ft.).

4) In the case of bulk outdoor storage, including but not limited to lumber yards and similar uses, where because of height of materials stored, a screen planting would not be sufficient, a fence, earth berm or combination thereof, with sufficient height to substantially block the view, shall be substituted for the regulations of Section 30.2 (3) of this By-law.

5) Where, because of conditions not conducive to good horticultural practices, a screen planting cannot reasonably be expected to survive, the Designated Officer shall require a masonry wall, wood fence or earth berm, or combination thereof, to be substituted for the regulations of Section 30.2 (3) of this By-law.

6) Any screen planting required shall consist of evergreen trees or shrubs, or flowering trees or shrubs, or both. All screen plantings shall be maintained to provide effective screening from the ground to a height of 2.00 m. (6.56 ft.).

31.0 MOVING OF STRUCTURES

1) No person shall move any structure or part thereof off his/her property to any other location within the municipality unless that structure or part is made to conform to the regulations of this By-law applicable to the Zoning District to which it is to be moved and the structure or part as determined by the Designated Officer will be similar to, or better than, the standard of surrounding development in terms of building materials.

2) Before moving a building or portion to a new location, the owner shall enter into an agreement with the Municipality containing an undertaking of the owner to pay all damages arising out of the move and such other terms and conditions as a Designated Officer deems necessary.

3) Within sixty (60) days upon completion of removal 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 condition to the satisfaction of the Designated Officer.

32.0 PARKING

32.1 GENERAL

1) When any new development is proposed, including a change of use of existing development, or when any existing development is enlarged or increased in capacity, then provision shall be made for off-street vehicular parking or garage spaces in accordance with the regulations and standards contained in this Section of the By-law as follows: (**Table 1**, next page)

2) Where a proposed use is not listed above, the parking regulation shall be determined by Council which may either determine that the proposed use is similar to one which is listed, or, if that is not the case, the Designated Officer shall make his/her own determination as to the regulation.

3) Where the parking space regulation is determined by reference to a unit such as the number of bedrooms or seats, floor area, the next higher number shall be required where the calculation results in a fractional number of parking spaces.

4) In the case of the multiple use of a site, the Designated Officer shall calculate the parking required for each individual use and the total shall be deemed to be the required parking for the site, unless the applicant can demonstrate to the satisfaction of Council through a parking demand study that there is a complementary use of the parking facilities which would warrant a reduction in the parking regulations.

5) All accessory off-street parking spaces shall be located on the same zoning site as the use served, unless permitted by a variation order to locate elsewhere. When located on a different site, the parking lot site shall be located no further than 91.44 m. (300.00 ft.) from the zoning site it serves. As a condition of variation, an agreement shall be entered into ensuring that the subject sites remain together for the purpose of satisfying parking requirements.

Table 2: Off Street Parking Regulations

USE CLASS	# OF PARKING SPACES REQUIRED	BICYCLE PARKING
RESIDENTIAL AND RESIDENTIAL-RELATED USE CLASSES		
Bed and Breakfast Home	1.00/Sleeping Accommodation	
Institutional Residence	1.00/each 2 Dwelling or Sleeping Units	Yes
Mobile Home Dwelling	1.00/Dwelling Unit	
Multiple Family Dwelling	1.50/Dwelling Unit	Yes
Single Attached Dwelling	1.00/Dwelling Unit	
Single Family Dwelling	1.00/Dwelling Unit	
Semi-Detached Dwelling	1.00/Dwelling Unit	
Townhouse Dwelling	2.00/Dwelling Unit	
Two Family Dwelling	2.00/Dwelling Unit	
COMMERCIAL USE CLASSES		
Hotel and Motel	1.00/Guest Room or Sleeping Unit	1.00/10 automobile parking stalls
Eating and Drinking Establishment	1.00/4 Seats or 1.00/9.29 sq. m. (100.00 sq. ft.) of floor area, whichever is greater	
1.00/46.45 sq. m. (500.00 sq. ft.) of floor area	1.00/46.45 sq. m. (500.00 sq. ft.) of floor area	
INDUSTRIAL USE CLASSES		
All Industrial Establishments	1.00/92.90 sq. m. (1,000.00 sq. ft.) of floor area	
AGRICULTURAL USE CLASSES		
Agri-Business and Agricultural Implement Sales and Service Establishments	1.00/92.90 sq. m. (1,000.00 sq. ft.) of floor area or 1.00/5 employees, whichever is greater	
BASIC SERVICE USE CLASSES AND COMMUNITY, EDUCATIONAL, RECREATIONAL AND CULTURAL SERVICE USE CLASSES		
Indoor Participant Recreation Service, Religious Assembly, Outdoor Participant, Recreation Service, Private Club, Public Library and Cultural Exhibit, and Community Recreation Service	1.00/5 Seating spaces or 3.05 m. (10.00 ft.) of bench space. Where there are no fixed seats, 1.00/each 9.29 sq. m. (100.00 sq. ft.) of floor area devoted to the assembly room floor area	Yes 1.00/10 automobile parking stalls
Extended Medical Treatment Service	2.00/Bed	
Public and Private Education Service	1.50/Classroom, plus 1.00/each 9.29 sq. m. (100.00 sq. ft.) of floor area devoted to public use	
Government Service	1.00/51.50 sq. m. (550.00 sq. ft.) of floor area	
Child Care Service	1.00/2 Employees	
Funeral Service	1.00/5 Seating Places	

6) The off-street parking spaces may be open to the sky or enclosed within a structure.

7) The surface of an accessory off-street parking area and its access driveways shall be surfaced and designed in such a manner that there will be no free flow of water onto either adjacent properties or along public sidewalks. They may be paved with either asphalt, concrete or paving bricks, or suitably surfaced with gravel, crushed rock or other aggregate material.

8) Lighting used to illuminate an accessory off-street parking area shall be arranged so that it does not illuminate directly onto the adjoining sites, streets or lands.

9) An accessory off-street parking area associated with commercial, industrial, institutional, educational or major recreational uses as determined by the Designated Officer shall be provided with bumper guards, wheel stops, masonry walls or ornamental fences in order to prevent a vehicle from encroaching onto public or private property. Said bumper guards, wheel stops, masonry walls or ornamental fences shall be maintained in good condition at all times.

10) When a building is enlarged or a use is extended or changed, the accessory off-street parking spaces shall be provided for the enlargement, extension, or new use in accordance with the specific requirements of the particular zone in which the use is located.

11) The accessory off-street parking spaces provided for a use shall be solely for the parking of automobiles of employees, occupants, patrons or visitors of such use; and shall not be used for major motor vehicle repair work as determined by the Designated Officer.

12) Where a common parking area other than a driveway, abuts a RS: Residential Single Family Zone, RT: Residential Two Family Zone, RMA: Residential Restricted Multi-Family, RMH: Residential Mobile Home or "RC" Residential Comprehensive Zone, theowner or developer of the parking area shall construct and maintain a solid fence or hedge not less than 1.22 m. (4.00 ft.) or more than 1.83 m. (6.00 ft.) in height along any portion of the parking area boundary which abuts the said RS, RT, RMA, RMH and RC zones.

13) Where **Table 2: Off Street Parking Regulations** indicates that bicycle parking is required, the owner must provide 1 lockable bicycle space per 10 standard automobile parking spaces. Required bicycle parking must be located with convenient access to major building entrances.

14) If exterior parking is provided, barrier-free access to parking areas shall be provided in accordance with the Manitoba and National Building Code, subject to appropriate provincial approval.

32.2 SPACES AND AISLES

1) Except as provided below, each required non-residential off-street parking space shall be a minimum of 2.75 m. (9 ft.) in width, and a minimum of 5.50 m. (18.04 ft.) in length, exclusive of access drives or aisles, ramps, or columns. Such spaces shall have a vertical clearance of at least 2.00 m. (6.56 ft.). For parallel parking, the length of the parking spaces shall be increased to 7.00 m. (22.97 ft.), except that an end space with an open end shall be a minimum of 5.50 m. (18.04 ft.). For parking spaces other than parallel parking spaces, up to 15.00 percent of the required parking spaces may be of a length shorter than that required above, to a minimum of 4.60 m. (15.09 ft.).

2) Aisles shall be a minimum of 7.00 m. (22.97 ft.) wide for 90.00 degree parking, 5.50 m. (18.04 ft.) wide for 60.00 degree parking, and 3.60 m. (11.81 ft.) wide for 45.00 degree and parallel parking.

3) For Residential and Residential-Related Use Class developments, the required parking spaces shall be wholly provided on the same site as the principal building. For all other uses, the parking spaces shall be located not more than 100.00 m. (328.08 ft.) from the principal building, unless otherwise approved by Council. Such distance shall be measured along an accessible public roadway from the nearest point of the parking area to the nearest point of the site where the principal building or use is located.

33.0 SIGNS

33.1 GENERAL

1) No person shall erect a sign without first obtaining a development permit from the Designated Officer and no development permit to erect a sign shall be issued unless all the sign regulations of this By-law have been satisfied.

2) Where regulations of this By-law are inconsistent with the regulations respecting signs on or near public highways made or administered by Manitoba Infrastructure, the more restrictive regulations shall apply, or setback as defined by Manitoba Department of Infrastructure, whichever is greater.

3) Signs are considered accessory uses and shall be developed in accordance with Section 25.0 of this By-law, except for freestanding signs, which shall adhere to requirements outlined in **Table 2**.

4) No sign shall be erected, operated, used or maintained which:

   a) due to its position, shape, colour, format or illumination obstructs the view of, or may be confused with, an official traffic sign, signal or device, as determined by the Designated Officer or Council;

   b) display lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles;

   c) allows a swinging motion;

   d) except for Community Service Clubs and Religious Assemblies, is not related to any business upon the site where the sign is located;

   e) is located on a public right-of-way or sidewalk; and

   f) contains a trademark or emblem other than a trademark or emblem that is registered or copyrighted in the name of the applicant

33.2 ABANDONED AND UNLAWFUL SIGNS

1) Where a Designated Officer finds a sign to be abandoned, the Designated Officer may, after resolution of Council, by notice in writing or by registered mail, order the registered owner, the person in possession of the site or building or the person responsible for the abandoned sign to remove the sign within twenty days after receipt of the notice, or take such measures as are specified in the notice to alter and refurbish the sign so that it correctly identifies the business, or the products and services offered on the site where the sign is displayed.

2) Where a sign contravenes the regulations of this By-law, Council may, by notice in writing, order the owner or the person responsible for the contravening sign to take such measures

as are specified in the notice to alter the sign so that it complies with the regulations of this By-law, or remove the sign.

3) Failure to remove abandoned or unlawful signs, or to comply with the measures specified in the notice by Council, shall result in the removal of the sign by the City with the owner or the person responsible for the contravening sign assuming liability for all removal costs.

33.3 SIGN REGULATIONS

1) Quality, aesthetic character, and finishing of sign construction shall be to the satisfaction of the Designated Officer or Council.

2) No signs shall be erected in the RS: Residential Single Family, RT: Residential Two-Family, RM: Residential Multiple Family, RMA: Residential Restricted Multi-Family, RMH: Residential Mobile Home and RC: Residential Comprehensive Zoning Districts except those expressly provided for in this Section of the By-law.

3) Fascia signs shall not have letters over 1.2 m. (3.94 ft.) high and which exceed 80.00 percent of the building width.

4) Free standing signs are limited to no more than one per lot, except on a corner lot or through lot. The Designated Officer or Council may allow more than one free standing sign if warranted by the circumstances.

5) Where the architectural design and appearance of a building facade for a multiple business occupancy are uniform, signs or individual businesses located on the same facade shall, in the opinion of the Designated Officer or Council, be similar as to proportion, materials, and placement such that they present a pleasing architectural appearance.

6) No canopy or awning sign shall be erected over a public right-of-way until an easement agreement has been entered into with the City of Winkler and the canopy or awning sign shall comply with the following regulations:

   a) if supported on posts or by braces, brackets or supports on or extending over a public right-of-way, the braces, brackets or supports shall be hidden from view and above the height of the roof line of the canopy or awning; and

   b) not be constructed in such a manner that drainage from the canopy or awning falls on any public right-of-way.

7) For the purposes of this Section of the By-law, where a lot is occupied by more than one business (i.e. multiple occupancy) each business shall be considered a separate business.

8) Signs shall be developed in accordance with the following regulations as outlined in **Table 2 Sign Regulations.**

9) Notwithstanding anything elsewhere contained in this By-law, the following regulations shall apply to portable signs:

   a) portable signs are only allowed in the CC: Commercial Central, CH: Commercial Highway, CN: Commercial Neighbourhood, CL: Commercial Linear or CS: Commercial Shopping Centre or the MB: Industrial Business, MR: Industrial Restricted or MG: Industrial General Zoning Districts; and can only be allowed in any Residential Zones by way of Conditional Use Applications which require a public hearing and Council decision.

b) a portable sign shall not be located, erected, placed or displayed on any site until a permit which outlines the sign identification number and expiry date, has been issued by the Designated Officer;

c) the portable sign shall be removed from the site upon the expiry date of the portable sign permit;

d) the maximum sign surface area of a portable sign is 4.65 sq. m. (50.00 sq. ft.);

e) there shall be no more than one portable sign per lot, except that for a lot with multiple occupancy there can be a maximum of two portable signs. Where there is more than one portable sign, the signs shall be a minimum of 19.81 m. (65.00 ft.) apart;

f) a portable sign shall comply with the yard regulations of the Zoning District within which it is located;

g) flashing or scintillating portable signs are prohibited;

h) no portable sign shall be placed in such a way that it may interfere with, obstruct the view of, or be confused with an authorized traffic signal, warning sign or other regulatory or informational device, and in no circumstances shall it be located within 3.05 m. (10.00 ft.) from the nearest part of any exit or entrance driveway;

i) the maximum height of a portable sign shall be 3.05 m. (10.00 ft.) measured from grade to the highest part of the sign;

j) the maximum permitted duration for a portable sign on a site will be subject to the discretion of the Designated Officer of the City of Winkler. Without a definite reason, the time frame will be twelve months.

k) a portable sign may be used to advertise for multiple businesses during the period of the permit.

l) the applicant for the portable sign shall pay the applicable fees, sign a letter indicating that they will comply with these regulations, and agree to a date that the portable sign will be removed.

m) Temporary short term signs requested by a non-profit organization would not require a permit fee at the discretion of the Designated Officer.

10) Notwithstanding anything elsewhere contained in this By-law, the following regulations shall apply to a temporary sign that provides information dealing with a land development project:

a) the maximum sign surface area is 13.94 sq. m. (150.00 sq. ft.);

b) the sign shall comply with the yard regulations of the Zoning District within which it is located;

c) the sign shall be placed in such a way that it will not interfere with, obstruct the view of, or be confused with an authorized traffic signal, warning sign or other regulatory or informational device, and in no circumstances shall it be located within 3.05 m. (10.00 ft.) from the nearest part of any exit or entrance driveway;

d) the sign is only allowed to be placed at the location of the land development project;

e) the sign shall be removed within thirty days of the last sale of any lots or buildings or at the discretion of the Designated Officer; and

f) the applicant shall pay the applicable fees and sign a letter indicating that they will comply with these regulations.

11) Notwithstanding anything elsewhere contained in this By-law, the following regulations shall apply to other temporary signs:

a) the maximum sign surface area shall be 4.65 sq. m. (50.00 sq. ft.);

b) the sign shall comply with the yard regulations of the Zoning District within which it is located;

c) the sign shall be placed in such a way that it will not interfere with an authorized traffic signal, warning sign or other regulatory or informational device, and in no circumstances shall it be located within 3.05 m. (10.00 ft.) from the nearest part of any exit or entrance driveway;

d) the sign shall be removed within seven days after the date of the advertised community event or at the discretion of the Designated Officer; and

e) the applicant shall pay the applicable fees and sign a letter indicating that they will comply with these regulations.

12) Notwithstanding the above, general advertising signs shall be considered a conditional use development and shall comply with the following regulations:

a) The maximum sign surface area shall be 37.16 sq. m. (400.00 sq. ft.);

b) The maximum sign height shall be 10.67 m. (35.00 ft.)

c) No general advertising sign shall be place in such a way that it will interfere with an authorized traffic signal, warning sign or other regulatory or informational device; and

d) Council may impose additional conditions on the installation of a general advertising sign deemed necessary to protect adjacent sites and the public welfare.

e) Council may impose additional conditions on the installation of a general advertising sign deemed necessary to protect adjacent sites and the public welfare.

13) Notwithstanding anything elsewhere contained in this By-law, the following regulations shall apply to electric signs.

a) All signs with electronic copy shall have a minimum hold time of 6 seconds and maximum, transition times of 0.25 seconds;

b) An electronic sign must not exhibit moving or animated content;

c) An electronic sign must not exceed 3.2 lux above ambient light conditions; and

d) All electronic signs must use automatic dimming technology.

e) Where regulations of this By-law are inconsistent with the regulations respecting signs administered by Manitoba Infrastructure, the more restrictive regulations shall apply.

f) Permits will be required from Manitoba Infrastructure if the sign(s) as identified, is placed within the controlled area of a highway under the jurisdiction of Manitoba Infrastructure.

14) Notwithstanding anything elsewhere contained in this By-law, animated signs shall be considered a conditional use development and shall comply with the following regulations:

a) An electronic sign must not exceed 3.2 lux above ambient light conditions; and

b) All electronic signs must use automatic dimming technology.

c) Where regulations of this By-law are inconsistent with the regulations respecting signs administered by Manitoba Infrastructure, the more restrictive regulations shall apply.

d) Permits will be required from Manitoba Infrastructure if the sign(s) as identified, is placed within the controlled area of a highway under the jurisdiction of Manitoba Infrastructure.

Table 3: Sign Regulations

Use Class	Types of Signs	Maximum Sign Area	Maximum Sign Height	Freestanding Signs Minimum Distance to all site lines
Residential and Residential-Related	Identification Real Estate	0.37 sq. m. (4.00 sq. ft.) 1.49 sq. m. (16.00 sq. ft.)	3.05 m. (10 ft.) 3.05 m. (10 ft.)	1.53 m (5 feet) 1.53 m (5 feet)
Agricultural and Natural Resource	Identification	2.97 sq. m. (32.00 sq. ft.)	10.67 m. (35 ft.)	1.53 m (5 feet)
Commercial and Industrial	Business Identification (if attached to a building only)	25.00 percent of the building face for each business (with only the front wall of the building facing the public street being eligible), to a maximum of 18.58 sq. m. (200.00 sq. ft.) for single occupancy and a combined maximum of 55.74 sq. m. (600.00 sq. ft.) for multiple occupancy	10.67 m. (35 ft.)	N/A
	Business Identification (if free standing only)	18.58 sq. m. (200.00 sq. ft.) for a single occupancy site and 83.61 sq. m. (900.00 sq. ft.) for a multiple occupancy site	10.67 m. (35 ft.)	1.53 m (5 feet)
	Business Identification (if attached to a building and free standing)	37.16 sq. m. (400.00 sq. ft.) for a single occupancy site, 55.74 sq. m. (600.00 sq. ft.) for a multiple occupancy site of two businesses, 74.32 sq. m. (800.00 sq. ft.) for a multiple occupancy site of three businesses and 92.09 sq. m. (1,000.00 sq. ft.) for a multiple occupancy site of more than 3 businesses	10.67 m. (35 ft.)	1.53 m (5 feet)
	Real Estate	43.64 sq. m. (50.00 sq. ft.)	3.05 m. (10 ft.)	1.53 m (5 feet)
Basic Service Use and Community, Educational, Recreational and Cultural Service	Identification Sign (if attached to a building or free standing)	2.32 sq. m. (25.00 sq. ft.) if the site abuts the site of a Residential Use Class development and 4.65 sq. m. (50.00 sq. ft.) in other Zoning Districts	10.67 m. (35 ft.)	1.53 m (5 feet)

34.0 OFF STREET LOADING

1) When any new development is proposed including a change of use of existing development, or when any existing development is, in the opinion of the Designated Officer, substantially enlarged or increased in capacity, off-street vehicular loading and unloading spaces shall be provided in accordance with the following:

   a) For all Commercial Use Class developments excluding Professional, Financial and Office Support Services:

      i. One space shall be required for less than 465.00 sq. m. (5,005.38 sq. ft.), two spaces for 465.00 sq. m. (5,005.38 sq. ft.) to 1,500.00 sq. m. (16,146.39 sq. ft.) and one space for each additional 2,300 sq. m (24,757.80 sq. ft.).

   b) For all Professional, Financial and Support Services, as well as all Industrial, Basic Service, or Community, Educational, Recreational, and Cultural Service Use Class developments:

      i. One space shall be required for up to 2,800.00 sq. m (30,139.94 sq. ft.) and one additional space up to a maximum of five for each additional 2,800.00 sq. m (30,139.94 sq. ft.).

2) All loading and unloading spaces shall be located on the site so that all materials and commodities loaded or unloaded can be easily collected or distributed within the site, to and from all tenants or occupants. Access shall be so arranged that no backing or turning movements of vehicles going to or from the site causes interference with traffic on the adjoining or abutting public roadways, lanes, sidewalks, or boulevards.

3) Loading and unloading spaces shall be of adequate size and with adequate access, both to the satisfaction of the Designated Officer, to accommodate the types of vehicles which will be loading and unloading, without those vehicles projecting into a public roadway. In no case shall the space be less than 28.00 sq. m. (301.40 sq. ft.), or less than 2.60 m. (8.53 ft.) wide, or have less than 3.70 m. (12.14 ft.) of overhead clearance.

35.0 EXCAVATION, STRIPPING AND GRADING

1) For the purpose of this Section of the By-law, excavation shall mean excavation other than for construction or building purposes, including but not limited to topsoil stripping and the construction of artificial bodies of water.

2) A person wishing to excavate, strip or grade land shall:

   a) comply with Municipal By-laws, as amended, that regulate the excavation, stripping or grading of land; and

   b) provide the following details in his/her development permit application:

      i. the location and area of the site on which the excavation, stripping or grading is to take place;

      ii. the existing land use and vegetation;

      iii. the type and dimensions of the excavation to be made, and the effect on existing drainage patterns; and

      iv. the condition in which the excavation is to be left when the operations is complete, or the final disposition to be made of the area from which the topsoil

is to be removed, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling or lessening the creation of erosion or dust from the land.

3) The Designated Officer shall consider every application for a permit to excavate land, and shall not issue a permit unless he/she is satisfied that:

   a) the operation will be carried out so as to create a minimum of dust and environmental disturbance; and

   b) the operation is one which, in the opinion of the Designated Officer, is reasonable necessary for the use and development of the land in question.

4) The Designated Officer may require as a condition of issuing a permit to excavate land, that the applicant take the precautions and follow the methods prescribed by the Designated Officer for the prevention or control of dust or any other nuisance caused by the proposed operation, and for the reclamation of the site if required.

36.0 PERFORMANCE STANDARDS FOR INDUSTRIAL USE CLASS DEVELOPMENTS

36.1 APPLICABILITY

All Industrial Use Class developments shall comply with the performance standards of this Section of the By-law and other requirements in applicable Federal, Provincial or Municipal legislation. Where in the opinion of the Designated Officer, a use may not comply with the said performance standards or requirements, he/she may require that the applicant submit a statement from a Certified Professional Engineer of Manitoba confirming that the proposed use satisfies the said performance standards or requirements.

36.2 PERFORMANCE STANDARDS

36.2.1 EMISSION OF AIR AND WATER CONTAMINANTS

1) No operations or activity shall emit air and water contaminants in excess of the standards prescribed by the Province of Manitoba pursuant to *The Environment Act* and the regulations pertaining thereto.

36.2.2 NOISE

1) In the following districts no activity or operation shall cause, or permit to be caused, a noise level at or inside the lot line of a site which exceeds the regulations of the Province of Manitoba pursuant to *The Environment Act*, *The Dangerous Goods Handling & Transportation Act* and regulations pertaining thereto, or the City of Winkler Noise By-law, as amended:

   - RS: Residential Single Family
   - RT: Residential Two-Family
   - RM: Residential Multiple Family
   - RMA: Residential Restricted Multi-Family

- RMH: Residential Mobile Home
- RC: Residential Comprehensive
- RR: Rural Residential

36.2.3 APPEARANCE

1) All Industrial Use Class developments in the MB: Industrial Business or MR: Industrial Restricted Zoning Districts shall comply with the following appearance standards:

   a) All loading, service, trash collection and accessory storage areas, and trucking yards shall be located to the rear or sides of the principal building, and shall, where required by the Designated Officer be screened from view from any public roadway and from adjacent sites, by building walls, landscape materials, berms, fences or a combination thereof, from the ground to a height of 2.00 m. (6.56 ft.).

   b) The Designated Officer may require that exposed projections outside the building such as mechanical and electrical equipment, transformer ducts, and materials handling equipment be screened from view from any public roadway, or from adjacent sites if, in his/her opinion, such projections are inconsistent with the character and appearance of surrounding development or the intended visual qualities of the said Zoning District.

   c) All buildings shall be constructed and finished with durable materials designed to maintain the initial appearance of the development throughout the life of the project. The Designated Officer may require that the appearance of metal, or concrete block walls exposed to public view from beyond the site be improved where, in his/her opinion, such walls are inconsistent with the finishing materials or appearance characteristic of surrounding development.

2) Any use or activity in the MG: Industrial General Zoning District shall comply with the following appearance standards:

   a) All outdoor service, assembly, trash collection and storage areas including the trucking yards associated with such activities shall be located to the rear or sides of the principal building. Loading and trash collection facilities serving office, warehouse and similar developments, where the handling or assembly of goods is carried on within a building, shall be allowed to the rear, sides or front of the principal building.

   b) Outside display areas are permitted to the side or front of the principal building, provided that such displays are limited to examples of equipment or material related to the industry or business located on the site.

37.0 PERFORMANCE STANDARDS FOR RESIDENTIAL AND COMMERCIAL USES

37.1 GENERAL PERFORMANCE STANDARDS FOR RESIDENTIAL USES

Residential uses shall comply with the following standards:

1) In any development, the design, use of exterior finishing materials and construction shall be to the satisfaction of the Designated Officer or Council who shall require, as far as reasonably practicable, that materials will be used which ensure that the standard of the buildings will be similar to, or better than, the standard of surrounding development. The

Designated Officer or Council may require that the appearance of walls exposed to public view from beyond the site be improved where the appearance of such walls is inconsistent with the finishing standards of surrounding development.

37.2 GENERAL PERFORMANCE STANDARDS FOR COMMERCIAL USES

Commercial uses shall comply with the following standards:

1) All commercial developments:
   a) shall be designed to:
      i. convey an image of cohesive appearance and architectural character;
      ii. ensure that offices, reception and public use areas are easily identifiable and visible from the public roadway; and
   b) shall be constructed and finished with durable materials to maintain the initial appearance of the development throughout the life of the project.
2) The Designated Officer or Council may require that the appearance of walls exposed to public view from beyond the site of a commercial development be combined with other materials where, in his or Council's opinion, such walls are inconsistent with the finishing materials or appearance characteristics of surrounding developments.
3) The location of the principal building on a site of a commercial development shall take into account:
   a) the setbacks and building placements on adjacent sites; and
   b) the micro-climatic effects including shading of adjacent buildings or sites.
4) Garbage collection, loading, storage or outdoor service areas for commercial developments shall be developed in accordance with Section 30.2 of this By-law and the following:
   a) All outdoor storage shall be related to the business on the site.
   b) There shall be no outdoor storage of objects or chattels which, in the opinion of the Designated Officer or Council, are unsightly or adversely affect the character or appearance of the site or surrounding developments.
5) Rail cars or semi-trailers, or similar such containers shall comply with the following regulations:

   If used for less than 90 days per calendar year:
   a) Shall be classified as a Temporary Use.
   b) Shall be located to the rear and/or side of the principal building.
   c) Shall comply with Section 25.4 of this By-law.

If used for more than 90 days per calendar:

a) Shall be classified as an Accessory Use.

b) Shall be located to the rear and/or side of the principal building.

c) Shall be placed on a concrete or wood foundation.

d) Shall be painted to match the colour of the principal building.

e) For sites less than 1.00 hectare (2.27 acres) there shall be no more than 4 rail cars or semi-trailers, or similar such containers; for sites between 1.00 hectares (2.27 acres) and 2.00 hectares (4.94 acres) there shall be no more than 8 rail cars or semi-trailers, or similar such containers; and for sites greater than 2.00 hectares (4.94 acres) there shall be no more than 12 rail cars or semi-trailers, or similar such containers.

f) Shall comply with Sections 25.1 and 25.3 of this By-law.

38.0 DEVELOPMENT RESTRICTED

38.1 NOXIOUS OR OFFENSIVE USES

1) Nothing in this By-law, or in a development permit, approval or a conditional use order, variation order or other approval issued under this By-law or under the *Act*, shall be construed as authorization for the carrying out of any activity that is a nuisance.

38.2 FLOOD RISK AREAS AND HAZARD LANDS

1) Notwithstanding any other provision of this By-law, the Designated Officer may:

a) Refuse to issue a building and/or development permit where the proposed building or structure, as determined by Council, is located within the floodway of a waterbody, stream, drain, watercourse, or is low-lying, marshy, or subject to periodic flooding and where Council has determined that placement of said structure would impede the flow of water or floodwaters and/or create a hazard to life, limb or property; or

b) Where Council has determined that the specific hazard has not been defined or where the proposed building or structure is to be located within the floodway fringe of a river, stream, drain or watercourse, or is otherwise subject to periodic flooding or runoff, permit such lands to be developed provided that:

i. permanent structures shall be setback from all water courses a distance of a least 10 times the height of the bank above a channel grade or 59.74 m. (196.00 ft.), whichever is greater.

ii. permanent structures shall be protected from flooding by raising the building site and access to the flood protection level which is 0.67 m. (2.00 ft.) above the flood level. The level of the surrounding fill at the building line shall not be less than the flood protection level, and shall not slope more than 15.24 cm. (6.00 in.) for a horizontal distance of 4.57 m. (15.00 ft.) from the building line and not more than 0.35 m. (1.00 ft.) vertically to 1.22 m. (4.00 ft.) horizontally thereafter.

iii. the elevation of the main floor shall be a minimum of 0.35 m (1.0 ft.) above the flood protection level.

iv. basements, if constructed, shall:

- have the elevation of the basement floor not lower than the flood protection level by: 0.67 m. (2.00 ft.) if the fill material is pervious such as sand; or 1.68 m. (5.50 ft.) if the fill material is impervious such as clay.
- not contain habitable space.
- not be used for storage or immovable materials or hazardous materials that are buoyant, flammable, explosive or toxic
- not contain any electrical circuit breaker panels.
- be provided with a sump pit.
- have back-up valves in the sewer pipes or pipes leading to a holding tank or disposal field.

2) Notwithstanding any other provision of this By-law, the Designated Officer may:

   a) Refuse a building and/or development permit where Council has determined that the proposed building or structure is to be located on lands subject to erosion, bank instability, sloughing or is to be located on low-lying wetlands having insufficient bearing strength to accommodate said building or structure; or

   b) Require that the proposed building or structure be constructed and located in such a manner as to negate the effects of the hazard.

3) The Designated Officer may require that the applicant provide, at his/her own expense, such flood levels, elevations, or other geotechnical data as may be required for its determination with respect to subsections (1) and (2) above.

4) Council may, prior to the issuance of a development permit, consult with Provincial Government officials

38.3 OUTDOOR SOLID FUEL FIRE APPLIANCES

An outdoor solid fuel fire appliance is not allowed within the City of Winkler, except as provided in the Outdoor Solid Fuel Appliance by-law in force in the City of Winkler.

38.4 DWELLING SETBACKS

1) No dwelling unit shall be located within 402.34 m. (1,320.00 ft.) of the boundary of any active waste disposal ground unless:

   a) a Certified Professional Engineer of Manitoba determines that there will be no migration of methane gas; and

   b) approval has been obtained from Manitoba Conservation.

2) No dwelling unit shall be located within 457.20 m. (1,500.00 ft.) of the boundary of a Municipal sewage treatment facility.

3) No dwelling unit shall be located within 15.24 m. (50.00 ft.) from the edge of a right-of-way or easement established for the transmission of high-pressure natural gas or the transmission of hydro electricity in excess of 100 kilovolts.

4) No dwelling unit shall be located within 30.48 m. (100.00 ft.) from the edge of a railway right-of-way.

5) No dwelling unit shall be located within 152.40 m. (500.00 ft.) from any active Natural Resource Development.

38.5 CORNER VISION TRIANGLES

1) No building, structure, sign, fence, parking area, shelterbelt, hedge or stockpiling of materials exceeding a height of 0.91 m. (3.00 ft.) above grade shall be located within a triangular area of any lot adjacent to an intersection of two public streets, with the sides of the triangular area being measured a distance of 3.05 m. (10.00 ft.) along each lot line from the point of intersection.

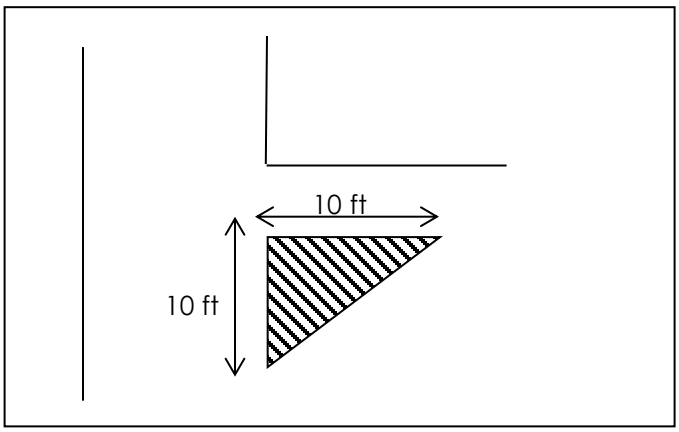


Figure 13: Corner Vision Triangle

38.6 SIDE YARD EXCEPTIONS

1) For the purpose of side yard regulations, the following dwellings that have common party walls shall be considered as one building occupying one lot: Two Family Dwellings, Semi-Detached Dwellings, Townhouse Dwellings and Multiple Family Dwellings. Side yard regulations shall not apply along the common party walls.

38.7 HAZARDOUS MATERIALS STORAGE

1) No commercial-related or industrial-related Bulk Storage Facility, Agricultural Crop Protection Warehouse or Agricultural Product Storage shall be located within:

   a) 304.80 m. (1,000.00 ft.) of a building used for human occupancy; and

   b) 100.00 m. (328.08 ft.) from the edge of the rights-of-way of Provincial Trunk Highways, Provincial Roads as well as all Provincial Access Roads.

38.8 BUILDING GRADE

1) No building or structure shall be erected without first obtaining from the Designated Officer written instructions as to the grade for the building or structures to be erected, which shall be in accordance with the City of Winkler Lot Grade By-law. It shall be the continuing obligation of the property owner to maintain building grades for adequate site drainage and to ensure that the level of the surrounding fill at the building line shall not be less that the flood protection level.

2) The grade of any site shall not be raised or lowered by more than 0.15 m. (0.50 ft.) of the adjacent site without the approval of the Designated Officer. When evaluating the raising or lowering of the grade of any site by 0.15 m. (0.50 ft.) or more, flood level information, street elevation, service installations, elevation of adjacent sites, drainage, appearance and other pertinent factors shall be taken into consideration.

38.9 COMPOSTING

1) The composting of private household material is permitted within all Zoning Districts. For the composting of any other material, Council may require a detailed engineering study from the applicant certifying that the proposed composting operation meets or exceeds all applicable Provincial regulations.

38.10 LAND DRAINAGE

1) A development permit shall be required for any drainage works undertaken on any lands, where it is proposed to alter or divert the natural course of a watercourse.

2) Notwithstanding any other regulation of this By-law, the Designated Officer or Council may refuse a development permit for, or prohibit, any drainage works to be undertaken on lands where it has been determined that such works would create an adverse effect on adjacent public or private lands or where adjacent drains are insufficient to accommodate the added runoff.

38.11 BUIDLINGS RESTRICTIONS ADJACENTS TO AIRPORTS

1) No buildings or structures shall be erected within 60.96 m. (200.00 ft.) strip parallel to and on either side of the centerline of a runway; and 243.84 m. (800.00 ft.) from either end of a runway.

2) No building constructed around an airport shall exceed the following height restrictions:

   a) no building along the edge of a runway shall exceed a height of 0.31 m. (1.0 ft.) vertical for every 1.54 m. (5.00) ft. measured horizontally from the edge of the runway strip, as illustrated below; and

   b) no building located in the takeoff or approach paths to a runway shall exceed a height of 0.31 m. (1.0 ft.) vertical for every 7.62 m. (25.00) ft. measured horizontally from the ends of the runway strip and diverging ten (10) percent from the extension of the edges of the runway, as illustrated below.

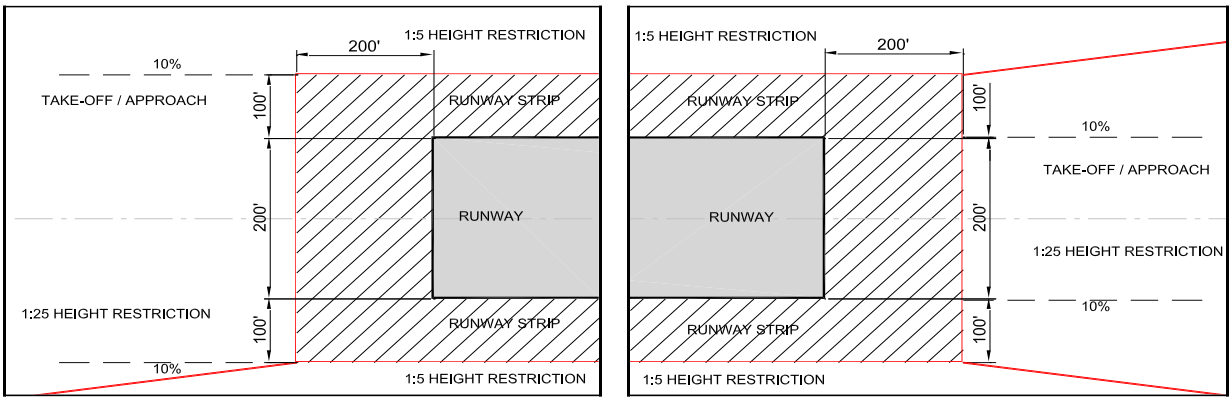


Figure 14: Plan View of Building Restrictions Adjacent to Airports

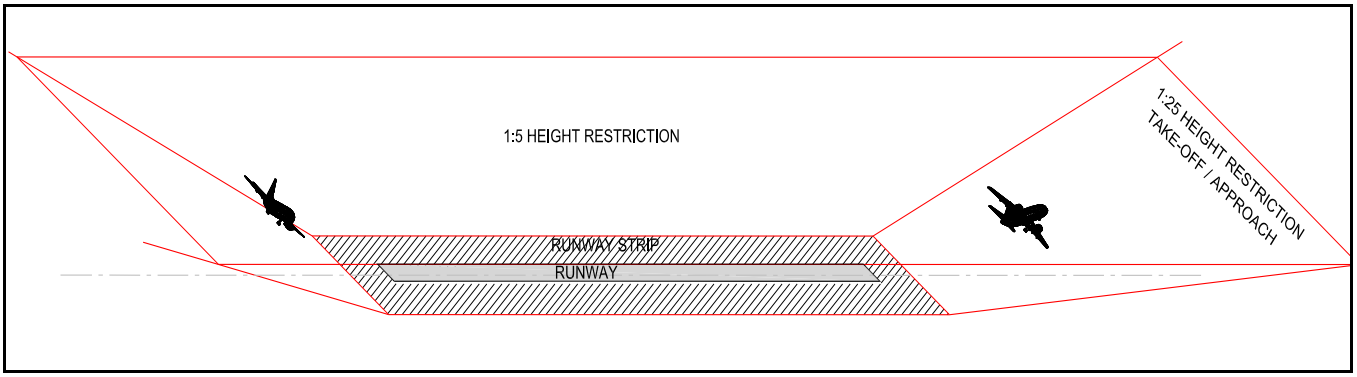


Figure 15: 3 Dimensional View of Building Restrictions Adjacent to Airports

38.12 CANVAS BUILDINGS

1) Canvas buildings or buildings with similar material as determined by the Designated Officer shall not be allowed in any Residential, Community Service (excluding the Parks and Recreation Zoning District) or Mixed Use Zoning Districts.

2) Canvas buildings or buildings with similar material as determined by the Designated Officer are permitted in the Industrial Districts (MG, MB and MR zones), as an accessory use only. The placement of canvas buildings must be in accordance with the Manitoba & National Building Code.

3) Canvas buildings or buildings with similar material as determined by the Designated Officer are a conditional use development in the Commercial Districts (CS, CL, CH), as an accessory or temporary use only. The placement of canvas buildings must be in accordance with the Manitoba & National Building Code.

38.13 PROVINCIAL HIGHWAY SETBACKS

1) Notwithstanding other provisions of this bylaw, in the event a setback is required by Manitoba Infrastructure near a provincial highway, including a service road the greater setback is required.

38.14 PRIVATE & PUBLIC COMMUNICATIONS TOWERS & FACILITIES

1) The Federation of Canadian Municipalities (FCM)/Canadian Wireless Telecommunications Association (CWTA) Antenna System Siting Protocol (Protocol) must be addressed for any new cell towers or similar wireless technology infrastructure to be established in the municipality, including but not limited to:

   a) Notification of potential siting;

   b) Site investigation meeting with municipality to discuss location and potential co-location;

   c) Confirmation of municipal development and design preferences and requirements;

   d) A proposal submitted with all requirements contained in the Protocol; and

   e) Confirmation of any applicable municipal fees.

2) The following systems are generally excluded from requirements to consult with the municipality, but must still consider local surroundings, neighbouring residents, co-location opportunities, sensitive locations, and Transport Canada marking requirements:

   a) Systems less than 15 m. (49.21 ft.) above ground;

   b) Maintenance of existing radio apparatus;

   c) Additions or modifications to an existing Antenna System, within limits described in the Protocol;

   d) Painting or lighting to comply with Transport Canada; and

   e) Installation for a Special Event or emergency, i.e. less than 3 months.

3) Public and private communication facilities or towers that are 15 m. (49.21 ft.) or taller are a conditional use development.

4) Private communication facilities may be allowed as an accessory use in accordance with the minimum yard requirements for accessory structures in the zone in which it is to be located, with the following exceptions:

   a) A private communications facility is not subject to the height requirements for accessory structures.

   b) All private communication facilities shall be set back from all property lines of the site on which it is located a minimum distance equal to its height, measured from grade to the uppermost point of its extension.

   c) A private communications facility may be located on the roof of a building, provided the roof of the building can structurally support the weight of the facility, including all support apparatus, in accordance with the Manitoba and National Building Code.

38.15 SOLAR ENERGY GENERATING SYSTEMS

1) All solar energy generating systems must meet the following standards:

   a) Any solar energy system not connected to a building shall adhere to the same setbacks and height restrictions for accessory buildings for the zone in which the installation is situated;

   b) A roof or wall-mounted solar collector shall not exceed, in size, the total square footage of the principal structure;

c) A solar collector that is mounted on a roof of a principal building may project a maximum of five (5) feet from the surface of the roof but may not extend beyond the outermost edge of the roof; and

d) A solar energy system that is mounted on a wall of a principal building or accessory building may project a maximum of five (5) feet from the surface of the wall into the rear yard (only) and must be located a minimum of eight (8) feet above grade.

e) A solar energy system may be located on the roof of a building, provided the roof of the building can structurally support the weight of the solar system, including all support apparatus, in accordance with the Manitoba and National Building Code.

38.16 WIND ENERGY GENERATING SYSTEMS

1) Commercial Wind Energy Generating systems are not permitted within the City of Winkler.

2) On Site Use Wind Energy Generating systems must meet the following standards:

a) An on-site use wind energy generating system must be setback at least 6 m. (20 ft.) behind the front facing wall of the principal building, or in the case of corner lots, at least 4.5 m. (15 ft.) from the front and side site lines;

b) On-site use wind energy generating systems are permitted to exceed the maximum heights permitted in the Bulk Table found in Appendix C, up to a maximum 4.5 m. (15 ft.) above the roof of the principal building; and

c) An on-site use wind energy generating system must be safely and securely attached to a rooftop in compliance with the National and Provincial Building Codes.

38.17 APIARIES

1) No hives shall be located within 7.5 meters (25 feet) of a site line unless located in compliance with the following:

a) The hive's base is set at a minimum height of 2.5 meters (8 feet) above grade or;

b) Is located behind a solid fence or hedge 2 meters (6 feet) in height located parallel to an adjacent property line and extending a minimum of 6 meters (20 feet) horizontally behind the hive in either direction.

2) Every landowner who allows the keeping of bees on their property has the duty to ensure the maintenance of the beehives. The bees must be requeened if they swarm or show signs of aggressive behaviour.

39.0 STREETS

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

40.0 CONNECTING TO MUNICIPAL SERVICES

1) All new principal buildings constructed on a site that is serviced by Municipal sewer or water shall, where feasible, be connected to such services.

41.0 APPLICABILITY

1) The Special Land Use Regulations apply to the uses listed irrespective of the Zoning District in which they are located. Where these regulations appear to be in conflict with the Zoning District regulations in which the use is either a permitted use or conditional use, the Special Land Use Regulations shall take precedence and shall be applied in addition to the regulations in the Zoning District.

42.0 VEHICULAR – ORIENTED USES

42.1 APPLICABILITY

1) The following Commercial Use Class developments shall comply with the regulations of this Section of the By-law:
   a) Drive-In Food Services;
   b) Gas Bars;
   c) Service Stations; and
   d) Rapid Drive-Through Vehicle Services.

42.2 DEVELOPMENT REGULATIONS

1) Vehicular-oriented uses shall be located only where the Designated Officer or Council is satisfied that the development will not adversely affect the functioning of the surrounding public roadway.
2) Stacking space shall be provided as follows:
   a) For Drive-In Food Services and other Commercial Use Class developments having a drive-up service window, a minimum of twelve in-bound stacking spaces shall be provided for vehicles approaching the drive-up service window. One out-bound stacking space shall be provided on the exit side of each service position and this space shall be located so as not to interfere with service to the next vehicle.
   b) For Rapid Drive-Through Vehicle Services, stacking space shall be provided as follows:
      i. For self-service including coin operated car washes, a minimum of two (2) in-bound and one (1) out-bound stacking spaces shall be provided for each service bay, plus one (1) additional stacking space before the entrance to the facility.
      ii. For automatic (touchless) car washes, a minimum of three (3) in-bound and one (1) outbound stacking spaces shall be provided for each service bay, plus two (2) additional stacking spaces before the entrance to the facility.
      iii. For complete service car washes with attendants, a minimum of twenty (20) in-bound and five (5) out-bound stacking spaces shall be provided.
   c) All stacking spaces shall be a minimum of 5.49 m. (18.00 ft.) long and 3.05 m. (10.00 ft.) wide. Stacking lanes shall provide sufficient space for turning and manoeuvring.
3) Gas Bars and Service Stations shall comply with the following additional regulations:

a) All pump islands and underground storage tanks shall be located at least 6.10 m. (20.00 ft.) from any boundary of the site, parking area on the site, or laneways intended to control traffic circulation on the site.

b) Refuelling areas are not permitted in a required parking area.

c) A canopy over a pump island may extend to within 3.05 m. (10.00 ft.) of the boundary of the site. The canopy area shall not constitute part of the site coverage for the purpose of this Section of the By-law

43.0 HOME OCCUPATIONS

A Home Occupation shall comply with the following regulations:

1) The Home Occupation shall be in contravention of this Zoning By-law unless it conforms to the Municipal Licensing By-law and amendments thereto.

2) The Home Occupation shall not include social escort services, automotive service uses and tow-truck operations.

3) There shall be no outdoor business activity, or storage of material or equipment associated with the Home Occupation.

4) The Home Occupation shall not generate pedestrian or vehicular traffic, or parking, in excess of that which, in the opinion of the Designated Officer, is characteristic of the Zoning District in which it is located.

5) The Home Occupation shall be owned by the member(s) of the family residing at the dwelling unit without the employment of other persons.

6) Notwithstanding Section 33.0 of this By-law, the Home Occupation may have one identification sign not exceeding 0.28 sq. m. (3.00 sq. ft.) in area, indicating the name of the occupant and/or Home Occupation of the occupant provided the sign is attached to and parallel with the wall of the principal or accessory building.

7) There shall be no mechanical or electrical equipment used which creates noise, or visible and audible interference in radio or television reception in adjacent dwelling units.

8) The Home Occupation shall be operated as a secondary use only, and shall not change the principal character or external appearance of the dwelling unit involved.

9) A Home Occupation within a dwelling unit or accessory building shall not exceed a maximum floor area of 27.87 sq. m. (300.00 sq. ft.) or twenty –five percent (25%) of the floor area, whichever is lesser.

10) The Home Occupation shall not be permitted if, in the opinion of the Designated Officer, such use would be more appropriately located in another Zoning District having regard for, among other matters, potential traffic generation and potential interference with the residential character of the area.

11) In addition to the information regulations of Section 12.0 of this By-law, each application for a development permit for a proposed Home Occupation shall include a description of the office use to be undertaken at the premises and an indication of where any materials, equipment or vehicles associated with the office use are to be stored.

12) A permit for a Home Occupation is not transferable to a new homeowner.

13) In the case of retail sales or distribution, it offers articles for sale which are limited to those produced therein or articles that are produced elsewhere but are pre-packaged and held only on a temporary basis for distribution to customers

44.0 BED AND BREAKFAST HOMES

A Bed and Breakfast Home shall comply with the following regulations:

1) There shall be no exterior display or advertisement larger than 0.56 sq. m. (6.00 sq. ft.) in area, provided that no sign shall be illuminated and any sign must be compatible with the residential character of the area.

2) The Bed and Breakfast Home shall not generate vehicular traffic or parking that is in excess of what is normally characteristic of the area.

3) The Bed and Breakfast Home shall be operated by a live-in owner as a secondary use only and shall not change the principal residential character or external appearance of the dwelling unit.

4) The Bed and Breakfast Home shall have a maximum of:

   a) three bedrooms or bedroom suites in the RS: Residential Single Family, RT: Residential Two-Family, RM: Residential Multiple Family, LCR: Limited Commercial Residential, CC: Commercial and CL: Commercial Linear Zoning Districts; and

   b) six bedrooms or bedroom suites in the RR: Rural Residential Zoning District.

5) Meals shall be limited to the owner-occupants of the Bed and Breakfast Home and resident guests therein with no cooking facilities allowed in the bedrooms or bedroom suites.

6) In addition to the parking regulations for the primary use, one additional on-site parking space shall be provided for each bedroom or bedroom suite.

7) Approved smoke alarms shall be required:

   a) in every bedroom or bedroom suite; and

   b) in the common corridor of every storey or floor level, even if no bedroom or bedroom suite is provided on that storey or floor level.

The smoke alarms are to be electrically hard wired to each other in cases where major renovations are to take place.

8) An approved 2.20 kg. (4.85 lb.) multi-purpose portable fire extinguisher shall be visibly mounted near the kitchen exit door, preferably the door leading directly outdoors.

45.0 PLANNED UNIT DEVELOPMENTS

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

45.1 CONDOMINIUMS

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

45.1.1 NEW CONDOMINIUM DEVELOPMENTS

2) In bare land unit condominium developments:

   a) Each "bare land unit" as defined in *The Condominium Act*, which is delineated by horizontal land boundaries, shall be considered a "site" as defined herein for the purposes of determining site area and width, yards and other requirements;

   b) Those "common elements" as defined in the said *Act*, which will be ordinarily used for the passage of vehicles or pedestrians including roads, road allowances, streets and lanes but not including pedestrian walkways or off-street vehicle parking areas; shall be considered:

      i. a "street" as defined herein where such thoroughfare is over 10.06 m. (33.00 ft.) in width; and

      ii. a "lane" as defined herein where such thoroughfare is not over 10.06 m. (33.00 ft.) in width.

   c) The provisions of the Use Table and Site Requirement Table for the zone in which the development is to be located and all other regulations and requirements of this By-law shall apply.

3) In condominium developments where the individual dwelling units within a building form the condominium units:

   a) The development shall be considered as a multiple-family dwelling. That is, the individual condominium units within the building shall be considered as dwelling units within a multi-family dwelling (apartment block or townhouse) for the purposes of this By-law, and the building containing the condominium units shall be considered as a multi-family dwelling for the purposes of site, yard, height, etc. requirements.

45.1.2 CONDOMINIUMS AS PLANNED UNIT DEVELOPMENTS

1) A Condominium Development that propose a mixture of different land uses, or which do not conform to the requirements of this By-law may be deemed by Council, a Planned Unit Development and shall be subject to Subsection 45.1.3 below.

45.1.3 PLANNED UNIT DEVELOPMENTS

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

   a) comprehensive redevelopment – mixed use projects in downtown areas;

b) higher quality townhouse and apartment projects characterized by diverse designs and more public and private amenity space;

c) more interesting subdivision layouts characterized by an open space nature, clustered developments, preservation of natural features, separation of pedestrian and vehicular systems, staggered setbacks, diverse housing types and models and reduced amount of land devoted to streets and public works; and

d) shopping centres and industrial developments with a greater amount of landscaping and parking, less open storage and building designs which are more compatible with adjacent uses and more visually pleasing.

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

a) Appendix B: Permitted and Conditional Use and Appendix C: Bulk Regulations shall not directly apply to Planned Unit Developments. The design, however, shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards of amenity, open spaces, building separation, parking and other requirements and provisions of this By-law;

b) An application for the establishment of a Planned Unit Development shall be accompanied by the following information:

i. those requirements normally required for the issuance of a development permit as outlined in Section 12.0;

ii. an Impact Statement or Study as determined by Council; and

iii. such additional information as Council may consider necessary for the review of the proposal.

3) A residential Planned Unit Development may contain two or more principal buildings subject to the following criteria:

a) the minimum site area for a Planned Unit Development shall be one (1) acre;

b) side, front and rear yards equal to the requirements of the zone in which the Planned Unit Development is located, shall be maintained;

c) in no case shall buildings be closer to each other than the sum of the required yards for adjoining walls; and

d) the density of development shall not be increased by greater than ten (10) percent of the normal density permitted in that zone.

45.1.4 MULTIPLE USES

1) This Subsection provides for more than one main use, building or structure on a single site where it is reasonable to conduct such additional uses on the same site without requiring subdivision of the subject parcel. The multiple use provisions herein shall be applied to situations where, in the opinion of Council, the development is not of a magnitude to necessitate a Planned Unit Development. (See Subsection 45.1.3).

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

a) the second or subsequent use, building or structure is a permitted or conditional use listed in the Use Table;

b) where the second or subsequent use, building or structure is listed as a conditional use in the subject zone; or involves construction or erection of an additional main building;

c) the relevant conditional use provisions shall apply and

d) all provisions of the By-law relating to each main use are met.

3) Where a proposed second or subsequent use on a zoning site is accessory or incidental to the main use, such as an incidental commercial use contained within the same building, it shall be regulated under Section 25 of PART II, Accessory Buildings, Structures and Uses.

45.1.5 SUBDIVISION OF EXISTING ATTACHED DWELLINGS

1) For the purpose of changing from a tenancy to an ownership situation, a site with a two-family attached dwelling or a row type dwelling located thereon may be subdivided into two or more sites provided that:

a) any new side site line shall, where possible, be a straight line between the front and rear site lines, located in such a manner that the party wall of two adjacent units shall form part of the new side site line;

b) each site created shall have frontage on a street other than a lane;

c) each site created shall provide not less than one (1) on-site parking space having access directly to either a public lane or street;

d) the permitted use for each site created shall be for one attached single-family dwelling unit only;

e) all applicable provisions of the City of Winkler Building By-law and Sewer & Water By-law shall be complied with;

f) In the case of the subdivision of a two-family attached dwelling, the minimum site requirements as outlined in Appendix C: Bulk Regulations must be provided with the exception that no side yard is required along the party wall.

g) notwithstanding the minimum requirements of Appendix C: Bulk Regulations in the case of row type dwellings, any new site created pursuant to this Subsection shall have a minimum site area of one thousand six hundred (1600) square feet and a minimum frontage of sixteen (16) feet. No side yard is required along a party wall.

46.0 CAR BROKERS

A Car Broker shall comply with the following regulations:

1) The Car Broker operation shall be operated as a secondary use only on the site, and shall not change the principal character or external appearance of the dwelling unit involved.

2) The Car Broker operation shall be limited to the purchase and sale of used passenger and light truck vehicles only.

3) Except as hereinafter provided, the passenger vehicles or light trucks that are for sale shall be parked or stored at the rear of the dwelling unit on the site so as to be entirely screened from public view.

4) Notwithstanding Section 46.0(3) of this By-law, a maximum of one passenger vehicles or light trucks may be put on display for sale in the front yard of the site on which a Car Broker operation is located at any one time.

5) Notwithstanding Section 46.0(4) of this By-law, on the site on which a Car Broker operation is located there shall be no passenger vehicles or light trucks put on display for sale within any Municipal road right-of-way.

6) Notwithstanding Section 46.0(4) of this By-law, if the Car Broker operation is adjacent to a Provincial Trunk Highway Provincial Road, Provincial Access Road or Main Market Road, the passenger vehicles or light trucks put on display for sale thereon shall be setback in accordance with *The Highways & Transportation Act* and *The Highway Protection Act*.

7) The site on which a Car Broker operation is located shall be kept in a tidy, well-maintained manner to the satisfaction of the Designated Officer.

8) A storage area having six or more passenger vehicles or light trucks that are visible from a roadway or an abutting site shall be fenced and/or have a screen planting, to the satisfaction of the Municipal Designated Officer in the following districts:

- LCR: Limited Commercial Residential
- RR: Rural Residential

9) The Car Broker operation shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zoning District in which it is located.

10) The Car Broker operation shall be operated solely by the members of the family residing at the same dwelling unit on the site where the Car Broker operation is located without the employment of other persons.

11) Any exterior display or advertisement of the Car Broker operation shall:

a) not exceed 0.37 sq. m. (4.00 sq. ft.) in area;

b) not be illuminated; and

c) be compatible with the character of the area.

12) The dimensions of signage advertising the sale of passenger vehicles or light trucks shall not exceed 21.59 cm. (8.50 in.) by 27.94 cm. (11.00 in.).

13) The Car Broker operation shall have all outdoor lighting located and arranged on the site so that no rays of light are directed at any adjacent sites.

14) The maximum number of passenger vehicles or light trucks for sale at any one time shall be limited to eight (8) vehicles.

47.0 SECONDARY SUITES

1) A secondary suite is allowed as an accessory use in a one-family dwelling located in any residential zoning district provided that:

a) The one-family dwelling to which it is accessory is owner-occupied.

b) The one-family dwelling to which it is accessory is located on a lot of not less than 549.97 sq. m. (5,920.00 sq. ft.) in area.

c) The secondary suite is not obtrusive so as to change the one-family nature of the one-family dwelling.

d) An Occupancy Permit has been issued.

e) One additional accessory off-street parking space is provided for the exclusive use of the accessory secondary suite.

f) The secondary suite contains at least three (3) rooms including a bedroom and bathroom.

g) The total floor area of all storeys of a secondary suite shall be not more than the lesser of:

i. 80% of the total floor area of all storeys of the other dwelling unit, excluding the garage floor area and common spaces serving both dwelling units, and

ii. 80 m^2

h) No more than 1 secondary suite may be located in any detached single family dwelling.

i) The floor area occupied by a secondary suite shall be considered as part of the principal building.

j) A secondary suite shall contain no more than 2 bedrooms.

k) No more than 3 persons may occupy a secondary suite.

l) Where a secondary suite has an entrance which is separate from that of the principal dwelling, the entrance may only be located on a side or rear wall of the principal dwelling.

m) Section 55 of this by-law shall apply to the review and approval of use applications for secondary suites.

n) No secondary suite shall be permitted in a boarding house.

o) A secondary suite located above a detached garage is permitted only if this has a separate entrance other than the vehicle entrance.

p) "Garden Suite" which is a ground-level suite detached from the single family or primary residence is not permitted.

q) The "Community Enhancement Fee" will not be applied to secondary suites

48.0 SPECIAL REGULATIONS FOR THE LOCAL IMPROVEMENT DISTRICT

1) The following use classifications are not permitted within of the Local Improvement District and are a conditional use development outside the Local Improvement District Area, in accordance with the Local Improvement District By-law as amended from time to time.

a) Livestock Operations

b) Residential-Related Farm

i. The minimum site area for the Residential-Related Farm shall be 2.02 ha. (5.00 acres).

ii. Farm buildings or structures shall be a minimum distance of 30.48 m. (100.00 ft.) from any lot line.

iii. A Residential Related Farm can only be developed in conjunction with a Single Family Dwelling.

49.0 YARDS ABUTTING RESIDENTIAL ZONE LIMITS

Notwithstanding any provisions of this By-law, the following special yard requirements shall apply along all Residential Zone limits:

1) Where a side site line in a Commercial or Industrial Zone abuts a side site line on an adjacent Residential Zone, the required front yard in the Residential Zone shall extend for a distance of 15.24 m. (50.00 ft.) in the case of a Commercial Zone, and 30.48 m. (100.00 ft.) in the case of an Industrial Zone from the zone limit as illustrated below.

2) A side Yard of 3.05 m. (10.00 ft.) in the case of a Commercial Zone and 7.62 m. (25.00 ft.) in the case of an Industrial Zone shall be provided along the side site line which abuts the Residential Zone as illustrated below.

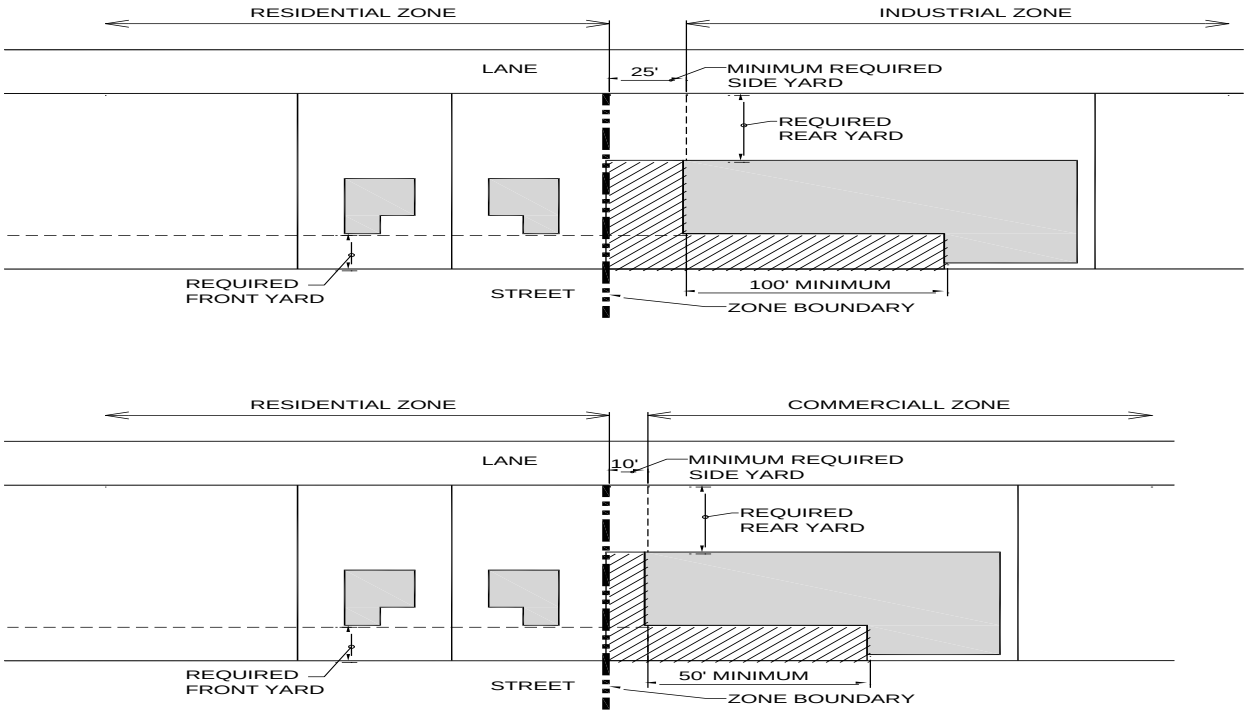


Figure 16: Commercial and Industrial Special Yard Requirements

3) Parking spaces within the required front yard shall not be permitted within 3.05 m. (10.00 ft.) of the said zone boundaries.

4) Where a rear yard line is a Commercial or Industrial Zone abuts a side or rear site line in an adjacent Residential Zone, a rear yard of 7.62 m. (25.00 ft.) in the case of a Commercial zone, and 15.24 m. (50.00 ft.) in the case of an Industrial Zone shall be provided along the rear site line as illustrated below.

5) Where a yard as described in the sub clauses above is provided in a Commercial or Industrial Zone, a compact hedge, row of shrubbery or solid fence 1.83 m. (6.00 ft.) in height shall be provided and maintained along the site line abutting the Residential Zone limit as illustrated below.



Figure 17: Commercial and Industrial Special Yard Requirements

50.0 INTENT OF ZONING DISTRICTS

The Zoning Districts established in this By-law are intended to provide sufficient land for various types of land uses and developments in the City of Winkler in keeping with the provisions of the *MSTW Planning District Development Plan*. The Zoning Districts as outlined in Appendix A are hereby established.

1) Overlay Zoning Districts – The purpose of overlay zoning districts is to allow the municipality to establish special use regulations, standards, or procedures in areas with unique land use, site planning, building design, or environmental resource issues. Overlay zoning districts are also an appropriate mechanism to implement long-term goals and land use requirements of the municipality for a specific property, location, or to coordinate land use and design requirements unique to a large tract of land. Overlay zoning districts are intended to be applied only where special circumstances justify the modification of base zoning district regulations to achieve specific land use and design objectives.

51.0 PERMITTED AND CONDITIONAL USES

1) Appendix B outlines uses that are permitted or conditional in each Zoning District.

2) All uses, whether listed as permitted or conditional, must meet the relevant requirements as outlined in PART II of this By-law.

3) All uses listed in Appendix B that include a cross reference listing to Use Specific Standards must meet those requirements as noted in the relevant section of the By-law.

52.0 BULK REGULATIONS FOR ZONING DISTRICTS

1) Appendix C outlines the bulk regulations for each Zoning District.

53.0 POOLS, HOT TUBS & WATER FEATURES

1) All accessory uses, buildings and structures shall be developed in accordance with the applicable Lot Grade By-law.

2) Maximum building area regulations shall not apply to Private and Semi-Private Swimming Pools and Hot Tubs.

3) Private Swimming Pools and Hot Tubs shall be located a minimum of 1.52 m. (5.00 ft.) from any side or rear property lines.

4) All outdoor swimming pools, hot tubs and water features capable of holding 24" (0.6m) of water depth shall be completely enclosed with a fence or other suitable barrier constructed or erected in accordance with the following:

   a) it shall have a minimum height of six (6) feet including gates, which shall be self-closing and equipped with a lockable latch to prevent unauthorized entry;

   b) there shall be no openings other than an entry to a building or a gate and it shall be constructed so as to prevent a child from crawling under either the fence or gate;

   c) where other than chain link is used, the outside surface of the enclosure shall be relatively smooth so as not to provide foot or toe holds; and

d) the enclosure surrounding an outdoor swimming pool, hot tub or water feature shall be maintained in good repair.

e) Hot tubs must have a secured lid in place when not in use.

54.0 ADDITIONAL REGULATIONS FOR THE RS: RESIDENTIAL SINGLE FAMILY ZONING DISTRICT AND RT: RESIDENTIAL TWO FAMILY ZONING DISTRICT

1) Excluding reversed corner lots, where sites comprising 40.00 percent or more of the entire frontage of the block are developed with buildings, the average front yard calculation established by such buildings shall be the front yard regulation for the block or the minimum front yard setback as shown in Appendix C: Bulk Regulations for the zone in which the building is located, whichever is lesser.

2) When no public lane is located at the rear of a site and no garage attached to the house, one side yard shall be a minimum of 3.66 m. (12.00 ft.) to provide vehicular access to the rear yard. A 12 foot side yard shall be required if an accessory building in the rear yard has a door width greater than seven (7) feet, in which case the accessory building must be on the same side of the house as the 12 foot side yard.

3) Where an accessory building is located to the rear of the main building the rear, interior and corner side yard for the accessory building may be .6 m. (2.00 ft.) provided the accessory building does not exceed 150 sq. ft. and does not abut a front yard.

4) Where the accessory building is over 150 sq. ft. and is located to the rear of the main building, the interior side yard, interior corner yard, and rear yard setback for the accessory building must be 1.52 m. (5 ft) provided it does not abut a front yard.

5) The total floor area of accessory buildings and structure may not exceed the site coverage maximum.

6) The maximum gross density shall be 17.30 dwellings per hectare (7.00 dwellings per acre).

7) Developers of projects with greater than 100 single-family lots shall be required to provide zoned lots or parcels for multiple-family housing amounting to a minimum of 10% lots of the total housing unit yield. City/Developers may shadow-plan multi-family parcels for conversion to future single-family housing subject to Council approval.

8) Housing units must be located within .5 km from a park and/or open space, as determined by the Development Officer.

55.0 ADDITIONAL REGULATIONS FOR THE RM: RESIDENTIAL MULTIPLE FAMILY AND RMA: RESTRICTED RESIDENTIAL MULTIPLE FAMILY ZONING DISTRICTS

1) Excluding reversed corner lots, where sites comprising 40.00 percent or more of the entire frontage of the block are developed with buildings, the average front yard calculation established by such buildings shall be the front yard regulation for the block or the minimum front yard setback as shown in Appendix C: Bulk Regulations for the zone in which the building is located, whichever is lesser.

2) A single family dwelling shall be developed in accordance with the RS District Requirements.

3) In addition to the minimum site area of 929.00 sq. m. (10,000.00 sq. ft.), each multiple family development shall provide an additional 92.90 sq. m. (1,000.00 sq. ft.) for each dwelling unit in excess of four (4).

4) For RM: Residential Multiple Family sites the maximum number of stories is three (3). For RMS: Residential Restricted Multiple Family sites the maximum number of stories is two (2).

5) Non-Residential Use Class developments in the RM: Residential Multiple Family Zoning District shall be developed in accordance with Section 37.2 of this By-law.

6) When no public lane is located at the rear of a site and no attached garage to the side of the house, one side yard shall be a minimum of 4.57 m. (15 ft.).

7) Housing units must be located within .5 km from a park and/or open space, as determined by the Development Officer.

8) The maximum gross density shall be 37.06 dwellings per hectare (15.00 dwelling units per acres) for Restricted Multiple Family Zoning Districts and 86.48 dwelling units per hectare (35.00 dwelling units per acre) for Residential Multiple Family Zoning Districts.

56.0 ADDITIONAL REGULATIONS FOR THE RC: RESIDENTIAL COMPREHENSIVE DISTRICT

1) The separation space between buildings in the RC: Residential Comprehensive District shall be provided as follows:

   a) a minimum depth of 6.71 m. (22.00 ft.) in front of a principal living room window or an on-site roadway, as depicted in **Figure 18**; and

   b) a minimum depth of 1.52 m. (5.00 ft.) in front of a habitable room window other than a principal living room window, a non-habitable window, entry or blank wall, as depicted in **Figure 18**.

   c) The minimum separation space in front of any windows, entry or similar opening shall be applied along the full length and height of the exterior wall of the room in which the particular opening or window is located.

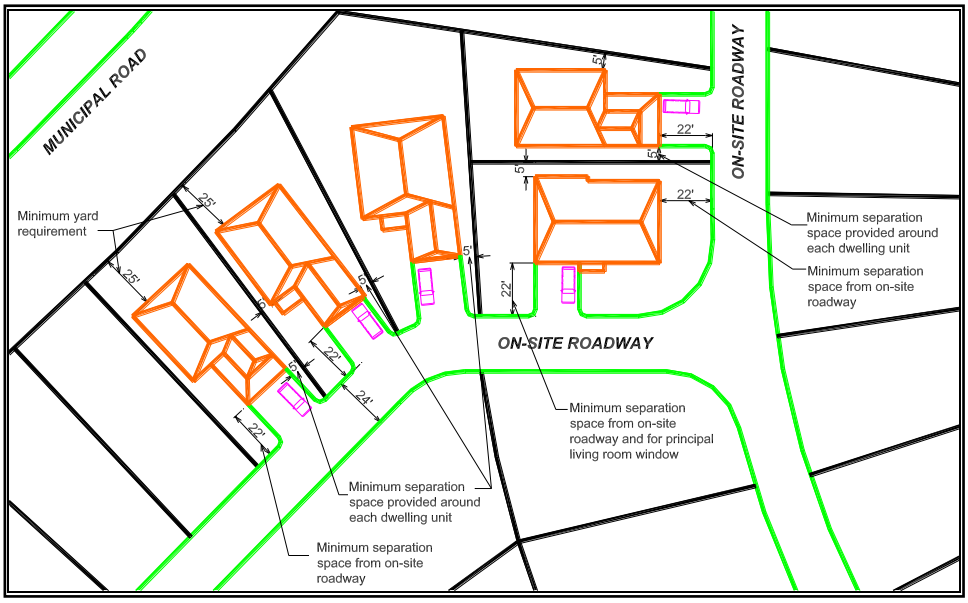


Figure 18. RC District Requirements

2) The minimum separation distance between two residential buildings shall be double the separation space regulations as indicated in Sections 56.0.1 a) and 56.0.1 b) of this By-law.

3) For developments that have more than ten dwelling units, the exteriors of the dwelling units shall provide individuality and variety of building design in terms of setbacks, entrances, elevations and finishing materials.

4) In addition to other submission regulations of this By-law, the following additional information shall be required:

   a) the location of use of each proposed or existing building or structure;

   b) the location of all doors and windows and the type;

   c) the separation space between residential buildings;

   d) floor plans and elevations of all proposed buildings and structures'

   e) the total number of dwelling units and the gross floor area; and

   f) the location, type and height of all proposed walls, fences, and landscaping.

5) The maximum gross density shall be 17.30 dwellings per hectare (7.00 dwellings per acre).

6) Housing units must be located within .5 km from a park and/or open space, as determined by the Development Officer.

57.0 ADDITIONAL REGULATIONS FOR THE RMH: RESIDENTIAL MOBILE HOME ZONING DISTRICT

1) In the case of Mobile Home Dwelling sites within a mobile home park development:

   a) the minimum site area requirement shall be 371.60 sq. m. (4,000.00 sq. ft.);

   b) the minimum site width requirement shall be 12.19 m. (40.00 ft.); and

   c) the separation spaces between Mobile Home Dwellings, including accessory uses, buildings and structures, shall be the same as the yard regulations.

   d) A central open space area shall be established and landscaped and shall be equal in area to a minimum of 18.58 sq. m. (200.00 sq. ft.) per mobile home space or 222.96 sq. m. (2,400.00 sq. ft.).

   e) An internal roadway shall be established to serve all mobile home spaces and shall have a minimum width of 12.19 m. (40.00 ft.) and shall contain an all-weather driving surface a minimum of 7.32 m. (24.00 ft.) in width.

   f) Every mobile home park operator shall provide the following services:

      i. connections to the municipal sewer and water system at each space.

      ii. electrical and telephone service outlets at each space;

      iii. storage or refuse, garbage and debris in a sanitary manner at a location readily accessible to all mobile homes but not more than 46.45 m. (500.00 ft.) from any mobile home.

      iv. illumination of all roadways and walkways to standards approved by Council.

      v. clear marking of the boundaries of each mobile home space and identification of each space by a numbered sign.

vi. landscaping, including grass, trees and shrubbery, in all areas of the mobile home park not occupied by mobile home pads, mobile home additions, storage areas, roadways, driveways, parking stalls and other structures or facilities.

2) The maximum gross density shall be 19.77 dwellings per hectare (8.00 dwellings per acre) for Residential Mobile Home Zoning District.

3) Housing units must be located within .5 km from a park and/or open space, as determined by the Development Officer.

58.0 ADDITIONAL REGULATIONS FOR THE RR: RURAL RESIDENTIAL ZONING DISTRICT

1) Water supply and sewage disposal shall be provided in accordance with The Environment Act, The Public Health Act and The Drinking Water Safety Act.

2) Buildings, structures and hedges adjacent to Provincial Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highway Protection Act* and *The Highway and Transportation Department Act*.

59.0 ADDITIONAL REGULATIONS FOR THE CC: COMMERCIAL CENTRAL ZONING DISTRICT

1) A minimum side yard of 3.05 m. (10.00 ft.) shall be required where a site abuts the lot line of a site in the RS: Residential Single Family, RT: Residential Two-Family, RM: Residential Multiple Family, RMA: Residential Restricted Multi-Family, RMH: Residential Mobile Home and RC: Residential Comprehensive Zoning Districts.

2) No loading, storage, trash collection, outdoor service or display area shall be permitted within a required side yard. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent sites and public roadways in accordance with Section 30.0 of this By-law. If the rear or side lot lines of a site abut the RS: Residential Single Family, RT: Residential Two-Family, RM: Residential Multiple Family, RMA: Residential Restricted Multi-Family, RMH: Residential Mobile Home and RC: Residential Comprehensive or a lane serving said Zoning Districts and are used for parking, an outdoor service or display area, or both, they shall be screened in accordance with Section 30.0 of this By-law.

3) Any fuel storage areas established on the site shall comply with Manitoba Regulation 97/88R respecting Storage and Handling of Gasoline and Associated Products.

4) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba Conservation legislation.

5) A dwelling unit is allowed only in conjunction with a permitted use or conditional use development if:

   a) it is occupied by the owner/operator or a site watchperson or caretaker, if necessary; or

   b) the said permitted use or conditional use is the primary ground floor use.

   and may only be allowed as a conditional use.

6) The siting *and* access for the following developments shall be to the satisfaction of the Designated Officer who shall ensure that such developments do not prejudice the safety and transportation function of public roadways:

   a) Drive-In Food Service

   b) Eating and Drinking Establishment

   c) General Retail Store

7) A Multiple Family Dwelling shall be developed in accordance with Section 55.0 of this By-law.

60.0 ADDITIONAL REGULATIONS FOR THE CH: HIGHWAY COMMERCIAL ZONING DISTRICT

1) No loading, storage, trash collection, outdoor service or display area shall be permitted within a required side yard.

2) Loading, storage and trash collection areas shall be located to the rear or sides of the public principal building and shall be screened from view from any adjacent sites and public roadways in accordance with Section 30.0 of this By-law.

3) If the rear or side lot lines of a site abut a Residential or Residential-Related Use Class development or a lane serving a Residential or Residential-Related Use Class development and are used for parking, an outdoor service or display area, or both, they shall be screened in accordance with Section 30.0 of this By-law.

4) All exposed building faces shall have consistent and harmonious exterior finishing materials.

5) Any fuel storage areas established on the site shall comply with Manitoba Regulation 97/88R respecting Storage and Handling of Gasoline and Associated Products of the Provincial Fire Code.

6) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba legislation.

7) Buildings, structures and hedges adjacent to Provincial Trunk Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with The Highways Protection Act and The Highway and Transportation Department Act.

8) A dwelling unit is allowed only in conjunction with a permitted use or conditional use development if it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.

9) The siting and access for the following developments shall be to the satisfaction of the Designated Officer who shall ensure that such developments do not prejudice the safety and transportation function of the public roadways:

   a) Drive-In Food Service

   b) Eating and Drinking Establishment

   c) Rapid Drive-Through Vehicle Service

   d) General Retail Store

10) A dwelling unit is allowed as a permitted use in conjunction with a Tourist Campsite development if it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.

61.0 ADDITIONAL REGULATIONS FOR THE CN: COMMERCIAL NEIGHBOURHOOD ZONING DISTRICT

1) No loading, storage, trash collection, outdoor service or display area shall be permitted within a required side yard. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent sites and public roadways in accordance with Section 30.0 of this By-law. If the rear or side lot lines of a site abut a Residential or Residential-Related Use Class development or a lane serving a Residential or Residential-Related Use Class development and are used for parking, an outdoor service or display area, or both, they shall be screened in accordance with Section 30.0 of this By-law.

2) Any fuel storage areas established on the site shall comply with Manitoba Regulation 97/88R respecting Storage and Handling of Gasoline and Associated Products and the Provincial Fire Code.

3) Any used oil products and other regulated hazardous wastes generated or stared on the site shall be collected and disposed of in accordance with all applicable Manitoba legislation.

62.0 ADDITIONAL REGULATIONS FOR THE CL: COMMERCIAL LINEAR ZONING DISTRICT

1) A Home Occupation shall be developed in accordance with Section 43.0 of this By-law.

2) No loading, storage, trash collection, outdoor service or display area shall be permitted within a required side yard. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent sites and public roadways in accordance with Section 30.0 of this By-law. If the rear or side lot lines of a site abut the RS: Residential Single Family, RT: Residential Two-Family, RM: Residential Multiple Family, RMA: Residential Restricted Multi-Family, RMH: Residential Mobile Home and RC: Residential Comprehensive or a lane serving said Zoning Districts and are used for parking, an outdoor service or display area, or both, they shall be screened in accordance with Section 30.0 of this By-law.

3) Any fuel storage areas established on the site shall comply with Manitoba Regulation 97/88R respecting Storage and Handling of Gasoline and Associated Products and the Provincial Fire Code.

4) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba legislation.

5) A dwelling unit is allowed only in conjunction with a permitted use or conditional use development if:

   a) it is occupied by the owner/operator or a site watchperson or caretaker, if necessary; or

   b) the said permitted use or conditional use is the primary ground floor use.

6) A Multiple Family Dwelling shall be developed in accordance with Section 55.0 of this By-law.

7) The siting and access for the following developments shall be to the satisfaction of the Designated Officer who shall ensure that such developments do not prejudice the safety and transportation function of public roadways.

   a) Drive-In Food Service

   b) Eating and Drinking Establishment

   c) Rapid Drive-Through Vehicle Service

   d) General Retail Store

63.0 ADDITIONAL REGULATIONS FOR THE CS: COMMERCIAL SHOPPING CENTRE ZONING DISTRICT

1) No loading, storage, trash collection, outdoor service or display area shall be permitted within a required side yard. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent sites and public roadways in accordance with Section 30.0 of this By-law. If the rear or side lot lines of a site abut the RS: Residential Single Family, RT: Residential Two-Family, RM: Residential Multiple Family, RMA: Residential Restricted Multi-Family, RMH: Residential Mobile Home and RC: Residential Comprehensive or a lane serving said Zoning Districts and are used for parking, an outdoor service or display area, or both, they shall be screened in accordance with Section 30.0 of this By-law.

2) All exposed building faces shall have consistent and harmonious exterior finishing materials.

3) Any fuel storage areas established on the site shall comply with Manitoba Regulation 97/88R respecting Storage and Handling of Gasoline and Associated Products and the Provincial Fire Code.

4) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba legislation.

5) Buildings, structures and hedges adjacent to Provincial Trunk Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with The Highways Protection Act and The Highway and Transportation Department Act.

6) A dwelling unit is allowed only in conjunction with a permitted use or conditional use development if it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.

7) The siting and access for the following developments shall be to the satisfaction of the Designated Officer who shall ensure that such developments do not prejudice the safety and transportation function of public roadways.

   a) Drive-In Food Service

   b) Eating and Drinking Establishment

   c) Rapid Drive-Through Vehicle Service

   d) General Retail Store

64.0 ADDITIONAL REGULATIONS FOR THE MB: INDUSTRIAL BUSINESS ZONING DISTRICT

1) No loading, storage, trash collection, outdoor service or display area shall be permitted within a required side yard.

2) All development shall comply with Section 36.0 of this By-law.

3) Any fuel storage areas established on the site shall comply with Manitoba Regulation 97/88R respecting Storage and Handling of Gasoline and Associated Products and the Provincial Fire Code.

4) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba legislation.

5) When outside storage of goods and materials is required:

   a) the storage shall be located to the rear of a line adjacent to and parallel with the front wall of the building;

   b) the storage shall not project above the height of the wall or fence; and

   c) a solid fence shall be provided and maintained in a condition that is acceptable to the Designated Officer.

6) The operation of all uses shall comply with all environmental and public health regulations of the Province of Manitoba. If the Designated Officer is of the opinion that a proposed development may conflict with these regulations, the application shall be referred to the appropriate Provincial departments(s) prior to issuing a development permit.

7) A dwelling unit is allowed only in conjunction with a permitted or conditional Industrial Use Class development if it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.

65.0 ADDITIONAL REGULATIONS FOR THE MG: INDUSTRIAL GENERAL ZONING DISTRICT

1) No parking shall be permitted within a required front yard and no loading, storage, trash collection, outdoor service or display area shall be permitted within a required side yard.

2) All developments shall comply with Section 36.0 of this By-law.

3) Any fuel storage areas established on the site shall comply with Manitoba Regulation 97/88R respecting Storage and Handling of Gasoline and Associated Products and the Provincial Fire Code.

4) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba legislation.

5) When outside storage of goods and materials is required:

   a) the storage shall be located to the rear of a line adjacent to and parallel with the front wall of the building;

   b) the storage shall not project above the height of the wall or fence; and

c) a solid fence shall be provided and maintained in a condition acceptable to the Designated Officer.

6) The operation of all uses shall comply with all environmental and public health regulations of the Province of Manitoba. If the Designated Officer is of the opinion that a proposed development may conflict with these regulations, the application shall be referred to the appropriate Provincial department(s) prior to issuing a development permits.

7) A dwelling unit is allowed only in conjunction with a permitted or conditional Industrial Use Class development if it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.

8) The total area of outside operations and storage shall not be greater than seventy-five (75) percent of the total site area and shall not be located in the required front yard.

66.0 ADDITIONAL REGULATIONS FOR THE MR: INDUSTRIAL RESTRICTED ZONING

1) No loading, storage, trash collection, outdoor service or display area shall be permitted within a required side yard.

2) All developments shall comply with Section 36.0 of this By-law.

3) Any fuel storage areas established on the site shall comply with Manitoba Regulation 97/88R respecting Storage and Handling of Gasoline and Associated Products and the Provincial Fire Code.

4) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba legislation.

5) When outside storage of goods and materials is required:

a) the storage shall be located to the rear of a line adjacent to and parallel with the front wall of the building;

b) the storage shall not project above the height of the wall or fence; and

c) a solid fence shall be provided and maintained in a condition acceptable to the Designated Officer.

6) The operation of all uses shall comply with all environmental and public health regulations of the Province of Manitoba. If the Designated Officer is of the opinion that a proposed development may conflict with these regulations, the application shall be referred to the appropriate Provincial department(s) prior to issuing a development permits.

7) A dwelling unit is allowed only in conjunction with a permitted or conditional Industrial Use Class development if it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.

67.0 ADDITIONAL REGULATIONS FOR CONDITIONAL USES ONLY IN THE SL: SENSITIVE LANDS ZONING DISTRICT

1) Water supply and sewage disposal shall be provided in accordance with The Environment Act, The Public Health Act and The Drinking Water Safety Act.

2) Buildings, structures and hedges adjacent to Provincial Trunk Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highways Protection Act* and *The Highway and Transportation Department Act*.

68.0 ADDITIONAL REGULATIONS FOR THE CR: COMMUNITY RESERVE ZONING DISTRICT

1) The maximum building height regulation of 10.67 m. (35.00 ft.) shall not apply to buildings or structures that are accessory to a Residential-Related Farm.

2) Water supply, sewage disposal and waste management shall be provided in accordance with *The Environment Act, The Public Health Act and The Drinking Water Safety Act*.

3) Council shall not approve any development which, in its opinion, would:

   a) substantially alter the existing state of the land;

   b) require structures, footings or foundations that cannot be removed or relocated at a nominal cost to the applicant or owner; or

   c) be prejudicial to the future economical subdivision, servicing and development of the subject land for future urban uses on a planned basis.

4) Council may specify the length of time a use is permitted in this Zone having regard for the future servicing or development of general residential, recreational, institutional, industrial or commercial development on the subject land.

5) A dwelling unit is allowed in conjunction with a Tourist Campsite development if it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.

6) A Multiple Family Dwelling shall be developed in accordance with Section 55.0 of this By-law.

69.0 ADDITIONAL REGULATIONS FOR THE CR: COMMUNITY RESERVE ZONING DISTRICT

1) Water supply and sewage disposal shall be provided in accordance with The Environment Act, The Public Health Act and The Drinking Water Safety Act.

2) The maximum number of on-site employees for a Contractor Service shall be two and shall be limited to owner operated businesses only.

3) Any materials related to a small scale business operation shall be kept within an enclosed building. These buildings shall be constructed and finished with durable materials and blend in with the surrounding residential development.

4) No more than two trucks with a maximum gross vehicle weight of 6,804.. kg. (15,000.00 lb.) gross vehicle weight can be parked overnight on any lot.

70.0 ADDITIONAL REGULATIONS FOR THE CRI: COMMERCIAL-RESIDENTIAL-INSTITUTIONAL ZONING DISTRICT

1) A minimum side yard of 3.05 m. (10.00 ft.) shall be required where a site abuts the lot line of a site in the RS: Residential Single Family, RT: Residential Two-Family, RM: Residential Multiple

Family, RMA: Residential Restricted Multi-Family, RMH: Residential Mobile Home and RC: Residential Comprehensive Zoning Districts.

2) No loading, storage, trash collection, outdoor service or display area shall be permitted within a required side yard. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent sites and public roadways in accordance with Section 30.0 of this By-law. If the rear or side lot lines of a site abut the RS: Residential Single Family, RT: Residential Two-Family, RM: Residential Multiple Family, RMA: Residential Restricted Multi-Family, RMH: Residential Mobile Home and RC: Residential Comprehensive or a lane serving said Zoning Districts and are used for parking, an outdoor service or display area, or both, they shall be screened in accordance with Section 30.0 of this By-law.

3) The siting and access for the following developments shall be to the satisfaction of the Designated Officer who shall ensure that such developments do not prejudice the safety and transportation function of public roadways.

   a) Eating and Drinking Establishment

   b) General Retail Store

4) Townhouse and Multiple Family Dwelling shall be developed in accordance with Section 55.0 of this By-law.

5) The Designated Officer, through site plan review, shall ensure that the developments are all interconnected with pedestrian and/or cycling pathways that connect to the broader community.

71.0 ADDITIONAL REGULATIONS FOR THE OR: OPEN SPACE/RECREATION ZONING DISTRICT

1) Subject to meeting building code and health regulations, permit event tents as determined by the Designated Officer to a maximum size of 464.50 sq. m. (5,000.00 sq. ft.) are a permitted use.

2) Locate parks and open public open spaces a maximum of .5 km away from substantial housing and development.

3) Parks and open spaces are required to be connected via safe pedestrian/cycle pathways to housing developments.

72.0 REGULATIONS FOR CPA: COLLABORATIVE PLANNING AREA OVERLAY DISTRICT

1) The Collaborative Planning Area Overlay Zone is intended to instigate a process of communication and cooperation between the urban municipality and the abutting rural municipality in order to establish development projects in a logical and mutually beneficial manner.

2) All permitted uses in the underlying zone are also permitted in this zone.

3) All conditional uses in the underlying zone are also conditional in this zone.

4) Completion of a secondary plan is required to guide the orderly and phased development of the CPA. This may include a highway access management plan and other technical studies.

5) Development and servicing standards in the CPA should be equivalent to the standards in the urban municipality.

6) Inter-municipal service-sharing agreements are required to provide contributions toward infrastructure and community services, including, but not limited to, recreation, emergency, and health.

7) The inter-municipal agreement may include a tax-sharing agreement to provide fair and equitable distribution of development revenues.

8) Subdivision applications in the CPA require a resolution of support from adjacent municipalities.

APPENDIX A
ZONING DISTRICTS TABLE

ZONING DISTRICTS		
RESIDENTIAL ZONING DISTRICTS		
RS	Residential Single Family	To accommodate serviced single family dwellings and associated or compatible uses.
RT	Residential Two Family	To accommodate single family dwellings and two family dwellings as well as associated or compatible uses.
RMA	Residential Restricted Multiple Family	To accommodate multiple family dwellings in existing neighbourhoods where the multiple family housing blends in and is compatible with the existing neighbourhood.
RM	Residential Multiple Family	To accommodate multiple family dwellings, townhouse dwellings and two-family dwellings as well as associated or compatible uses.
RC	Residential Comprehensive	To accommodate seniors' housing and associated or compatible uses as part of a planned unit development that are further regulated through various site development and condominium agreements.
RMH	Residential Mobile Home	To accommodate the development and placement of mobile home dwellings and associated or compatible uses.
RR	Rural Residential	To accommodate un-serviced single family dwellings and associated or compatible uses in a semi-urban setting.
COMMERCIAL ZONING DISTRICTS		
CC	Commercial Central	To accommodate commercial, residential, office and service uses within the central commercial areas of the City of Winkler.
CH	Commercial Highway	To accommodate high quality commercial development along major roadways.
CN	Commercial Neighbourhood	To accommodate local or neighbourhood type commercial developments that serve the daily household or personal needs of area residents.
CL	Commercial Linear	To accommodate small single and multi-tenant retail and personal services along major roadways that serve neighbourhood and community areas.
CS	Commercial Shopping Centre	To accommodate planned shopping centres to service local, community and regional markets for retail and related uses.
INDUSTRIAL ZONING DISTRICTS		
MB	Industrial Business	To accommodate light industrial and related businesses which carry out their operations primarily within an enclosed building and with limited outdoor storage or operational characteristics.
MG	Industrial General	To accommodate a wide range general industrial uses within the City of Winkler.
MR	Industrial Restricted	To provide for the continuance of existing industrial uses in areas which are generally residential or commercial in nature.
COMMUNITY SERVICE ZONING DISTRICTS		
OR	Open Space/Recreation	To accommodate active and passive recreational uses and landscaped buffers
I	Institutional	To accommodate public and privately owned facilities of an institutional, governance or community service nature.
SL	Sensitive Lands	To protect lands unsuitable for development due to flooding, unstable, or poorly drained soils.
CR	Community Reserve	To reserve existing agricultural lands for future residential, recreational, institutional, commercial and industrial growth in the City of Winkler.
MIXED USE ZONING DISTRICTS		
LCR	Limited Commercial-Residential	To accommodate and regulate the development of a small scale business operations and single family dwellings where residents can operate a business and reside in the same location.
CRI	Commercial-Residential-Institutional	To accommodate a mix of commercial, residential and institutional land uses.

APPENDIX B
PERMITTED AND CONDITIONAL USE TABLE

Use Classes	Pg Ref.	Residential							Commercial					Industrial			Community Educational Recreational Cultural				Mixed		Use Specific Standard
		RS	RT	RMA	RM	RC	RMH	RR	CC	CH	CN	CL	CS	MB	MG	MR	OR	I	SL	CR	LCR	CRI	
Agricultural Use Class																							
Abattoir	28														C								
Agri-Business	28									C				C	P	C							
Agricultural Activities	28							C											C	P			
Agricultural Crop Protection Warehouse	28									C				C	C								
Agricultural Implement Sales & Service	29									P				P	P					C			
Apiary	29							C									C			C			Sec 38.17
Equestrian Establishment	29																			C			
Farmstead Dwelling	29																			P			
Livestock Operation (10 A.U. or higher)	29																			C			Sec. 48.0 Appx. D
Residential-Related Farm (less than 10 A.U. or 10 heads)	29							C												C			Sec. 48.0 Appx. D
Specialized Agriculture	29																		C	C			
Basic Service Use Class																							
Cemetery	29																	C		C			
Extended Medical Treatment Service	29								C			C						P				C	
Government Medical Treatment Service	29								P	P		P	P	P	P	P	C	P				P	
Protective & Emergency Service	29	C	C	C	C	C	C	C	P	P		P	P	P	P	P	P	P		P	P	P	
Public Utility	30	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P	P	
Commercial Use Class																							
Aircraft Landing Field	23													C	C					C			
Amusement Establishment	23								C	C		C	P									C	
Animal Shelter & Veterinary Service	24								C	C		C	C	P	P						C		
Auctioneering Establishment	24									C				C	P								
Automotive & Equipment Service	24								C	P		C	C	P	P								
Automotive & Recreational Vehicle Sales	24								C	P		P	P	P	P								
Body Modification Establishment	24								C	C		C	C	C									

		Residential							Commercial					Industrial			Community Educational Recreational Cultural				Mixed		Use Specific Standard
Use Classes	**Pg Ref.**	RS	RT	RMA	RM	RC	RMH	RR	CC	CH	CN	CL	CS	MB	MG	MR	OR	I	SL	CR	LCR	CRI	
Commercial Use Class continued																							
Broadcasting & Motion Picture Studio	24								C	C		C		C	C								
Business Support Service	24								P	P		P	P	P	P	P						P	
Cafeteria-Associated With a Business									P	P		P	P	C	C							C	
Cannabis Retail Stores	24																						
Cannabis Cultivation Operations	24																						
Cannabis Processing Operations	24																						
Car Broker	24							C													C		Sec 46.0
Carnival	24									C			C				P	C					
Commercial School	24								C	C		C	C	P	P								
Convenience Retail Store	24				C						P					P						P	
Convenience Vehicle Rental	24								C	P		P	C	P	P								
Custom Manufacturing Establishment	25								P	P		P	P	P	P								
Drive-Through Food Service	25								C	P		P	P			C							Sec 42.0
Eating & Drinking Establishment	25			C	C				P	P	C	P	P			C	C	C				P	
Equipment Rental & Sales	25								P	P		P	P	P	P								
Fleet Service	25								P	P		P		P	P								
Funeral Service	25								C	P		P	C					C					
Gas Bar	25								C	P	C	C	P										Sec 42.0
General Contractor	25									C				P	P						C		
General Retail Store	25								P	P		P	P									C	
General Storage	25								C	C		C	C	P	P	C							
Greenhouse, Plant & Tree Nursery	25								C	C		C	C	P	P				C	C	C		
Health Service	26				C				P	P	P	P	P	P	P			P				P	
Hotel	26								P	P		P	P									C	
Household Repair Service	26								P	P	C	P	P	P	P	P							
Mobile Catering Food Service	26								C	C		C		P	P		P						
Motel	26								P	P		P	P										

		Residential							Commercial					Industrial			Community Educational Recreational Cultural				Mixed		Use Specific Standard
Use Classes	**Pg Ref.**	RS	RT	RMA	RM	RC	RMH	RR	CC	CH	CN	CL	CS	MB	MG	MR	OR	I	SL	CR	LCR	CRI	
Commercial Use Class continued																							
Non-Accessory Parking	26								C	P		C	P	P	P							C	
Outdoor Amusement Establishment	26									C				C	C								
Personal Service Shop	26				C				P	P	P	P	P	C	C	P						P	
Planned Unit Development, Commercial	26								C	C		C	C			C						C	
Office Support – When Associated with Industrial Business														P	P	P							
Private & Public Communication Towers & Facilities (height less than 15 m)	15	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 38.14
Private & Public Communication Towers & Facilities (height 15 m or taller)	15	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 38.14
Professional, Financial & Officer Support Service	26								P	P		P	P			P		C				P	
Rapid Drive-Through Vehicle Service	26									P		C	P	P	P								Sec 42.0
Recycling Depot	26								C	C		C	C	C	C			C					
Service Station – Auto Sales	27								C	P		C	P	P	P								Sec 42.0
Shopping Centre	27								C	C		C	P									C	
Small Animal Breeding & Boarding Establishment	27													C	C								
Solar Collector, Rooftop (On-Site Use or Commercial Use)	17, 27	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 38.15
Solar Collector, Wall Mounted (Commercial Use Only)	17, 27													C	C	C							Sec. 38.15
Solar Collector, (Commercial Use) Ground Anchored	17, 27													C	C	C				C			Sec. 38.15
Spectator Entertainment Establishment	27								C	P		C	P	P			P	P					
Truck & Mobile Home Sales and/or Rentals	27									P				P	P								
Trucking Operation	27									P		C		P	P								
Truck Stop	27									P				C	C								
Warehouse Sales	27								C	P		C	P	P	P								

		Residential							Commercial					Industrial			Community Educational Recreational Cultural				Mixed		Use Specific Standard
Use Classes	**Pg Ref.**	RS	RT	RMA	RM	RC	RMH	RR	CC	CH	CN	CL	CS	MB	MG	MR	OR	I	SL	CR	LCR	CRI	
Commercial Use Class continued																							
Wind Energy Generating System, (On-Site Use / Rooftop)	18							P	C					P	P	P		C		P			Sec. 38.16
Wind Energy Generating System, (Commercial)	28																						Sec. 38.16
Community, Educational, Recreational and Cultural Services																							
Child Care Service	30	C	C		C		C	C	P		P	P	P	C			P	P			C	P	
Community Recreation Service	30	C	C		C	C	C	C									P	P					
Community Service Club	30								C	C	C	C	C			C	P	P					
Indoor Participant Recreation Service	30								C	P		P	P	C	C		P	C					
Outdoor Participant Recreation Service	30									C			C				P	C	C	C			
Private Club	30								C	C	C	C	C					C					
Private Education Service	30	C	C		C							C						P					
Public Education Service	30								C	C		C	C	C				P					
Public Library & Cultural Exhibit		C	C	C	C				P	P	C	P	P				P	P				P	
Public Park	30	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	P	P	
Religious Assembly, Home-Based	31	C	C	C	C	C	C	C													C		
Religious Assembly, Non Home-Based	31	C	C	C	C				C	C		C	P	C		C		P				C	
Tourist Campsite	31									C				P						C			
Industrial Use Class																							
Automobile Wrecking	27														C								
Bulk Storage Facility	27														C								
General Industrial – Heavy	27														P								
Industrial Vehicle & Equipment Sales and/or Rentals	28									C				P	P								
Light Industrial	28								C	C		C		P	P	C							
Planned Unite Development, Industrial	28													C	C	C							Sec 45.0
Portable Asphalt Plant	28														C								
Processing Use	28														C								

Use Classes	Page Ref.	Residential							Commercial					Industrial			Community Educational Recreational Cultural				Mixed		Use Specific Standard
		RS	RT	RMA	RM	RC	RMH	RR	CC	CH	CN	CL	CS	MB	MG	MR	OR	I	SL	CR	LCR	CRI	
Storage Compound	28														C								
Transport Terminal	28								C	C		C	C	C	C								
Wayside Pit & Quarry	28														C					C			
Natural Resource Development Class																							
Wildlife & Conservation Reserve	29																P		P	P			
Residential Use Class																							
Institutional Residence	22	C	C	C	P	C			P			P						P				P	
Mobile Home Dwelling	22						P	C													C		
Multiple Family Dwelling	22			P	P				C			C										C	
Planned Unit Development, Residential	22	C	C	C	C			C	C	C		C											Sec 45.0
Semi-Detached Dwelling	23	C	P	P	P	P																	
Single Attached Dwelling	23			P	P	C																	
Single Family Dwelling	23	P	P	C	C	P		P												C	P		
Townhouse Dwelling	23			P	P																	P	
Two Family Dwelling	23	C	P	P	P																		
Residential Related Use Class																							
Bed & Breakfast	23	C	C		C			C	P			P									C		Sec 44.0
Boarding or Rooming House (1 unit)	23				P			P															
Boarding or Rooming House (more than 1 unit)	23				C			C															
Group Home	23	C	C	C	C				C						C								
Guest Cabin	23							C															
Home Occupation	23	P	P	P	P	P	P	P	P			P									P	P	Sec 43.0
Secondary Suite	23	P	P	P	P			C															Sec 47.0
Short Term Rental Home	23	C	C		C			C	C													C	

APPENDIX C
BULK TABLE

TABLE C-1 RESIDENTIAL SITE REQUIREMENTS

Zones	Ref. Section	Permitted or Conditional Uses	Minimum Requirements							Maximum Requirements	
			Site		Yard				Dwelling Unit Area (sq. ft.)	Site Coverage	Building Height (ft.)
			Area (sq. ft.)	Width (ft)	Front (ft)	Side		Rear (ft)			
						Interior (ft)	Corner (ft)				
RS	54.0	Single Family Dwellings	4,600	46	25 [f]	5 [a]	12	25	600	40%	35
	25.0	Accessory Buildings & Uses	n/a	n/a	25	5 [b]	5 [b]	5 [b]	n/a	10%	15
		Other RS Uses	4,600	46	25	5 [a]	12	25	n/a	40%	35
RT		Two Family Dwellings	6,400	64	25 [f]	5 [a]	12	25	600	50%	35
	25.0	Accessory Buildings & Uses	n/a	n/a	25	5 [b]	12 [b]	5 [b]	n/a	10%	15
		Other RT Uses	4,600	46	25	5 [a]	12	25	600	50%	35
RMA	55.0	Multiple Family Dwellings	10,000 [c]	100	25 [g]	5 [g]	15	25	400	60%	35[f]
	25.0	Accessory Buildings & Uses	n/a	n/a	25	5 [b]	12 [b]	5 [b]	n/a	10%	15
		Townhouse Dwelling	9,000	75	25	5 [g]	15	25	600	60%	35[f]
		Single Family Dwellings	4,600	46	25	5 [a]	12	25	600	40%	35
		Other RMA Uses	6,400	64	25	5 [a]	12	25	800	50%	35
RM	55.0	Multiple Family Dwellings	10,000 [c]	100	25 [f]	15	15	25	400	60%	45 [d]
	25.0	Accessory Buildings & Uses	n/a	n/a	25	15 [b]	15 [b]	5 [b]	n/a	10%	15
		Single Family Dwellings	4,600	46	25	5 [a]	12	25	90	40%	35
		Townhouse Dwelling	9,000	75	25	5 [g]	15	25	600	60%	35
		Other RM Uses	6,400	64	25	5 [a]	12	25	800	50%	35
RMH	57.0	Mobile Homes	4,000	40	10	5	10	8	500	40%	35
	25.0	Accessory Buildings & Uses	n/a	n/a	10	5 [b]	10	5 [b]	n/a	10%	15
		Other RMH Uses	4,000	40	10	5	10	8	n/a	40%	35
RC	56.0	Single Family Dwellings	4,600	46	25	5	12	25	600	40%	35
	25.0	Accessory Buildings & Uses	n/a	n/a	25	5	12	5 [b]	n/a	10%	15
		Two Family Dwellings	6,400	64	25	5	12	25	600	50%	35
		Other RC Uses	4,600	46	25	5	12	25	n/a	40%	35
RR	58.0	Single Family Dwellings	2.0 ac.	200	25	25	25	25	800	10%	35
	25.0	Accessory Buildings & Uses	n/a	n/a	25	25	25	5 [b]	n/a	5%	20
		Other RR Uses	2.0 ac.	200	25	25	25	25	n/a	10%	35

a. When no public lane located at rear of site and no garage to side of house one side yard shall be a minimum of 3.66 m. (12.00 ft. [Section 54.0 2] to provide vehicular access to the rear yard. A 12 foot side yard shall be required if an accessory building in the rear yard has a door width greater than 7 feet (2.1336 m).

b. Where accessory building is located to rear of main building, the rear, interior and corner side yard for the accessory building may be reduced to 0.6m. (2.00 ft.) provided it does not abut a front yard and provided the accessory building is less than 150 sq. ft. [Section 54.0.3].

c. In addition to minimum site area of 929.0 sq. m. (10,000 sq. ft.) each multiple family development shall provide an additional 92.90 sq. m. (1,000 sq. ft.) for each dwelling unit in excess of four (4). [section 55.0 3]

d. Or three (3) stories, whichever is lesser

e. Or two (2) stories, whichever is lesser

f. Excluding reversed corner lots, where sites comprising forty (40) percent or more of the entire frontage of block are developed with buildings, the average front yard calculation established by such buildings shall be front yard regulation for the block or the minimum front yard setback as shown in Appendix C: Bulk Regulations for the zone in which the building is located, whichever is lesser. [Section 54.0 1]

g. When no public lane is located at the rear of a site and no garage to the side of the house, one side yard shall be a minimum of 4.57 m (15 ft.)

TABLE C-2 COMMERCIAL SITE REQUIREMENTS

Zones	Ref. Section	Permitted or Conditional Uses	Minimum Requirements							Maximum Requirements	
			Site		Yard				Dwelling Unit Area (sq. ft.)	Site Coverage	Building Height (ft.)
			Area (sq. ft.)	Width (ft)	Front (ft)	Side		Rear (ft)			
						Interior (ft)	Corner (ft)				
CN	25.0	Accessory Buildings & Uses [c]	n/a	n/a	25 [b]	5 [b]	15	5 [b]	n/a	10%	15
	61.0	Other "CN" Uses	5,500	55	25	10	15	25	n/a	60%	30
CC	25.0	Accessory Buildings & Uses [c]	n/a	n/a	0 [b]	0 [b]	0 [b]	5 [b]	n/a	10%	15
		Vehicle Orientated Uses	15,000	150	0	0	0	20	n/a	95%	30
		Hotels/Motels	15,000	150	0	0	0	20	n/a	95%	30
		Warehouse Related	15,000	150	0	0	0	20	n/a	95%	30
		Multiple Family Dwellings [e]	10,000	100	20	0	20	20	400	80%	70
	59.0	Other "CC" Uses	2,500	25	0	0	0	20	n/a	n/a	30
CH		Public Utilities and Parks	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	25.0	Accessory Buildings & Uses [c]	n/a	n/a	40 [b]	15	30	15	n/a	10%	15
	60.0	Other "CH" Uses	30,000	100	40	25	25	25	n/a	50%	30
CL		Public Utilities and Parks	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	25.0	Accessory Buildings & Uses [c]	n/a	n/a	20	10 [b]	15	10 [b]	n/a	10%	15
	62.0	Other "CL" Uses	10,000	100	20	5 [d]	15	20	n/a	50%	30
CS		Public Utilities and Parks	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	25.0	Accessory Buildings & Uses [c]	n/a	n/a	100 [b]	10 [b]	10	25	n/a	n/a	15
	63.0	Other "CS" Uses	100,000	100	100	50	50	50	n/a	n/a	35

a. See 49.0 for yards adjacent to residential zones
b. Except that all pump islands and underground storage tanks shall be located at least 6.1 m (20 ft.) from any boundary of the site, parking area or laneways intended to control traffic circulation on the side [section 42.2 (5)].
c. Detached accessory buildings shall be located a minimum of ten (10) feet from the principle building on the site.
d. When no public lane is located at the rear of the building and no garage is attached to the side of a principle building, one side yard shall be a minimum of fifteen (15) feet.
e. Plus one thousand (1,000) square feet for each dwelling unit in excess of four (4).

TABLE C-3 INDUSTRIAL SITE REQUIREMENTS

Zones	Ref. Section	Permitted or Conditional Uses	Minimum Requirements						Maximum Requirements	
			Site		Yard				Floor Area Ratio	Building Height (ft.)
			Area (sq. ft.)	Width (ft)	Front (ft)	Side		Rear (ft)		
						Interior (ft)	Corner (ft)			
MR		Public Utility & Temporary Uses	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	25.0	Accessory Buildings & Uses [c]	n/a	n/a	20	10	15	10	n/a	30
	66.0	Other MR Uses	20,000	100	20	10	15	10	1	45
MB		Public Utility & Temporary Uses [c]	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	25.0	Accessory Buildings & Uses	n/a	n/a	20	5 [b]	15	10 [b]	n/a	25
	64.0	Other MB Uses	7,500	100	20	5	15	10	1	45
MG		Public Utility & Temporary Uses [c]	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	25.0	Accessory Buildings & Uses	n/a	n/a	20	5 [b]	15	10 [b]	n/a	30
	65.0	Other MG Uses	10,000	100	20	5	15	10	1	75

a. See 49.0 for yards adjacent to residential zones
b. Except that all pump islands and underground storage tanks shall be located at least 6.10 m (20 ft.) from any boundary of the site, parking area or laneways intended to control traffic circulation on the site [Section 42.2.(5)]
c. Detached accessory buildings shall be located a minimum of ten (10) feet from the principal building on the site.

TABLE C-4 COMMUNITY SERVICES SITE REQUIREMENTS

Zones	Ref. Section	Permitted or Conditional Uses	Minimum Requirements							Maximum Requirements	
			Site		Yard				Dwelling Unit Area (sq. ft.)	Site Coverage	Building Height (ft.)
			Area (sq. ft.)	Width (ft)	Front (ft)	Side		Rear (ft)			
						Interior (ft)	Corner (ft)				
OR		Public Utilities & Parks	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	25.0	Accessory Buildings & Uses [a]	n/a	n/a	30	5	15	5	n/a	10%	20
		Other OR Uses	40,000	200	25	15	15	25	n/a	50%	35
I		Public Utilities & Parks [a]	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	25.0	Accessory Buildings & Uses [a]	n/a	n/a	25	2	12	2	n/a	10%	15
		Institutional Residence & Group Home	8,000	60	25	5	12	25	1,200	40%	35
		Other I Uses	20,000	100	25	15	15	25	n/a	60%	50
SL		Public Utilities & Parks	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	25.0	Accessory Buildings & Uses	n/a	n/a	40	10	15	10	n/a	n/a	15
	67.0	Other SL Uses	n/a	n/a	40	15	15	25	n/a	n/a	35
CR		Public Utilities & Parks	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	25.0	Accessory Buildings [a]	n/a	n/a	50	5	15	5	n/a	10%	15
		Farmstead Dwellings	1 ac.	200	30	15	15	25	600	n/a	35
	68.0	Other CR Uses	20 ac.	600	50	15	15	25	600	50%	35

a. Detached accessory buildings shall be located a minimum of ten (10) feet from the principal building on the site. [Section 25.2 1b]

TABLE C-5 MIXED USE SITE REQUIREMENTS

Zones	Ref. Section	Permitted or Conditional Uses	Minimum Requirements							Maximum Requirements	
			Site		Yard				Dwelling Unit Area (sq. ft.)	Site Coverage	Building Height (ft.)
			Area (sq. ft.)	Width (ft)	Front (ft)	Side		Rear (ft)			
						Interior (ft)	Corner (ft)				
LCR		Public Utilities & Parks	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	25.0	Accessory Buildings & Uses	n/a	n/a	25	25	25	5	n/a	5%	20
	69.0	Other LCR Uses	2.0 ac.	200	25	25	25	25	n/a	10%	35
CRI		Public Utilities & Parks	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	25.0	Accessory Buildings & Uses	n/a	n/a	25	15	15	2	n/a	10%	15
		Institutional Residence & Group Home	8,000	60	40	10	15	25	1,200	40%	35
		Townhouse Dwelling	9,000	75	25	5	12	25	600	60%	35
	55.0	Multiple Family Dwellings	10,000	100	25	15	15	25	400	60%	65
	70.0	Other CRI Uses	6,400	64	25	5	12	25	800	50%	35

APPENDIX D
ANIMAL UNIT TABLE

TABLE D-1 ANIMAL UNIT TABLE

Category of Livestock	Animal Units (AU) Produced by One Livestock	Number of Livestock to Produce One Animal Unit (AU)
Dairy		
Milking Cows	2	0.5
Beef		
Beef Cows	1.25	0.8
Backgrounders	0.5	2
Summer pasture / replacement heifers	0.625	1.6
Feeder Cattle	0.769	1.3
Hogs		
Sows, farrow to finish 1.25 0.8	1.25	0.8
Sows, farrow to weanling 0.25 4	.025	4
Sows, farrow to nursery 0.313 3.2	0.313	3.2
Weanlings 0.033 30	0.033	30
Growers / finishers 0.143 7	0.143	7
Boars 0.2 5	0.2	5
Chickens		
Broilers 0.005 200	0.005	200
Roasters 0.01 100	0.01	100
Layers 0.0083 120	0.0083	120
Pullets 0.0033 300	0.0033	300
Broiler Breeder Pullets 0.0033 300	0.003	300
Broiler Breeder Hens 0.01 100	0.01	100
Turkeys		
Broilers	0.01	100
Heavy Toms	0.02	50
Heavy Hens	0.01	100
Horses		
Mares	1.333	0.75
Sheep		
Ewes	0.2	5
Feeder Lambs	0.063	16

Note: "Animal unit" means the number of animals of a particular category of livestock that will excrete 73 kg of total nitrogen in a 12-month period. To calculate the number of animal units, multiply the number of livestock (head) by the animal units produced (i.e.: number of livestock x animal units produced by one livestock = number of animal units).