

TOWN OF

LAC DU BONNET

ZONING BY-LAW

BEING THE TOWN OF LAC DU BONNET BY-LAW NO. 53/06

BEING a By-law of the TOWN OF LAC DU BONNET to regulate the use and development of land.

WHEREAS, *The Planning Act* provides that the council of a municipality may enact a zoning By-law which generally conforms to a development plan adopted for the area;

AND WHEREAS, pursuant to *The Planning Act*, the LAC DU BONNET PLANNING DISTRICT has, by By-law, adopted the LAC DU BONNET PLANNING DISTRICT DEVELOPMENT PLAN;

AND WHEREAS, *The Planning Act* provides that the council of a municipality shall enact a zoning By-law upon the adoption of a development plan;

NOW THEREFORE, the Council of the TOWN OF LAC DU BONNET, in meeting duly assembled, enacts as follows:

THAT By-law No. 78, being the Town Planning Scheme for the Village of Lac du Bonnet, 1961, as amended, is hereby repealed and replaced with **By-law No. 53/06**.

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

DONE and PASSED in Council assembled this 14th day of September A.D. 2006.

Original signed by Paul Chapman

Paul Chapman

Mayor

Original signed by Colleen Johnson

Colleen Johnson

Chief Administrative Officer

Received 1st reading this 22nd day of June A.D. 2006.

Received 2nd reading this 17th day of August A.D. 2006.

Received 3rd reading this 14th day of September A.D. 2006.

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PART 1 – DEFINITIONS AND RULES OF CONSTRUCTION

1.1 RULES OF CONSTRUCTION

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

- (a) Words, phrases and terms are as defined within this By-law.
- (b) Words, phrases and terms not defined within this By-law shall be as defined in *The Planning Act*, *Municipal Act*, *Buildings and Mobile Homes Act* and/or the Building, Electrical or Plumbing By-laws of the Town of Lac du Bonnet.
- (c) Words, phrases and terms neither defined within this By-law nor in the Building, Electrical or Plumbing By-laws of the Town of Lac du Bonnet shall be given their normative meaning except where Council determines the context clearly indicates a different meaning.
- (d) The phrase “used for” includes “arranged for”, “designed for”, or “occupied for”.
- (e) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction “and”, “or” or “either-or”, the conjunction shall be interpreted as follows:
 - (i) “and” indicates that all the connected items, conditions, provisions or events shall apply in any combination.
 - (ii) “or” indicates that the connected items, conditions, provisions or events shall apply singly or in any combination.
 - (iii) “either-or” indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
- (f) The word “includes” or “including” shall not limit a term to the specified examples, but is intended to extend the meaning to all instances or circumstances of like kind or character.

1.2 DEFINITIONS

1.2.1 **ACCESSORY** means the same as accessory use.

1.2.2 **ACCESSORY BUILDING** means a secondary incidental, and subordinate building located on the same zoning site as the principal building;

- (a) **ACCESSORY BUILDING, ATTACHED** means an accessory building that is attached to the principal building. In the determination of yard requirements the attached building shall be treated as being part of the main building.
- (b) **ACCESSORY BUILDING, DETACHED** means an accessory building that is not attached to the principal building. The yard requirements shall be as shown in the Use and Bulk Tables.
- (c) **ACCESSORY BUILDING, SEMI-DETACHED** means an accessory building that is attached to the principal building by a structure such as, but not limited to, a breezeway. The yard requirements shall be determined as in paragraph (a) above.

Unless otherwise provided for within, an accessory building shall not include a dwelling or be used for human occupancy.

1.2.3 **ACCESSORY USE OR STRUCTURE** means secondary, incidental and subordinate to the principal use or structure.

1.2.4 **ACT, THE** means *The Planning Act*, S.M. 2005, Chapter 30 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.

- 1.2.5 AGRICULTURAL OPERATION:** means a profit based agricultural, aquacultural, horticultural or silvicultural operation and includes:
- a) land tillage,
 - b) crop production, including hay and forages,
 - c) horticulture, including vegetables, fruit, mushrooms, sod, trees, shrubs and greenhouse crops,
 - d) the operation of agricultural machinery and equipment,
 - e) processing farm products for farm gate distribution,
 - f) fertilizer, manure, soil amendments and pesticide application, including ground and aerial application,
- and shall include accessory uses for packing, storing or treating the produce.
- 1.2.6 AGRICULTURAL IMPLEMENT SALES AND SERVICE** means a building and open area used for display, sale or rental of new and used farm implement and minor incidental repair work.
- 1.2.7 ALTER OR ALTERATION** means a change or modification to an existing building, structure or use that does not increase the exterior dimensions with respect to height and area unless otherwise provided for within.
- 1.2.8 ALTERATIONS, INCIDENTAL** means:
- (a) Changes or replacements in the non-structural parts of a building or structure, including, but not limited to the following:
 - (i) An exterior addition to a residential building, such as an open porch;
 - (ii) Non-bearing interior partitions in all types of buildings; or
 - (iii) The capacity of utility pipes, ducts or conduits.
 - (b) Changes or replacement in the structural parts of a building, including but not limited to the following:
 - (i) Exterior windows or doors;
 - (ii) Building facades; or
 - (iii) To strengthen the load bearing capacity to accommodate specialized machinery or equipment for not more than ten percent (10%) of the total floor area.
- 1.2.9 AREA AFFECTED** means all that land within the boundaries defined in Section 2.4 of this By-law.
- 1.2.10 AUTOMOBILE BODY SHOP** means a building where automobile repair and painting occurs.
- 1.2.11 AUTOMOBILE LAUNDRY** means a building or portion thereof where there is washing, cleaning and polishing facility.
- 1.2.12 AUTOMOBILE SERVICE STATIONS** means a building or portion thereof and land used for supplying fuel, oils and accessories for motor vehicles and farm implements, and for making repairs, where such repairs are done within a completely enclosed building.
- 1.2.13 AUTOMOBILE, TRAILER OR FARM IMPLEMENT SALES AREA** means an open area that is used for the display, sale or rental of new or used automobiles, trailers or farm implements, and where repairs are made in completely enclosed buildings, except for minor incidental repairs of automobiles or trailers to be displayed, sold or rented on the premises.

- 1.2.14** **AUTOMOBILE WRECKING** means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
- 1.2.15** **AWNING, CANOPY OR MARQUEE** means any roof like structure that provides shelter or shade over an entranceway or window. It may be constructed as an integral part of a building or attached as not an integral part of a building.
- 1.2.16** **BASEMENT OR CELLAR** means that portion of a building between a floor and a ceiling that is located partly underground.
- 1.2.17** **BED AND BREAKFAST** (See HOUSE, BOARDING)
- 1.2.18** **BOATHOUSE** means a building or portion thereof used by the occupants of the premises primarily for the mooring or storage of private motorboats or other personal watercraft, but does not include living accommodations.
- 1.2.19** **BUILDING** means a building as defined in the Act, and does not include a well, pipeline, excavation, cut, fill or transmission line.
- 1.2.20** **BUILDING, MAIN OR PRINCIPAL** means the principal building/use on a specific site.
- 1.2.21** **BUILDING, HEIGHT** means the total number of stories in a building or the vertical distance measured from grade to the highest point of the roof structure. This would be to the deck of a mansard roof. The highest point of a roof excludes chimneys, television and radio antennae, and mechanical equipment such as air conditioning and ventilation.
- 1.2.22** **BUILDINGS OR STRUCTURES, FARM** means any buildings or structures used primarily for agricultural activities, but not including dwellings or private garage.
- 1.2.23** **BULK** means the following:
- (a) The size, including height of building and floor area, of buildings or structures;
 - (b) The site area;
- 1.2.24** **CARPORT** means an attached structure that is open on two sides that shelters privately owned automobiles.
- 1.2.25** **CHILD CARE SERVICES** means the use of premises for the provision of care for remuneration or reward to a child apart from their parents or guardians for a period in any one day not exceeding fourteen (14) hours.
- (a) **HOME DAY CARE** means the provision of childcare services in a dwelling where the owner or tenant resides, or churches or parish halls, to children under age 12, including the children of the owner or tenant. The number of children shall not exceed eight (8) and shall have access to an outdoor recreation area.
 - (b) **GROUP DAY CARE** means the provision of child care services to nine (9) or more children under age of twelve (12) in a provincially licensed facility with access to an outdoor recreation area.
- 1.2.26** **CLUB, PRIVATE, NON-PROFIT AND RECREATIONAL** refers to a building, or portion thereof, owned or leased by a not-for-profit corporation or association chartered by *The Canadian Business Corporation Act* or *The Manitoba Corporation Act*, or an association consisting of bona fide dues-paying members. The use is restricted to members and their guests for fraternal, recreational, sport and similar activities.
- 1.2.27** **CONDITIONAL USE** means the use of land or buildings as listed in a zone that is subject to conditions as provided in The Act or this By-law.
- 1.2.28** **CONDOMINIUM** means a condominium as established under the provisions of *The Condominium Act*.

- 1.2.29 CONDOMINIUM, BARE LAND UNIT** means the unit of land on a condominium plan that is defined by horizontal boundaries, without reference to any buildings.
- A “bare land unit” shall be considered a “site” as defined within.
- “Common elements” in a bare land unit condominium plan may include roads, road allowances, streets, lanes, bridges, canals, walkways vehicle parking areas, etc.
- Thoroughfares to provide for vehicular movement shall be at least thirty-three (33) feet in width.
- 1.2.30 COUNCIL** means the Council of the Town of Lac du Bonnet.
- 1.2.31 COURT** means an open unoccupied space, other than a required yard, on the same zoning site with a building and bounded on two (2) or more sides by such buildings or buildings.
- 1.2.32 DENSITY** means the total number of dwelling units divided by the total area of land to be developed expressed in gross acres or square feet.
- 1.2.33 DERELICT VEHICLE** means a vehicle that is not in operating condition and is not registered for the current year under *The Highway Traffic Act*. It is kept in the open and may be abandoned or is used for salvaging or selling parts.
- 1.2.34 DEVELOPMENT OFFICER** means the officer appointed by the District Board of The Lac du Bonnet Planning District in accordance with the provisions of the Act.
- 1.2.35 DEVELOPMENT PLAN** means the Lac du Bonnet Planning District Development Plan adopted by By-law No. 2-86 and amendments thereto, or any other development plan and amendments adopted and substituted therefore.
- 1.2.36 DRIVE-IN ESTABLISHMENTS** means an establishment that attracts and provides services to the travelling public. The customer drives onto the site and may or may not receive services in the vehicle.
- 1.2.37 DWELLING** means a building or portion thereof designed for residential occupancy.
- 1.2.38 DWELLING, SINGLE-FAMILY** means a detached building designed for and used by one (1) family.
- 1.2.39 DWELLING, TWO-FAMILY** means a detached or semi-detached building designed for and used by two (2) families, each having exclusive occupancy of a dwelling unit.
- 1.2.40 DWELLING, MULTIPLE-FAMILY** means a building containing three (3) or more dwelling units, each unit designed for and used by one (1) family.
- 1.2.41 DWELLING, UNIT** means one (1) or more rooms in a building designed for one (1) or more persons used as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.
- 1.2.42 DWELLING UNIT AREA** shall mean the total floor area of all storeys measured from the exterior faces of the exterior walls of the dwelling unit. The floor area of a basement, porch or a garage shall not be included in the calculation of dwelling unit area. (See also “Floor Area”.)
- 1.2.43 ENLARGEMENT** means an increase in floor area of an existing building or structure, or an increase in a parcel of land.
- 1.2.44 EXTENSION** means an increase in the amount of existing floor area used for an existing use, within an existing building.
- 1.2.45 FACTORY BUILT HOUSE(S)** means a factory-built, manufactured, dwelling(s), both modular (built in two or more sections) and unitary construction, which complies with the National Building Code and which is built off-site by a manufacturer having **CAN/CSA-A277 “Procedure for Certification of Factory Built Houses”** accreditation.

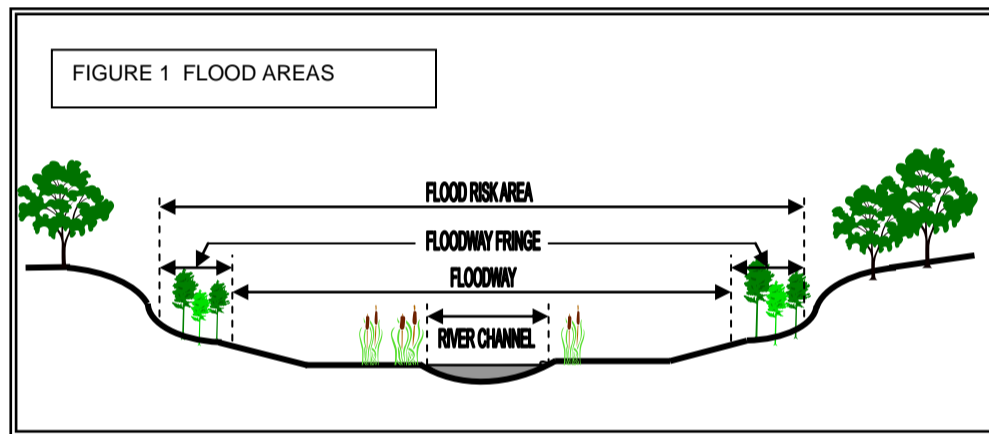
For purposes of this By-law, a “factory built house” shall not include a “mobile home” as defined within and must have been constructed within a five year period from the application date for a development / building permit.

1.2.46 FAMILY means one or more persons related by blood, marriage or common-law marriage, or a group of not more than four (4) persons who may not be related by blood or marriage, including domestic servants who live together as a single housekeeping unit. A housekeeping unit is deemed to exist if all members have access to all parts of the dwelling unit.

1.2.47 FLOOD LEVEL means the 100 year flood level, the level of a known flood exceeding the 100 year flood, or a level as determined to be appropriate by Council in consultation with Manitoba Water Stewardship or any other Provincial Government Department having jurisdiction.

1.2.48 FLOOD RISK AREA means the land adjacent to a lake, river or stream, which 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, which requires approved flood protection measures due to periodic flooding or inundation by floodwaters.

Flood Risk area also includes upland areas where periodic ponding due to excess precipitation and/or spring melt occurs.



1.2.49 FLOOR AREA (as applied to use and bulk regulations) means the total floor area of all levels of all buildings and structures on the zoning site. It is measured from the exterior faces of the exterior walls or from the centreline of party walls. The floor area of a building or buildings shall include:

- (a) Basements (including bi-level dwellings) when used for residential, commercial or industrial purposes, excluding spaces used for housing of mechanical or central heating equipment, and accessory off-street parking spaces;
- (b) Floor space used for mechanical equipment (with structural headroom of six (6) feet or more i.e. not a crawl space);
- (c) Elevator shafts and stairwells at each storey except shaft and stair bulkheads and exterior unroofed steps or stairs; and
- (d) Penthouses, mezzanines, attics where there is structural headroom of seven (7) feet or more.

(See also Dwelling Unit Area)

1.2.50 GARAGE means a building or portion thereof where motor vehicle(s) are stored, repaired, washed or serviced.

1.2.51 GARAGE, PRIVATE OR CARPORT means an accessory building or an attached portion of a principal building that is used by the occupants of the premises for parking or temporary storage of private passenger motor vehicles and may also include the incidental storage of other personal property.

- 1.2.52** **GRADE** (as applied to determine building or structure height) means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Development Officer, and/or as per applicable Municipal By-law.
- 1.2.53** **HOME OCCUPATION** is a business or enterprise that:
- (a) Is located in a dwelling unit or its permitted accessory building;
 - (b) Is operated by the members of the family residing at the same dwelling unit, without the employment of other persons;
 - (c) Is incidental to or secondary to the use of the dwelling unit;
 - (d) Has no exterior display or exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the principal or accessory building unless otherwise provided for within;
 - (e) Council determines is not offensive, obnoxious or a nuisance; and
 - (f) Does not generate undue traffic congestion in the neighbourhood.
- 1.2.54** **HOME BUSINESS** means a small business or enterprise such as retail sales, contractor's yard or small trucking enterprise that may be permitted on a site or in a dwelling when it is accessory, secondary and incidental to the principal residential use of the site or dwelling, and when owned and operated by the occupant of the dwelling on said site. (See also Home Occupation)
- 1.2.55** **HOTEL** means a building or part thereof that is not the principal residence of the occupants, where accommodation is provided for transient lodgers in individual rooms and where there is an exit from each room or suite of rooms directly to the outdoors or to a common hallway. Permitted accessory uses may include, but are not limited to, restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms. A hotel includes a motel, inn, tourist lodge and similar buildings intended for transient accommodation.
- 1.2.56** **HOUSE, BOARDING, LODGING OR ROOMING, BED AND BREAKFAST** means a building or portion thereof, other than a hotel or motel without cooking facilities, where lodging, or lodging and meals are provided for compensation exclusive of the proprietor and their family.
- 1.2.57** **LANE** means a street less than thirty-three (33) feet in width.
- 1.2.58** **LIVESTOCK** means animals or poultry not kept exclusively as pets, excluding bees.
- 1.2.59** **LOADING SPACE** means an off-street space on the same zoning site with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or material and which has access to a street or lane or other appropriate means of access.
- 1.2.60** **LODGE** means a hall or meeting place of a local branch for the members of a fraternal order or society, such as Masons, Knights of Columbus, Elks, Eagles and similar organizations. (For Tourist Lodge see Hotel and Resort, Commercial.)
- 1.2.61** **MARINA** means a public or commercial dock or basin providing secure moorings for motorboats and other watercraft and may include boating supply, repair and other facilities.
- 1.2.62** **MOBILE HOME** means a factory-built, compact and transportable detached single-family dwelling with all the following characteristics:
- (a) Designed for long-term occupancy for the domestic use of one or more individuals living as a single housekeeping unit, containing and having cooking, eating, living, sleeping, and sanitary facilities, and with plumbing and electrical connections provided for permanent attachment to outside systems;

- (b) Designed to be moved or transported after fabrication on its own wheels, other trailers, or detachable wheels;
- (c) Designed without provisions for its adaptation to a basement; and
- (d) Conforms to the Canadian Standards Association (**CSA**) **Z240** series standards for mobile homes.

1.2.63 **MODULAR HOME (includes Ready to Move)** means a dwelling(s) that is factory built, manufactured or fabricated off-site in two or more near-complete, standardized sections or units, and attached or joined together on a foundation at the building site.

1.2.64 **MOTEL** (Same as Hotel)

1.2.65 **MUNICIPALITY** means the Town of Lac du Bonnet.

1.2.66 **NON-CONFORMITY** means one, or a combination of one or more, of the following:

- (a) A site or land parcel;
- (b) A building or structure;
- (c) A use of a building, structure or land

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

1.2.67 **OPEN SPACE** means that required portion of a zoning site at ground level, unless otherwise stated, unoccupied by principal or accessory buildings and available to all occupants of the building. The open space shall be unobstructed from the ground to the sky and shall not be used for service driveways or accessory off-street parking space or loading space, unless otherwise provided for within. It may be used for landscaping, recreational space and other leisure activities normally carried on outdoors. Balconies, roof and other like above grade level areas may also be considered as open space and may be permitted by this By-law.

1.2.68 **OWNER** means an owner as defined in the Act.

1.2.69 **PARCEL OF LAND** means a parcel as defined in the Act.

1.2.70 **PARKING AREA** means an open area of land other than a street or lane or an area within a structure used for the parking of vehicles.

1.2.71 **PARKING AREA, PUBLIC** means a parking area used for the temporary parking of vehicles and is available for public use whether free, for compensation or as an accommodation for clients, customers, employees or visitors.

1.2.72 **PARKING SPACE** means a space in a parking area, public parking area or zoning site for the temporary parking or storage of a vehicle. A parking space shall be a minimum of eight (8) feet in width and eighteen (18) feet in length and shall have adequate provision for vehicular entry, exit and manoeuvrability.

1.2.73 **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.

1.2.74 **PERFORMANCE STANDARDS** means a standard established to control noise, odour, smoke, toxic or noxious matter, vibration and explosive hazards, or glare or heat generated by, or inherent in, uses of land or buildings.

1.2.75 **PERSONAL SERVICE** means a service that is done Personal Services including but not limited to Laundromats; Dry Cleaning; Tailors; Dressmakers; Photographers; TV, Radio, Watch, Shoe, Furniture Repair; Printing/Copying; Music Instruction

- 1.2.76 PLANNED UNIT DEVELOPMENT** means a land development project planned as a unitary site plan that permits flexibility in the siting of buildings, mixture of housing types and land uses, open spaces and the preservation of natural features. Can include condominium developments.
- 1.2.77 PREMISES** mean an area of land with or without buildings.
- 1.2.78 PRIVATE DOCK** means a platform used for the mooring of one or more private motorboats or other personal watercraft.
- 1.2.79 PUBLIC UTILITY** means any system works, plant equipment or services which provides services to municipal residents, including but not limited to:
- (a) Telephone, telecommunication facilities;
 - (b) Public transportation;
 - (c) Water, gas or electricity production, transmission, delivery; and
 - (d) Sewage, garbage or other waste collection.
- 1.2.80 PUBLIC UTILITY BUILDING** means a building used by a public utility.
- 1.2.81 REPAIR** means the renewal or reconstruction of any part of an existing structure for maintenance or restoration purposes.
- 1.2.82 RESIDENTIAL CARE FACILITY** means the use of any building or structure or part thereof that is advertised, announced or maintained for lodging, meals, care and supervision or transitional services to more than 4 persons that are not related by blood, marriage or adoption to the operator, nor to each other.
- 1.2.83 SENIOR CITIZEN HOME** means a multiple unit dwelling or a building containing individual rooms where elderly people live independent of personal care.
- 1.2.84 SERVICE SHOP** means a building or part of a building where persons provide services for the personal needs of individuals. Without limiting the generality of the foregoing may include barber shops, beauty shops, beauty parlours, hair-dressing shops, hand laundries, shoe repair and shoe shining shops, tailor and dressmaking shops, valets and depots for collecting dry cleaning and laundry.
- 1.2.85 SIGN** means any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol or trademark, banner, pennant or any other figure of similar character) which:
- (a) Is a structure or any part thereof, or is attached to, painted on or in any other manner represented on or in a building or other structure;
 - (b) Is used to identify, direct attention to, or advertise; and
 - (c) Is visible from outside a building but shall not include show windows as such.
- 1.2.86 SIGN, ADVERTISING** means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere or upon the same zoning site where the sign is located, including a billboard sign.
- 1.2.87 SIGN, BULLETIN BOARD** means a sign of permanent character, but with movable letters, works or numerals indicating the names of persons associated with, or events conducted upon, or products or services offered upon the premises upon which a sign is located, ex. school church, community centre bulletin board and similar uses.
- 1.2.88 SIGN, BUSINESS** means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same zoning site where the sign is located.
- 1.2.89 SIGN, CONSTRUCTION** means a sign which identifies a construction project and related information.
- 1.2.90 SIGN, FASCIA OR WALL** means any sign attached against the surface or, against or within a recess in the wall, a column or other perpendicular portion of a

building in a position essentially parallel to said wall, column or other perpendicular position. A fascia sign shall also mean any sign attached to the walls of two or more buildings and spanning the spaces between said buildings.

- 1.2.91 SIGN, FLASHING** means an illustrated sign on which artificial light does not maintain constant intensity and color when the sign is in use.
- 1.2.92 SIGN, FREESTANDING** means a sign supported by a vertical column or columns placed in the ground with the sign surface area above ground level.
- 1.2.93 SIGN, IDENTIFICATION** means a sign that identifies the business, owner, resident or the street address and which has no other advertisement.
- 1.2.94 SIGN, ILLUMINATED** means a sign designed to produce or reflect artificial light.
- 1.2.95 SIGN, MARQUEE** means a sign attached to a marquee, canopy or awning projecting from and supported by a building.
- 1.2.96 SIGN, PROJECTING** means any sign other than a fascia sign, which is attached to a building and extends beyond the surface of the building to which it is attached.
- 1.2.97 SIGN, REAL ESTATE** means a sign advertising the sale, rental or lease of the premises on which it is located.
- 1.2.98 SIGN, ROOF** means any sign erected, constructed and maintained wholly upon or over the roof of a building with the principal support on the roof structure.
- 1.2.99 SIGN SURFACE AREA** means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure or similar character, including any frame or other material or colour forming an integral part of the display or used to differentiate such sign from the background against which it is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except where two such faces are placed back to back and are at no point more than two (2) feet from one another, the sign surface area of the sign shall be taken as the surface area of one face if the two faces are of equal area, or as the surface area of the larger if the two faces are of unequal area.
- 1.2.100 SIGN, TEMPORARY** means a sign with or without a structural frame and intended for a limited period of display, and shall include a mobile sign, but shall have no red, green or amber lights thereon, and with no blinking or scintillating lights when the sign faces a residential area.
- 1.2.101 SITE** means a zoning site as defined within unless the context indicates otherwise.
- 1.2.102 SITE AREA** means the computed area contained within the site lines.
- 1.2.103 SITE, CORNER** means a site situated at the intersection of two (2) streets with the interior angles not exceeding 135 degrees.
- 1.2.104 SITE, COVERAGE** means that part or percentage of the site occupied by buildings, including accessory buildings. Structures which are below the finished site grade, including sewage lagoons, water reservoirs, parking structures and other similar structures, shall not be included in site coverage.
- 1.2.105 SITE DEPTH** means the straight line distance between the centre points in the front and rear site lines. For irregular sites, site depth is as determined by the Development Officer.
- 1.2.106 SITE FRONTAGE** means all that portion of a zoning site fronting on a street and measured between side site lines.
- 1.2.107 SITE, INTERIOR** means a site other than a corner site or a through site
- 1.2.108 SITE, KEY** means the first site to the rear of a reversed corner site.
- 1.2.109 SITE LINES** means as follows:
- (a) **FRONT SITE LINE** means

- (i) in the case of an interior site, that boundary of a site which abuts an existing or designated street;
- (ii) in the case of a corner site, the front site line shall be shortest site line which abuts an existing or designated street, except where an interior site abuts the corner site, then the front site line shall be that line which is the continuation of the front site line of the interior site;
- (iii) in the case of a site which does not have frontage on a public "street" and is provided sole means of access by right-of-way, said right-of-way shall be deemed a "street" for purposes of determining site requirements. The "front site line" shall be the "site line" which abuts the right-of-way. In the case where a right-of-way is contained within the site, that portion of the right-of-way facing the interior of the site shall be deemed the "front site line". Where a "street" or right-of-way does not cross or abut the entire width of a site, the "site line" having greatest length abutting the "street" or right-of-way shall be deemed a "front site line". **(See also "YARD, FRONT" and CONDOMINIUM BARE LAND UNIT.)**

- (b) **REAR SITE LINE** means that boundary of a site which is most nearly parallel to the front site line and in the case of a site in which the side site lines intersect, such as a triangular site, a line ten (10) feet in length within the site, parallel to and at the maximum distance from the front site line.
- (c) **SIDE SITE LINE** means any boundary of a site, which is not a front or rear site line.
- (d) Where an irregular shaped site cannot have its site lines defined by the foregoing definitions, the front, rear and side site lines shall be determined by the Development Officer, using the following sketches as a guide and having due regard to the site lines and required yards of abutting properties.

1.2.110 SITE, REVERSED CORNER means a corner site, the flanking street site line of which is substantially a continuation of the front site line of the first site to its rear.

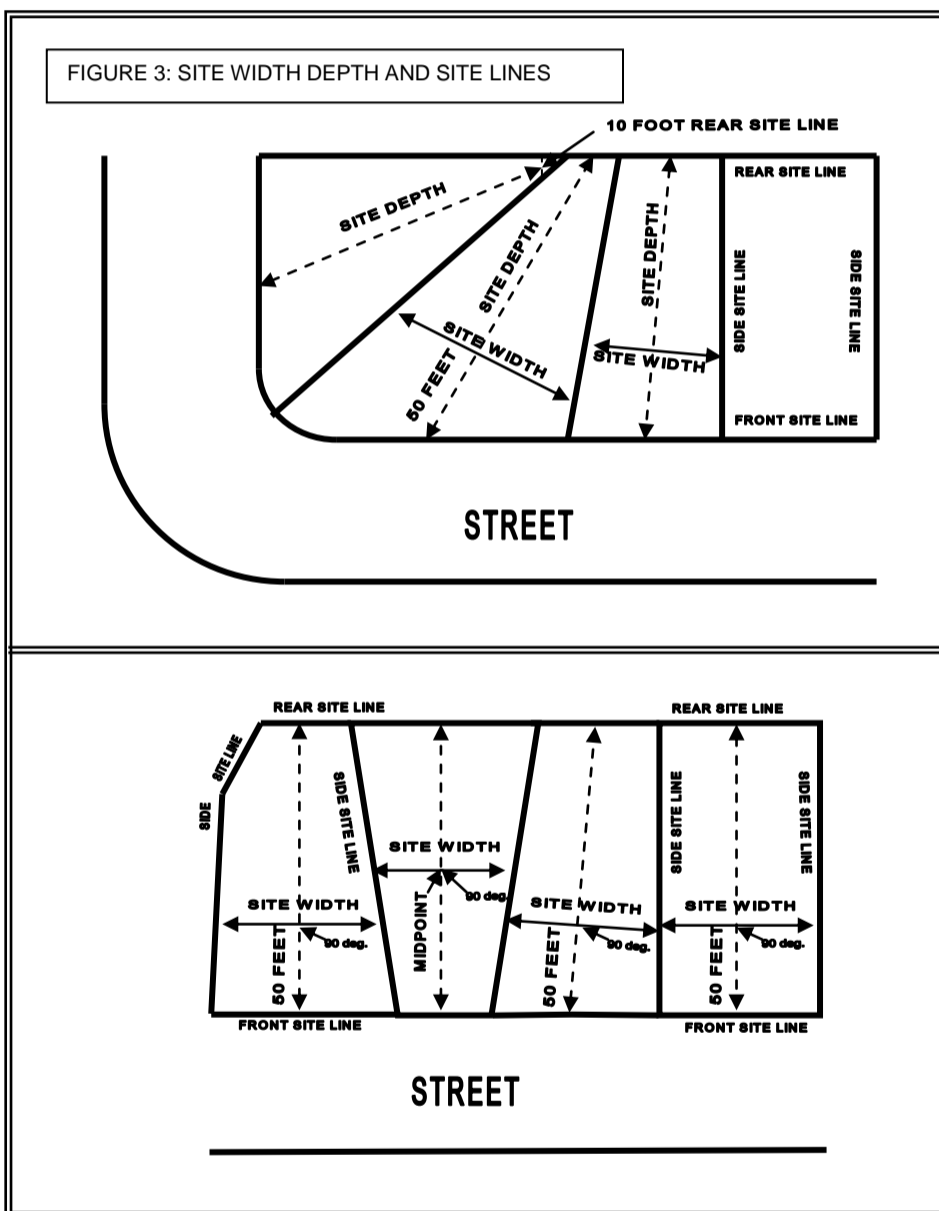
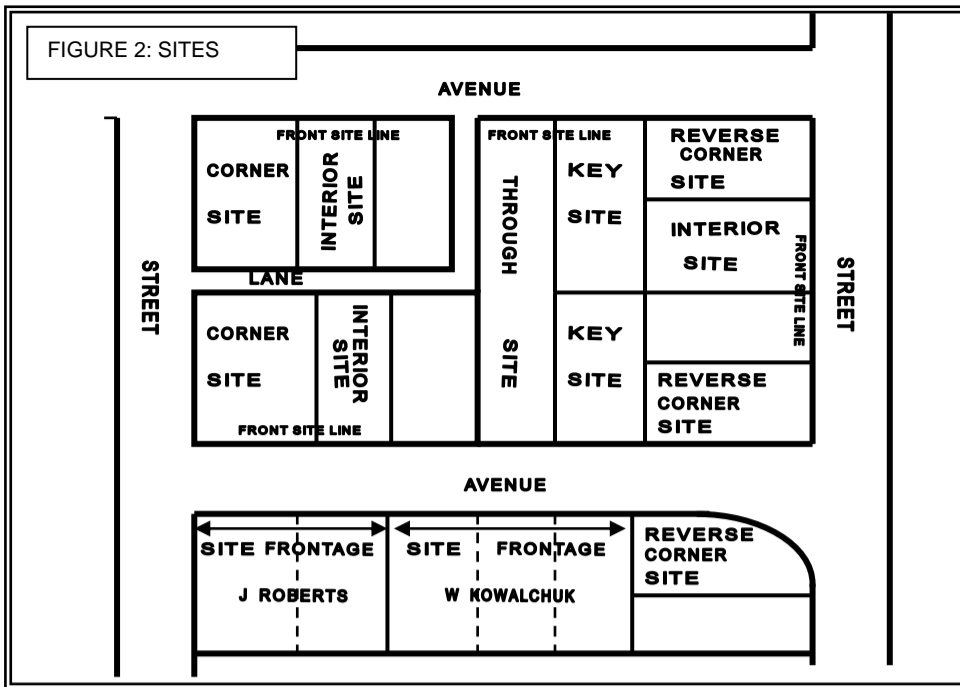
1.2.111 SITE, THROUGH means a site having a pair of opposite site lines along two (2) or more or less parallel streets. On a through site both lines shall be deemed front site lines.

1.2.112 SITE, WIDTH means the horizontal distance between the side lines, measured perpendicularly to the site depth at a point midway between the front and rear site lines, or at the minimum front yard setback in the affected zone, which ever is the lesser.

Where site width cannot be defined, Development Officer shall determine.

(112) **SITE, ZONING** means an area of land that:

- (a) is occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use or uses thereto, together with such open spaces as are required under the provisions of this by-law;
- (b) has frontage on a street or has any lawful means of access satisfactory to Council; and
- (c) is of sufficient size to provide the minimum requirements of this by-law for a permitted or conditional use in a zone where the use is located.

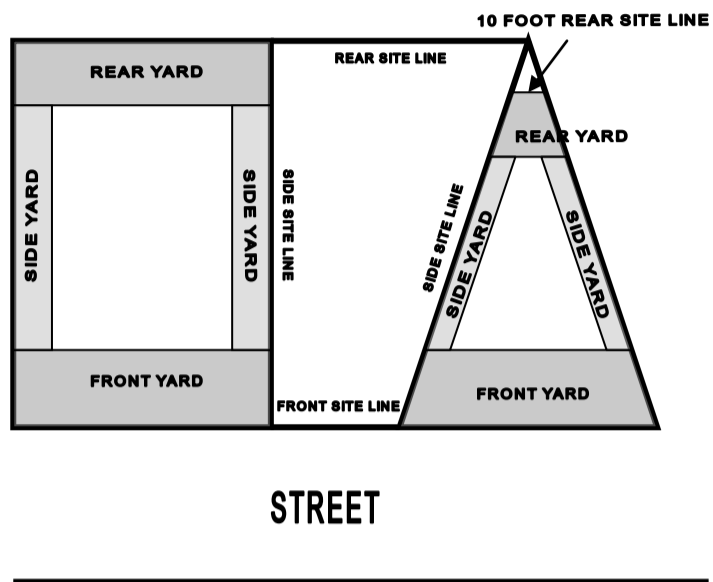


- 1.2.113** **STOREY** means that portion of any building which is situated between the top of any floor and the top of the floor next above it and, if there is no floor above it, that portion between the top of such floor and the ceiling above it. A basement shall be counted as a storey for the purpose of height measurement if the vertical distance between the ceiling and the average finished level of the adjoining ground is more than six (6) feet.
- 1.2.114** **STOREY, FIRST** means the storey with its floor closest to grade and having its ceiling more than six (6) feet above grade.

- 1.2.115 STOREY, SECOND** means the storey located immediately above the first storey.
- 1.2.116 STREET** means any public highway, lane, square, bridge, wharf, thoroughfare or way, or any portion thereof.
- 1.2.117 STRUCTURE** means anything constructed or erected with a fixed location on or below the ground, or attached to something on the ground including buildings, walls fences, signs, billboards, poster panels and light standards.
- 1.2.118 TOT LOTS** means an area dedicated to public playground use for pre-school children.
- 1.2.119 USE** means:
- (a) Any purpose for which a building or other structure or parcel of land may be designed, arranged, intended, maintained or occupied; or
 - (b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a building, other structure or on a parcel of land.
- 1.2.120 WASTE MANAGEMENT FACILITY** means the land, structures, monitoring devices, and any other improvements on the land used for monitoring, treating, processing, storing, or disposing of solid waste, leachate or residuals from solid waste.
- 1.2.121 WATER STORAGE LANDS** means those shoreline areas (including Water Power Reserve), owned and administered by the Province of Manitoba or Manitoba Hydro, used primarily for water storage used for electricity generation.
- 1.2.122 WAYSIDE PARK** means a parcel of land designed and improved as a day-use facility for the travelling public and may include picnicking, boat launch facilities and accessory buildings such as public washrooms.
- 1.2.123 YARD** means an open area, on the same zoning site as a building or structure which is unoccupied and unobstructed from the ground to the sky, except as otherwise permitted within.
- (a) **YARD, REQUIRED** means a yard extending along a site line or wall to a depth or width, measured parallel, perpendicular and equidistant from the site line or wall, specified in the yard requirement for the zone in which such site is located.
 - (b) **YARD, CORNER SITE** means a side yard which adjoins a street.
 - (c) **YARD, FRONT** means a yard extending along the full width of the front site line between the side site lines, the depth of which is measured parallel, perpendicular and equidistant from the front site line.

In the case where "street" or "right-of-way" does not cross or abut the entire width of a site, the minimum "front yard" shall be a line within the site, measured back parallel, perpendicular and equidistant from the nearest point where said "street" or "right-of-way" abuts or extends into the site.
 - (d) **YARD, INTERIOR SIDE** means a side yard which is adjacent to another zoning site, or to a lane separating such side yard from another zoning site, or to a wall of a building adjacent to the wall of another building in a planned unit development.
 - (e) **YARD, REAR** means a yard extending along the full length of the rear site line between the side site lines, the depth of which is measured parallel, perpendicular and equidistant from the rear site line.
 - (f) **YARD, SIDE** means a yard extending along the side site line from the required front yard to the required rear yard, the width of which is measured parallel, perpendicular and equidistant from the side site line.
 - (g) The following sketches illustrate the foregoing definitions of the required yards.

FIGURE 4: YARDS



PART 2 – ADMINISTRATION

2.1 SCOPE

2.2 TITLE

This By-law shall be known as “The Town of Lac du Bonnet Zoning By-law”.

2.3 WHEN EFFECTIVE

This By-law shall be in full force and effect when upon third reading by the Council of the Town of Lac du Bonnet.

2.4 THE AREA

The Area to which this Zoning By-law shall apply shall be all of The Town of Lac du Bonnet.

2.5 INTENT AND PURPOSE

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

- (a) Implement the objectives and policies of the Lac du Bonnet Planning District Development Plan as it applies to the Town of Lac du Bonnet;
- (b) To define and limit the powers and duties of the Council, the Development Officer; and
- (c) To regulate the following:
 - (i) All buildings and structures erected hereafter;
 - (ii) All uses of buildings, structures and land established hereafter;
 - (iii) All structural alterations and relocations of existing buildings and structures occurring hereafter;
 - (iv) All enlargements or additions to existing buildings, structures or uses; and
 - (v) All changes of use of land, buildings or structures.

2.6 RESPONSIBLE AUTHORITY

- (a) In accordance with the provisions of the Act, the authority responsible for the enactment of this By-law shall be the Council of The Town of Lac du Bonnet; and
- (b) Subject to the provisions of the Act, the regulations, restrictions and boundaries set forth in this By-law may from time to time be amended, supplemented, changed or repealed.

2.7 RESPONSIBILITIES OF COUNCIL

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

- (a) Considering the adoption or rejection of proposed amendments or the repeal of this By-law;
- (b) Approving and issuing or rejecting variation orders;
- (c) Approving and issuing or rejecting conditional use applications; and
- (d) Establishing a schedule of fees in accordance with the Act. Until all applicable fees have been paid in full no action shall be taken on any application.

2.8 AMENDMENTS TO ZONING BY-LAW

2.8.1 PROCEDURES

Subject to the procedure required under the Act, an amendment may be initiated by a resolution of intention by the Council. Additionally, one or more owners of the property or their agents may also make an application to Council to initiate a zoning change for their property.

An application to amend the Zoning By-law, together with all required information and required fees, shall be made to the Council, on a form prescribed by council.

2.8.2 DECISION BY COUNCIL

Council shall notify the applicant in advance of the meeting date at which the application shall be considered. Council shall hear any representation by the applicant, review all of the facts presented, study the facts presented and shall advise the applicant, in writing, of its findings and resolution. If Council approves the application, it shall proceed with the adoption of the amendment in accordance with the provision of the Act.

If Council, by resolution, decides not to proceed with the amendment, all application fees, less a nominal administration fee, shall be refunded.

2.8.3 DEVELOPMENT AGREEMENTS WITH TOWN OF LAC DU BONNET

As a condition to enacting a zoning amendment and in accordance with the Act, Council may require that the owner or the person entitled to be registered as owner of the land, building or structure to which the zoning amendment shall apply, to enter into a development agreement with the Town of Lac du Bonnet.

Where there is a conflict between a subsisting development agreement and this Zoning By-law, the most restrictive provision shall apply; however, in no case shall the Zoning By-law be contravened.

2.9 CONDITIONAL USES

The development and execution of this By-law is based upon the division of the Area affected into zones where land use, buildings and structures are substantially compatible. Due to their unique characteristics, conditional uses cannot be classified in any particular zone(s). Both the associated impacts to neighbouring land needs to be considered and the public need for the conditional use at the specific location. Conditional uses fall into two categories:

- (a) Uses publicly operated or traditionally associated with the public interest; and
- (b) Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighbouring property or public facilities.

2.9.1 APPLICATION

An application for a conditional use shall be processed and approved or rejected in accordance with the provisions of the Act.

2.9.2 FILING AN APPLICATION

The application shall be filed with the Council and shall be accompanied by a site plan, application fees and other data as the Council may prescribe.

2.9.3 EXPIRY OF CONDITIONAL USE APPROVAL

A conditional use order shall expire and cease to have any effect if it is not acted upon or renewed before the expiry dates prescribed by the Act.

2.9.4 EXISTING CONDITIONAL USES

Where a use is classified as a conditional use under this By-law or amendments thereto, and was lawfully in existence at the date of adoption of this By-law or

amendments thereto, it shall be considered as a lawfully existing conditional use, building or structure as the case may be, and except as regulated by this By-law, shall have non-conforming rights as prescribed by the Act.

2.9.5 CHANGES TO AN EXISTING CONDITIONAL USE

Any change in a conditional use shall be subject to the provisions of this section and the appropriate provisions of the Act.

A conditional use application is required when an existing conditional use is enlarged, expanded or extended to occupy a greater floor and/or greater area of the site upon which said use is located, except as otherwise permitted by this By-law.

2.10 VARIATION ORDERS

2.10.1 Any person or their agent may apply for a variation order, in accordance with the provisions of the Act.

2.10.2 An application for a variation order and all required information and fees shall be made to Development Officer or other such person authorized by council. The Development Officer may grant variations in accordance with Subsection 2.12.2 and shall refer all other applications to Council.

2.10.3 EXPIRY OF VARIATION ORDER

A variation order shall expire and cease to have any effect if it is not acted upon or renewed before the expiry dates prescribed by the Act.

2.11 THE DEVELOPMENT OFFICER

2.11.1 DUTIES

The development officer, as appointed by of the Town of Lac du Bonnet, may:

- (a) Issue development permits in accordance with the provisions of this By-law, the Building By-law and the Maintenance and Occupancy By-laws.

2.11.2 POWERS

The Development Officer may:

- (a) Allow or refuse such minor variations not exceeding 10 percent of any bulk requirements of this By-law as per The Planning Act.
- (b) Subject to Subsection 2.13.3, issue a development permit where the development of land, buildings or structures conforms to the adopted Development Plan, and the requirements of this By-law and related amendments;
- (c) With the consent of the owner, enter any buildings or premises at all reasonable times for the purpose of implementing this By-law, as provided for in The Act;
- (d) Issue development permits for the temporary use of buildings, structures or land pursuant to the provisions of this By-law;
- (e) Issue zoning memoranda, non-conforming certificates or such other documents necessary for the administration and enforcement of this By-law; and
- (f) Issue notices of violation for any contravention of the Act and/or this By-law.

2.11.3 DEFERRAL OR WITHHOLDING APPROVAL OF PERMITS

The Development Officer shall defer approving an application for a development permit and shall refer such applications to the Council and/or Board as the case may be:

- (a) As provided for in The Act;

- (b) Which would result in a violation of this By-law or any By-law of the Town of Lac du Bonnet;
- (c) To any person who has failed to pay any fees dues and owing to the Town of Lac du Bonnet or the Lac du Bonnet Planning District under this By-law; or
- (d) In accordance with the Act, for up to 60 days, upon instructions from the Board or Council in order to determine compliance with the Development Plan, Zoning By-law or the Act; and
- (e) In accordance with the Act, for up to a further 125 days, upon instructions from the Board or Council, where the proposed building, structure or use of land would not conform to a proposed Development Plan or Zoning By-law.

2.12 DEVELOPMENT PERMITS

2.12.1 PERMIT REQUIRED

The owner or their agent shall obtain all necessary permits as required by the Council, District Board and other government agencies.

2.12.2 WHEN REQUIRED

An application for a development permit is required for the following:

- (a) The erection or construction or placement of any building or structure except fences and ornamental light standards and those buildings less than 120 square feet in area;
NOTE: See definition of structure.
- (b) The addition, extension, structural alteration or conversion of any building or structure;
- (c) The relocation or removal or demolition of any building or structure;
- (d) The use of vacant buildings or structures; or
- (e) The change of use of land, buildings or structures; or
- (f) The clearing of certain classes of land as specified in this By-law.

2.12.3 REQUIREMENTS

In addition to the requirements of any By-law of the Town of Lac du Bonnet or any other Provincial regulations, all applications for a development permit shall:

- (a) Be accompanied by a plan, drawn to scale, showing the actual dimensions and shape of the site to be built upon; the exact size and location on the site of buildings already existing, if any, and the location and dimensions of the proposed building, enlargement or structural alterations;
- (b) Include such other information as may be required by the Council, District Board and/or Development Officer, including existing or proposed building or structural alterations; existing or proposed use of the building and land; the number and location of automobile parking spaces and loading spaces; the location of fire hydrants, waste disposal, entrances, loading points and curb cuts; method of illumination, size and location of signs; location and type of landscaping, fencing, screening and walkways; the number of families, dwelling units or rental units the building is designed to accommodate; conditions existing on the site; current copies of relevant titles, easements, caveats; a surveyor's certificate and or surveyor's staking certificate prepared by a Manitoba Land Surveyor and such other matters as may be necessary to determine conformance with and provide for the enforcement of this By-law; and

- (c) No person shall erect, locate, repair, use or occupy any buildings, land or structure contrary to any development permit or the material furnished in support of the application.

2.13 COMBINED PERMITS

A development permit may also include a building permit and occupancy permit.

2.14 BUILDING PERMITS

2.14.1 PERMITS ISSUED PRIOR TO BY-LAW

Unless otherwise provided for within, development, building and occupancy permits issued prior to the effective date of this By-law shall be considered valid for the purposes of this By-law provided all the conditions under which the permit was issued are met.

2.14.2 BUILDING TO BE MOVED

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

2.15 NON-CONFORMITIES

2.15.1 GENERAL PROVISIONS

Subject to the provisions of the Act, the enactment of a Zoning By-law does not affect any land, buildings or structures or intensity of use of any land buildings or structure that were lawfully in existence before the coming into force of this By-law.

Non-conformities, as defined in this By-law, shall be regulated in accordance with and subject to the provision of the Act, unless otherwise provided for in this By-law.

2.15.2 STRUCTURAL ALTERATIONS TO NON-CONFORMITIES

Pursuant to provisions of The Act, a structural alteration shall not be made to a non-conforming building or structure or a building or structure containing a non-conforming use, unless said alteration conforms to the requirements of this By-law, does not increase the degree of non-conformity, unless an appropriate variation order has been obtained.

2.15.3 DAMAGED NON-CONFORMING BUILDING OR STRUCTURE

Pursuant to the provisions of The Act, where Council determined that a building or structure is damaged or destroyed fifty percent (50%) or more of its replacement value above its foundation, the said building or structure shall not be repaired or rebuilt except in conformance with this By-law, or unless an appropriate variation order has been obtained.

2.15.4 NON-CONFORMING SITE OR PARCEL

Pursuant to the provisions of the Act, a non-conforming site or parcel may be occupied by any building, structure or use provided:

- (a) That the building, structure or use is listed as a permitted or conditional use within the zone in which said parcel is located; and
- (b) That all other requirements of the zone in which the parcel is located are complied with; and/or
- (c) Variation orders have been obtained to alter the requirements within the particular zone.

A variation order shall not be required where a site or parcel is being increased in size or area so as to decrease its non-conformity, even though the enlarged site or parcel does not conform to the site area and width requirements of this By-law. The enlargement of said site or parcel shall not cause an increase in non-conformity of an abutting or adjoining site or parcel.

2.15.5 NON-CONFORMING SIGNS

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

- (a) A change in the subject matter represented on a sign shall not be considered a change of use; and
- (b) A non-conforming sign may be structurally altered, reconstructed, or replaced in the same location and position provided that such structural alteration, reconstruction, or replacement does not result in:
 - (i) The creation of a new non-conformity or an increase in the degree of non-conformity; or
 - (ii) An increase in the sign surface area; or
 - (iii) An increase in the degree of illumination.
- (c) Signs adjacent to a Provincial Highway or Provincial Road may also require approval of the Highway Traffic Board or Manitoba Transportation and Government Services.

2.16 INTERPRETATION AND APPLICATION

In their interpretation and application, the provisions of this By-law shall be held to be the minimum requirements to satisfy the intent and purpose as set for the within.

2.16.1 RELATION TO OTHER BY-LAWS

Whenever provisions of this Zoning By-law conflict with any By-law of the Town of Lac du Bonnet, the Lac du Bonnet Planning District or any regulation of the Provincial or Federal Government, the most restrictive or highest requirement shall govern.

The Town of Lac du Bonnet shall only be responsible for enforcement of its own regulations; however, it may require proof of compliance with Federal or Provincial regulations prior to issuance of the applicable permit or certificate.

2.16.2 PREVIOUS VIOLATIONS

Unless otherwise provided for within, an existing building, structure or use which was illegal under the provisions of any planning scheme or Zoning By-law in force on the effective date of this By-law and related amendments shall not become or made legal solely the adoption of this By-law. The extent and manner that any illegal building, structure or use is in conflict with the requirements of this By-law remains illegal.

2.16.3 VARIATION ORDER PRIOR TO BY-LAW

A building or structure or use established by a variation order prior to the coming into force of this By-law shall, subject to the provisions of the variation order be deemed to conform to the provisions of this By-law.

2.17 ENFORCEMENT

The enforcement of this By-law, or any resolution or order enacted by the Council under the Act or any regulation shall be in accordance with The Act.

2.18 DUTIES OF THE OWNER

2.18.1 RESPONSIBILITY

Neither the granting of a development permit nor the approval of the drawing and specifications nor the inspections made by the Development Officer shall in any way relieve the owner of the responsibility of complying with the requirements of this By-law or any permit issued thereunder and any other relevant By-laws of the Rural Municipality of La du Bonnet.

2.18.2 PERMITS REQUIRED

Every owner shall:

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

2.19 FEE SCHEDULE

Development permit fees shall be established by By-law of the Lac du Bonnet Planning District.

2.20 PUBLIC RESERVES AND PUBLIC WALKS

Public and / or crown reserves, and public walks may be located in all zones without the need to be zoned as either "OI" Open Space and Institutional Zone or "OS" Open Space, Shoreland Zone.

PART 3 – ZONING

3.1 ZONING MAP - INTERPRETATION

The location and boundaries of the zones listed in Subsection 3.1.1 above are shown on the attached Zoning Maps in Appendix “A” to this By-law. The Zoning Maps form part of this By-law. Therefore, all notations, references and other information shown on the maps, including minimum front yard depths, are as valid and applicable as the text.

3.1.1 DIMENSIONS AND SCALE

The scale and all dimensions of the Zoning Maps are in imperial measurement (feet and inches).

3.2.2 REGISTERED PLANS

All plan references on the Zoning Maps pertain to registered plans filed in the Winnipeg Land Titles Office or Director of Surveys Plans filed with the Director of Surveys.

3.2.3 ABBREVIATIONS

The abbreviations noted on the Zoning Maps mean the following:

- (a) “Blk.” means Block;
- (b) “Gov’t Rd. All’ce.” means Government Road Allowance;
- (c) “Pcl.” means Parcel;
- (d) “Pt.” means Part;
- (e) “Rge.” Means Range;
- (f) “Sec.” means Section;
- (g) “Twp.” means Township;
- (h) “E.P.M.” or “E” means East of the Principal Meridian;
- (i) “NE 33-14-8 E” means the north-east quarter of Section 33, Township 14, Range 8, east of the Principal Meridian, and has a similar meaning for other sections, townships and ranges as the case may be.
- (j) “P.R.” means Provincial Road; and
- (k) “P.T.H.” means Provincial Trunk Highway;
- (l) “District Board” means the Board of the Lac du Bonnet Planning District;
- (m) “N/A” or “n/a” means not applicable;
- (n) “N” means north;
- (o) “D of S” or D.S Plan ” means Director of Surveys Plan
- (p) “RD” means road;
- (q) “Plan” means Registered Plan. and

3.2.4 INTERPRETATION OF ZONE BOUNDARIES

The following rules shall apply in the interpretation of the zone boundaries as shown on the Zoning Maps:

- (a) Heavy broken lines represent zone boundaries. Where the zone boundary is broken by the name of a street it shall be construed that the boundary continues through the name of the street;

- (b) The regulations contained in this By-law shall not be deemed applicable to streets, lanes and public utility rights-of-way despite being within the zone boundaries
- (c) Boundaries following the centrelines of streets, highways or lanes shall be construed as following such centrelines;
- (d) Boundaries indicated as lot, site or property holding lines on a registered plan shall be construed as following such lot, site or property holding lines;
- (e) Boundaries indicated as following the limits of an incorporated municipality shall be construed as following the limits of said municipality;
- (f) Boundaries following the centrelines of railway lines or railway rights-of-way or public utility lines or public utility rights-of-way shall be construed to be midway between the main tracks or the centre of the rights-of-way, as applicable;
- (g) If a street, lane or Government Road Allowance shown on the Zoning Map is lawfully closed, the land formerly comprising the street or lane or government road allowance shall be included within the zone of the adjoining land. However, if the street, lane or government road allowance was a zoning boundary between two or more different zones, the new zoning boundary shall be the former centreline of the closed street, lane or government road allowance, except where the closed road is being transferred to an adjoining owner and then the boundary shall follow the limit of the consolidated property.

3.3 GENERAL USE REGULATIONS APPLYING TO ALL ZONES

The general provisions applying to all zones are contained within this Part. Also applying to these zones are the provisions of Part 1 – “Definitions”, Part 2 – “Administration” and “Appendix A”.

3.3.1 INTERPRETATION OF REGULATIONS

The provisions of this Part and all zones established within shall be the minimum requirements.

3.3.2 GENERAL

No person shall cause land to be used or occupied except in conformity with this By-law; and

No land use and no building or structure shall be erected, altered, used or occupied for any use in any zone other than those listed in the respective Use and Bulk Table, except uses permitted by this Part and uses lawfully established prior to the effective date of this By-law.

3.3.3 TEMPORARY BUILDING, USE OR STRUCTURE

- (a) TEMPORARY BUILDING, USE OR STRUCTURE means a removable building, use or structure permitted on a temporary basis as is determined by Council.
- (b) A development permit for a temporary building, use or structure shall not be issued unless there is a valid development/building permit for the principal building, use or structure on the same site. The temporary permit shall be subject to such terms and conditions as required by Council or the Development Officer and may be subject to an agreement with the Town of Lac du Bonnet.
- (c) Temporary buildings, uses and structures, which are incidental and necessary to construction in the same zone may be permitted on a temporary basis, subject to the issuance of a development permit, for the following purposes:
 - (i) Storage of construction materials and equipment incidental and necessary for construction, and temporary concrete and asphalt batching plants required for highway construction;

- (ii) Office space for a contractor or developer; and
- (d) Temporary buildings, uses and structures shall not be detrimental to the public health, convenience, general welfare and/or amenity of the zone in which said uses are located. Temporary building, uses or structures must be constructed, erected and/or placed in such a manner that they can be removed upon completion of construction. Following completion of construction, temporary uses may be converted to a permitted or conditional use or accessory use, provided that all building code and zoning By-law requirements are complied with.
- (e) A development permit for a temporary building, use or structure shall be valid for a period not exceeding twelve (12) consecutive months and may be renewed by the Development Officer for two (2) additional periods of six (6) consecutive months each. Said permit shall not be further renewed except by resolution of Council of the Town of Lac du Bonnet and for periods not exceeding six (6) consecutive months each.

3.3.4 USE AND BULK TABLES

- (a) The use and bulk tables in this By-law regulate the use and development of land within that zone. Any use listed as a permitted use in a given zone may be developed on any site provided all requirements are met. Conditional uses listed in a given zone may be permitted subject to additional conditions as identified in a conditional use order, as provided for in The Act.
- (b) The use and bulk tables contained within this By-law are constructed so that most requirements for a permitted or conditional use are listed on the table. The permitted and conditional uses in a given zone are listed vertically along the left hand side. The bulk regulations pertaining to a particular use, such as site area, yard, building, parking spaces and sign requirements are listed on the table to the right of each permitted use. Where one requirement pertains to more than one use, the applicable requirement is that located in the space directly to the right of the use listed. Exceptions to specific requirements are footnoted and located at the side or at the bottom of the table.
- (c) Projections from main buildings, such as eaves and chimneys, although not permitted uses in themselves, are listed in the permitted use column. The yard requirements for projections are located on the table to the right of the projection listed and are the minimum distances that must be maintained from any projection to a site line on the site in which the building is located.
- (d) Retention of Bulk Regulations
 - (i) It shall be the continuing obligation of the owner to maintain the minimum required site area, yards and other open spaces for any use in perpetuity.
 - (ii) All required yards and other open spaces for any use shall be located on the same site as the use.
 - (iii) The required yards shall be provided and maintained even when no building or structure has been built.
 - (iv) No building or structure shall be permitted on a corner site when oriented in such a manner that reduces the front yard requirement on the street on which such corner site has its frontage.

3.3.5 FRONT YARD EXCEPTIONS

Where sites are located within a block that is developed with buildings that comprise forty percent (40%) or more of the entire block frontage (excluding reverse corner sites), the average of the front yard depths established by such buildings shall establish the minimum front yard depths for the balance of the block provided that the average is less than the required minimum front yard.

Front yard exceptions may also be noted on the Zoning Maps.

3.3.6 SUBDIVIDING LAND

- (a) No parcel of land shall be divided into smaller parcels, sites or lots unless they conform to the applicable zoning regulations.
- (b) The site requirements are as shown in the respective use and bulk tables.

3.3.7 SITE REDUCED BY PUBLIC UTILITY, SERVICE OR STREET

A site area, site width or required yard reduced below the minimum requirements by virtue of a public works, street or public utility shall be deemed to conform to the requirements of this By-law.

3.3.8 PUBLIC UTILITIES AND SERVICES

Nothing in this By-law shall be interpreted to interfere with the construction, maintenance and operation of the facilities of any public utility, or public service such as police and fire protection provided that the applicable yard and area requirements are met, as determined by this By-law or the Development Officer.

3.3.9 CONNECTING TO MUNICIPAL SERVICES

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

3.3.10 PUBLIC MONUMENTS AND STATUARY

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

3.3.11 BASEMENT DWELLING UNIT

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

3.3.12 NUMBER OF BUILDINGS PERMITTED PER SITE

Except where otherwise stated, there shall be only one main building or one main use on a parcel or zoning site. For example, a residential or seasonal residential parcel or zoning site shall contain only one (1) single-family dwelling or one (1) two-family dwelling or one (1) multiple family dwelling and their accessory buildings as permitted on the Use and Bulk Tables.

Where a site comprises 2 or more complete lots on a plan of subdivision, each site may be occupied by any permitted use in the applicable zone provided that each site complies with the minimum site area and site width requirements.

3.3.13 MULTIPLE USES OF A SINGLE SITE

When permitted, and where any parcel, site or building is used for more than one purpose or use, all requirements relating to each use, such as floor area, yard and the number of parking and loading spaces shall be satisfied. In the event of a conflict such as in the case of site area and frontage, the greater or more stringent requirements shall prevail. The requirement providing for the maximum site coverage shall also prevail.

3.3.14 HEIGHT EXCEPTIONS

The provisions of this By-law shall not limit the height of any ornamental dome, chimney, tower, electrical or telephone transmission line, television or radio mast, steeple, water storage tank, electrical apparatus or the mechanical operation of any building provided that no roof structure or usable floor space be permitted above the object's height.

3.3.15 ACCESSORY BUILDINGS AND USES PERMITTED

Accessory buildings, except as otherwise regulated in the By-law, shall be subject to the following regulations:

- (a) An attached accessory building shall conform to all regulations that apply to the main building.
- (b) Detached accessory buildings shall not be located closer than ten (10) feet from any main building, except as provided for within or except as provided for by variation.
- (c) An accessory building shall not be located within a dedicated easement or right-of-way except as provided for by said easement or right-of-way.
- (d) No accessory building shall be erected or placed on a zoning site prior to the erection of the main building except where it is necessary for the storage of the tools and materials for use during construction of the main building, as provided for in the Subsection entitled "TEMPORARY BUILDING USE OR STRUCTURE" contained in this part.
- (e) Except as provided within, an accessory building shall not include a dwelling or be used for human occupancy.
- (f) A permit may be issued to place, erect or construct a private garage or an accessory storage building prior to the erection or construction of a dwelling or other principal use.
- (g) Where a through site or parcel has a depth of less than two hundred (200) feet, an accessory building, which meets the requirements of the zone in which is located, may be located in one of the required front yards, provided such building is set back from the nearest site (street) line a distance of not less than the minimum front yard requirement of abutting parcels or sites along the same site (street) line.
- (h) Canvas Shelters are not permitted within the Town of Lac du Bonnet.

3.3.16 NOXIOUS OR OFFENSIVE USES

No use shall be permitted in any zone which may be noxious or offensive due to emissions, odours, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise, unless such use is specifically permitted in that zone.

3.3.17 SIGN REGULATIONS

The regulations in this section establish a minimum control of signs to promote the health, safety and general welfare by reducing hazards to pedestrian and vehicular traffic, and by preventing unsightly and detrimental development on residential, business and industrial uses.

The following shall apply in all zones except wherein otherwise stated:

- (a) No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- (b) No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection, or the view of the intersection of a street or highway with a railroad grade crossing.
- (c) No rotating beam or beam shall be used in connection with any sign display nor shall any flashing illumination resembling an emergency light be used for such purposes.
- (d) A flashing sign, in or within three hundred (300) feet of any residential zone, shall not be operated between the hours of 10 p.m. and 7 a.m.
- (e) All signs and sign structures shall be kept in good repair and in proper state of preservation. Obsolete signs, due to the discontinuance of the business service or activity, shall be removed or relocated within thirty (30) days following such condition. Obsolete signs may be removed by the Municipality at the owner's expense following proper notice from the Town of Lac du Bonnet.
- (f) Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except where two such faces

are placed back to back and are at no point more than two (2) feet from one another, the sign surface area of the sign shall be taken as the surface area of one face if the two faces are of equal area, or as the surface area of the larger if the two faces are of unequal area.

- (g) It is unlawful to erect or maintain any sign on, over or above a highway, street or lane, or any land or right-of-way belonging to the Municipality, unless such right is established by permit or agreement with the Municipality or Province of Manitoba, and all signs shall adhere to the applicable zoning requirements.
- (h) Sign placement within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate authority.
- (i) No advertising sign or other type of display sign shall be constructed in any zone without the approval of the Council, except as otherwise stated within and as follows.
 - (i) Signs posted by duly constituted public authorities in the performance of their public duties.
 - (ii) Flags or emblems of a political, civic, educational or religious organization.
 - (iii) Temporary signs as may be authorized by Council for not more than two months at a time by written permit which shall show the size, shape, content, height, type of construction and location of such signs.
 - (iv) "No Trespassing" "No Shooting" and "No Hunting" signs not exceeding three (3) square feet.
 - (v) Construction signs when placed on construction sites and not exceeding twenty-five (25) square feet.
 - (vi) Signs required for direction and convenience of the public including signs which identify restrooms or parking entrance or exit, not exceeding five (5) square feet in area.
 - (vii) Real estate signs not exceeding ten (10) square feet which advertise the sale, rental or lease of a building, structure, site or part thereof.

3.3.18 LOADING REQUIREMENTS

The following regulations and requirements shall apply in all commercial and industrial zones to ensure adequate loading spaces and areas:

- (a) The driveways, loading and unloading area surfaces shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles. Such areas shall, before being used, be constructed of crushed stone, slag, gravel, crushed brick (or tile), cinders, asphalt, concrete, or Portland cement binder and include drainage provisions.
- (b) Access to loading or unloading areas shall be by means of a driveway at least 20 feet wide located on the site and connecting to a street or lane.
- (c) The owner or operator of all buildings and uses involving regular and frequent receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials shall provide and maintain adequate on-site loading/unloading spaces as follows.

Each loading/unloading space shall be at least 30 feet long, 12 feet wide and have a vertical clearance of at least 14 feet.

<u>Area of Building</u>	<u>Minimum Loading Spaces</u>
Less than 5,000 square feet	Nil

Exceeding 5,000 square feet

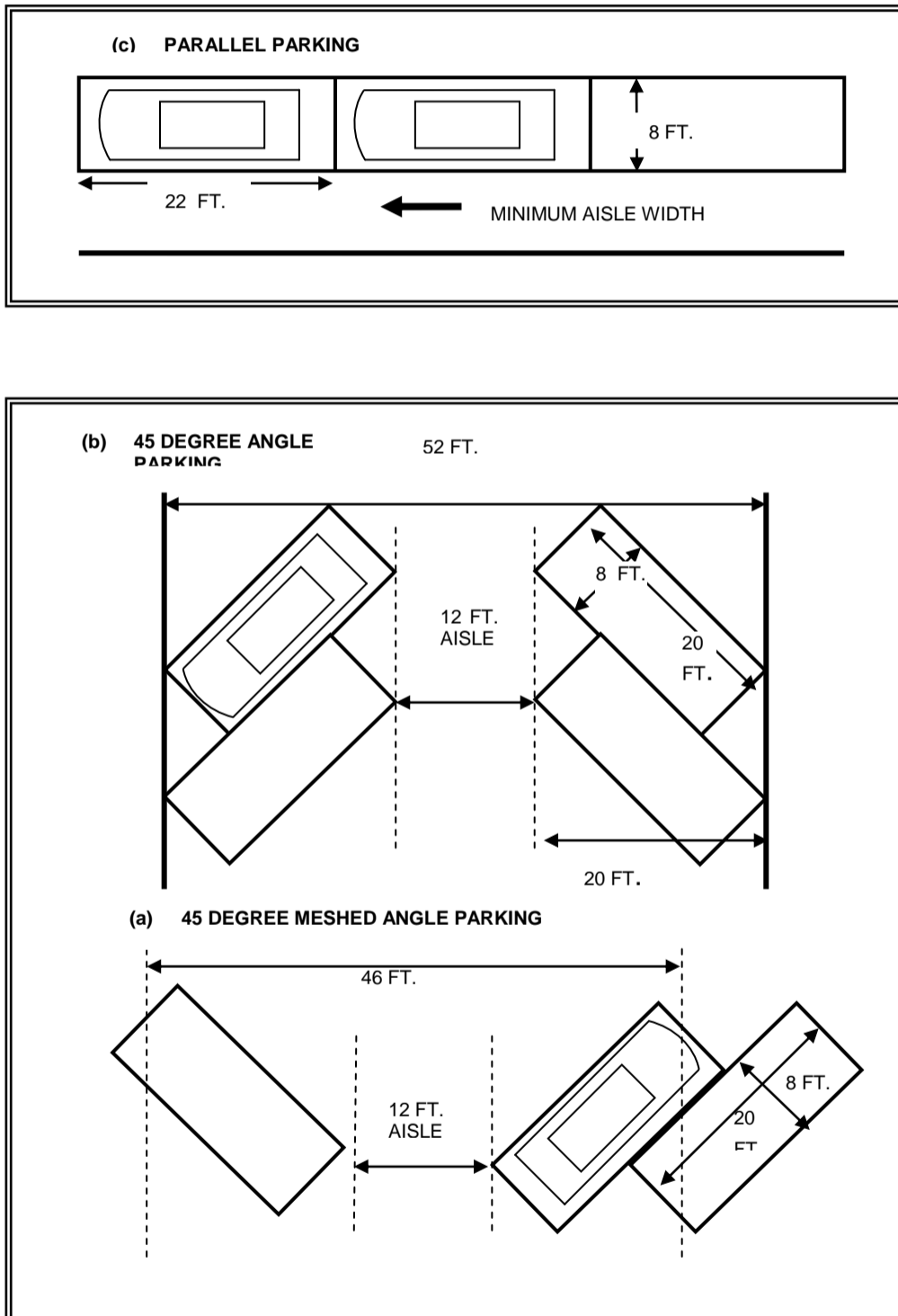
1 space plus 1 additional space for each 10,000 square feet in excess of 5,000 square feet.

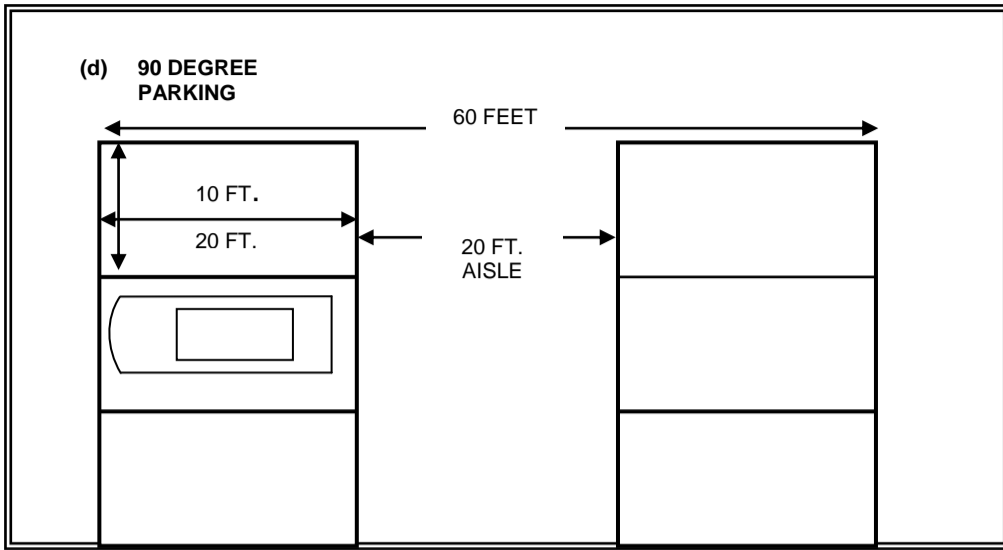
3.3.19

PARKING SPACE DIMENSIONS AND DESIGN

- (a) All parking areas and parking spaces shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles. Such areas shall, before being used, be constructed of crushed stone, slag, gravel, crushed brick (or tile), cinders, asphalt, concrete, or Portland cement binder and include drainage provisions.
- (b) The following diagrams illustrate the required parking space dimensions and design standards for any required areas listed in the applicable use and bulk tables.

FIGURE 6





3.3.20

DEMOLITION AND REMOVAL OF BUILDINGS OR STRUCTURES

Where a development permit has been obtained for the demolition or removal of a building or structure, all demolition, removal of debris, filling of excavations or basements and re-grading of the site shall be undertaken within 90 days of the date of issuance of the permit. This permit may be extended at the discretion of Development Officer due to unusual circumstances such as weather conditions and road restrictions.

PART 4 RESIDENTIAL ZONES

4.1 INTENT AND PURPOSE

The following Residential Zones are hereby established in order to carry out the intent and purpose as described below:

- (1) The **“R1” One-Family Residential Zone** provides for the development of single-family dwellings, factory built houses and modular houses.
- (2) The **“R2” Two-Family Residential Zone** provides for the development of single-family dwellings, and factory built houses in a serviced “urban” context on lots generally ranging from 6,600 to 10,000 square ft.
- (3) The **“R3” Multiple-Family Residential Zone** provides for the development of multiple family dwellings, including apartments, condominiums and seniors residences in a serviced “urban” context on lots generally ranging from 10,000 square ft. and greater.

4.2 GENERAL PROVISIONS FOR RESIDENTIAL ZONES

The provisions applying to all residential zones are contained within this part. Also applying to these zones are the provisions of Part 1 – “Definitions”, Part 2 – “Administration”, Part 3 – “Zoning” and “Appendix A”.

4.3 RESIDENTIAL USE AND BULK REGULATIONS

The Residential use and bulk regulations shall be as set forth in this Part and as set forth in Tables I and II which are the Residential Use and Bulk Tables, with the exception of uses lawfully established prior to the effective date of this By-law.

Table 1 Residential Use Table, lists all uses that are:

- “P” Permitted; and
- “C” Conditional;

In the Residential Zones. All listed uses are subject to the provisions contained herein.

For interpretation of the use and bulk tables see Section 3.3.4. “USE AND BULK TABLES”

4.4 PROHIBITED USES IN RESIDENTIAL ZONES

Barbed wire, razor wire and electrified fences are prohibited in the R1 Zone.

Apiaries, beehives and/or bee keeping are not permitted in any residential zone.

TABLE 1 RESIDENTIAL USE TABLE			
LEGEND			
	P	= PERMITTED	
	C	= CONDITIONAL	
	-	= NOT PERMITTED OF NOT APPLICABLE	
PERMITTED OR CONDITIONAL USES	RESIDENTIAL USES		
	R 1	R 2	R 3
Accessory buildings, structures and uses (see section 4.5)	P	P	P
Bed and breakfast	C	C	-
Boarding and rooming houses	-	-	C
Dwellings, single family	P	P	P
Dwellings, two family	-	P	P
Dwellings, multiple family	-	-	P
Group day care	C	C	C
Home day care	P	P	P
Home occupations	P	P	P
Planned unit development / Bareland Condominium	C	C	C
Playgrounds, tot lots, public reserve, public walkway, public park	P	P	P
Religious Institutions	C	C	C

Table II RESIDENTIAL ZONE – BULK TABLE												
MINIMUM REQUIREMENTS (n/a means not applicable)										MAXIMUM REQUIREMENTS		
USE	ZONE	SITE AREA (sq ft)	SITE WIDTH (feet)	FRONT YARD (feet)	SIDE YARD (feet)	REAR YARD (feet)	UNIT FLOOR AREA (sq. ft.)	DISTANCE TO OTHER BUILDINGS ON SITE (feet)	NO. OF PARKING SPACES REQUIRED	SITE COVERAGE %	HEIGHT (feet)	NUMBER OF SIGNS AND SIGN SURFACE AREA
Religious institution	R-1 R-2 R-3	10,000	100	30	20	5	n/a	10		50	45	PERMITTED SIGNS 1 identification sign per dwelling unit, not exceeding 4 sq. ft. in surface area and not exceeding a height of 5 ft. above grade, if free standing. Signs are not permitted to be attached to the roof of a dwelling. For all other uses, 1 identification sign having a sign surface area not exceeding 16 sq. ft. in each sign surface area to a maximum height of 8 ft. above grade. A sign shall not overhang into a public street, lane or walkway. Rotating beacons and flashing signs are not permitted
Single-family dwelling		5,000	50	30 ^a	5 15 ^b	25	800	10	1	40	30	
Home day care		n/a	n/a	30	5	25	n/a	10	1 per staff	30	30	
Home occupations		n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Playgrounds, tot lots, public reserve, public walkway, public park		n/a	n/a	30 ^a	5 15 ^b	5 ^a 15 ^a	n/a	n/a	n/a	n/a	n/a	
Planned unit development / Bareland condominium		As approved by Council in accordance with Subsection 4.1.2										
Group day care	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1 plus 1 for each employee	n/a	n/a	
Bed & breakfast	R-2	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Two-family dwelling	R-3	6,600	55	30	5 15 ^b	25	800	10	1 per dwelling	40	30	
Multiple family dwellings	R-3	10,000 for the 1 st 4 units plus 1,000 sq.ft. for each additional unit	70	30	5 15 ^b	25	800	10	1 per dwelling	50	45	
Boarding and Rooming Houses		10,000	70	30	5 15 ^b	25	1000	10	1 per adult resident incl. owner/operator	50	45	
<i>Accessory Building By-law 58/06</i>	<i>R-1 R-2 R-3</i>	<i>n/a</i>	<i>n/a</i>	<i>30</i>	<i>2 5^a</i>	<i>2</i>	<i>n/a</i>	<i>5</i>	<i>n/a</i>	<i>10</i>	<i>15</i>	

FOOTNOTES

a Yard Requirements on lands adjoining or abutting Provincial Trunk Highways or Provincial Roads must adhere to the minimum standards as determined by the Department of Transportation

b Except as noted above, the minimum side yard shall be 15 feet on the street side of a corner or reversed corner site. Additionally, where there is no attached garage, carport or public lane to the rear or side of the site, one side yard shall be a minimum of 15 feet.

c The greater distance shall apply on the street side of a reversed corner site.

d The minimum standards for parking lots and parking spaces are depicted in Subsection 3.3.20.

e The greater distance shall apply when the accessory building is not located to the rear of a dwelling. (By-law 58/06)

4.5 ACCESSORY USES

- (a) In the Residential Zones, accessory uses, buildings and structures shall be limited to the following:
 - (i) A children's playhouse, dog house, garden house, gazebo, private greenhouse, private conservatory, and private swimming pool (open or enclosed);
 - (ii) A private garage, carport, covered patio, tool house, shed or other similar building;
 - (iii) Accessory off-street parking areas;
 - (iv) Permitted signs as regulated;
 - (v) Home occupations, provided that no more than 20% of the combined floor area of the dwelling unit is devoted to the home occupation;
 - (vi) Refuse and garbage areas separate from required parking areas, buffers and open spaces for multiple-family dwellings and any other permitted or approved uses;
 - (vii) Boathouses; and

except as provided by Section 3.3.16, an accessory building shall not be erected prior to the principal dwelling and shall not be used for human occupancy.

4.6 PLANNED UNIT DEVELOPMENT (P.U.D.)/ BARELAND CONDOMINIUM DEVELOPMENT

The Bulk provisions shall be determined by Council, the design shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards of amenity, accessory off-street parking areas and other requirements and standards as established in this By-law.

Residential planned unit developments may also include accessory and supportive commercial uses, not exceeding 10% of the total floor area of the development.

In addition to the requirements of Sections 2.9 and 2.13 respectively, an application for a planned unit development Council may require an application for a planned unit to be accompanied by the following information:

- (a) Impact studies dealing with the following matters:
 - (i) A concise statement as to the general benefits of the development to the community as a whole;
 - (ii) Effect on neighbouring structure and the general residential character of any adjacent neighbourhood;
 - (iii) Effect on the skyline, views and vistas in all directions;
 - (iv) Effect on the natural environment, such as surface and subsurface of the land, pollution of groundwater, increase in surface run-off and flooding, soil erosion and vegetation;
 - (v) Safety and general welfare;
 - (vi) Sewer and storm drainage system;
 - (vii) Tax benefits to the community (tax base, assessments and land value);
 - (viii) Cost benefit-analysis; and
 - (ix) Additional information as deemed necessary to properly evaluate the proposal

4.7 AREA AND YARD REQUIREMENTS FOR TWO-FAMILY AND MULTIPLE-FAMILY DWELLINGS

A lot with a two-family or row type dwelling located thereon may be split into two or more lots provided the following regulations are complied with:

- (a) Any new lot line shall be a straight line between the front and rear lot lines, located in such a manner that the party wall of two adjacent units shall form part of the new lot line, and where the new lot line is unable to form a straight line due to the irregular shape of the lot, the location of that new lot line shall be determined by the conditions of any subdivision approval;
- (b) Each lot created shall have frontage of a street other than a lane; except in the case of a bare land condominium unit development, the common elements as defined in the Condominium Act shall be deemed to be a street for the purpose of this section.
 - (i) and for the purposes of interpreting the requirements of Multi-Family Residential Zone, the entire bare land condominium development and not the individual condominium units shall be deemed the site for the purposes of interpreting zoning by-law requirements
- (c) Unless otherwise approved, any lots created by subdividing a side-by-side, or duplex, or row-house may only be used for single-family dwellings.
- (d) Notwithstanding the minimum requirements of TABLE II, any parcel created pursuant to this Section shall have a minimum site area of 2,000 square feet and a minimum frontage of 20 feet. No side yard is required along a party wall.

4.8 PERMITTED PROJECTIONS FROM DWELLINGS AND OTHER PRINCIPAL BUILDINGS ON SITE

The following are considered permitted projections in Residential Zones:

- i) Chimneys, eaves, fire escapes provided a minimum front yard of 26 feet, side yard of 3 feet and rear yard of 22 feet exists. The projections should likewise be a minimum of 10 feet from other on-site buildings.
- ii) open unenclosed stairways and balconies, with no roofs or walls provided a 26 foot front yard, 5 foot side yard, 22 foot rear yard exists. The projections should likewise be a minimum of 10 feet from other on-site buildings.
- iii) open unenclosed porches, decks and platforms at or below level of first floor provided a minimum 20 foot front yard, 3 foot side yard and 15 foot rear yard exists. The projections should likewise be a minimum of 10 feet from other on-site buildings.

PART 5 COMMERCIAL ZONE

5.1 INTENT AND PURPOSE

The “GC” General Commercial Zone is hereby established to provide appropriate land for commercial uses and light industrial uses within the Town of Lac du Bonnet.

5.2 GENERAL PROVISIONS FOR COMMERCIAL ZONE

The provisions applying to the commercial zone are contained within this Part. Also applying to this zone are the provisions of Part 1 – “Definitions”, Part 2 – “Administration”, Part 3 – “Zoning” and “Appendix A”.

5.1.1 ACCESSORY USES

In the Commercial Zone accessory uses, buildings and structures shall be limited to the following:

- (a) A single-family apartment or dwelling unit for the owner, a watchman, or caretaker and their family, whose presence on the site is essential at all times, provided that such dwelling unit is part of the principal building;
- (b) A children’s playhouse, garden house, private greenhouse, summer house when incidental to (a) above;
- (c) A private garage, carport, covered patio, tool shed or other similar buildings;
- (d) The production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally incidental to a business, personal services and mercantile occupancies if conducted by the same ownership as the principal use and contained within a completely enclosed building;
- (e) Accessory off-street parking and loading areas as permitted and regulated in this Part;
- (f) Signs as permitted and regulated in this Part; and

5.1.2 MULTIPLE USES

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

5.1.3 OBNOXIOUS USES

No use shall be permitted in any zone under this Part which may be obnoxious or offensive due to odour, dust, refuse matter, waste, vapour, smoke, gas, vibration or noise.

5.2 COMMERCIAL ZONE - USE AND BULK REGULATIONS

The General Commercial use and bulk regulations shall be as set forth in this Part and as set forth in Tables III and IV which are the General Commercial Use and Bulk Tables, with the exception of uses lawfully established prior to the effective date of this By-law.

Table III General Commercial Use Table, lists all uses that are:

- “P” Permitted; and
- “C” Conditional;

In the General Commercial Zones. All listed uses are subject to the provisions contained herein.

For interpretation of the use and bulk tables see Section 3.3.4. “USE AND BULK TABLES”

TABLE III COMMERCIAL USE TABLE	
LEGEND P = PERMITTED C = CONDITIONAL - = NOT PERMITTED OF NOT APPLICABLE	
PERMITTED OR CONDITIONAL USE	"CG" Commercial General Zone
Arena, Stadium, Auditorium Hall	C
<i>Autobody Shop (By-law 132/12)</i>	<i>P*</i>
Automobile Service Station	P
Automobile laundry, car wash, gas bar	P
Commercial recreation facilities (amusement park, waterslides, go-cart tracks)	C
Medical Dental and Veterinary Clinic	P
Retail business	P
Professional offices and banks	P
Personal services	P
Public and private parking lots	P
Building supply sales	P
Greenhouse, nursery and garden supply sales (excluding bulk fertilizer storage)	P
Hotels, motels, beverage rooms, lounges, private clubs, recreation halls, bowling alleys, lodges	P
Miniature golf and driving ranges	P
Restaurants, drive in restaurants and other eating establishments including catering	P
Automobile, recreational vehicle, watercraft and implement sales, including service and repair and outdoor display (not including outdoor storage of derelict or parts vehicles, watercraft, etc)	P
Educational facilities	P
Bus Terminal or depot	P
Shopping centres/ shopping malls	P
Storage buildings	P
Public buildings, public garages, police station, fire station, government buildings	P
Funeral parlors	C
Carpenter/ cabinet making/ woodworking	C
Radio and TV studios	C
Pawn shop	C
Playground , public parks and tot lots	C
<i>Commercial Cleaning Facilities (By-law 67/07)</i>	<i>P</i>
<i>Residential Uses that are Secondary to or integrated with a Principle Commercial Use (By-law 86/08)</i>	<i>C</i>

**Site specific and only allowed on Lot 1 and part of Lot 2, Plan 8927, NW ¼ 17-15-11 EPM.*

TABLE IV "CG" COMMERCIAL GENERAL ZONE – BULK TABLE											
USE	MINIMUM REQUIREMENTS (N/A means not applicable)							MAXIMUM REQUIREMENTS			
	SITE AREA (acres)	SITE WIDTH (feet)	FRONT YARD ^a (feet)	SIDE YARD ^b (feet)	REAR YARD ^a (feet)	UNIT FLOOR AREA (sq. ft.)	DISTANCE TO OTHER BUILDINGS ON SITE (feet)	NO. OF PARKING SPACES REQUIRED ^c	SITE COVERAGE %	HEIGHT (feet)	NUMBER OF SIGNS AND SIGN SURFACE AREA
Accessory buildings, uses and structures.	n/a	n/a	0	0	0	n/a	10	n/a	10%	15	PERMITTED SIGNS 1 identification sign per dwelling unit, not exceeding 8 sq. ft. in surface area and not exceeding a height of 8 ft. above grade, if free standing.
<i>Autobody Shop* (By-law 132/12)</i>	5,000	50	0 ^a	0 ^b	0 ^a	800	10	2 spaces plus 1 for every 500 sq. ft. in excess of 1000 sq. ft.	40	30	
Automobile service stations, automobile laundry (car wash) and gas bars	5,000	50	0 ^a	0 ^b	0 ^a	800	10	2 spaces plus 1 for every 500 sq. ft. in excess of 1000 sq. ft.	40	30	Signs are not permitted to be attached to the roof of a dwelling. For all other uses: 1 free standing or rooftop identification or business sign having a sign surface area not exceeding 288 sq. ft. in each sign surface area to a maximum height of 30 ft. above grade.
Medical, Dental and Veterinary Clinics											
Retail businesses contained within a totally enclosed building											
Professional offices and banks											
Personal Services											
Public and private parking lots	15,000	150	0 ^a	0 ^b	0 ^a <i>By-law 60/07</i>	1000	10	1 space per 4 person seating capacity or 1 for every 500 sq. ft. of gross floor area			No restriction on number or size of non-dwelling fascia signs. A sign shall not overhang into a public street, lane or walkway. Rotating beacons and flashing signs are not permitted. CONDITIONAL USE SIGNS Advertising signs
Building supply sales including outdoor storage,											
Greenhouse, nursery, and garden supply sales (excluding bulk fertilizer storage)											
Hotels, motels, beverage rooms, lounges, private clubs, recreation halls, bowling alley, lodges											
Miniature golf and driving ranges											
Restaurants, drive in restaurants and other eating establishments including catering											
Automobile, recreational vehicle,, watercraft and implement sales, including service and repair and outdoor display (not including outdoor storage of derelict or parts vehicles, watercraft etc.)											
Educational Facilities											
Bus terminal or bus depot											
<i>Commercial Cleaning Facility (By-law 67/07)</i>											
<i>Residential Uses that are Secondary to or integrated with a Principle Commercial Use (By-law 86/08)</i>	<i>As determined by Council</i>										

**Site specific and only allowed on Lot 1 & part Lot 2, Plan 8927, NW ¼ 17-15-11 EPM.*

TABLE IV (cont'd)

“CG” COMMERCIAL GENERAL ZONE –BULK TABLE

USE	MINIMUM REQUIREMENTS (N/A means not applicable)							MAXIMUM REQUIREMENTS			
	SITE AREA (acres)	SITE WIDTH (feet)	FRONT YARD ^a (feet)	SIDE ^b YARD (feet)	REAR YARD ^a (feet)	UNIT FLOOR AREA (sq. ft.)	TO OTHER BUILDINGS ON SITE (feet)	b. NO. OF PARKING SPACES REQUIRED ^c	SITE COVERAGE %	HEIGHT (feet)	NUMBER OF SIGNS AND SIGN SURFACE AREA
Arenas, Stadiums, Auditoriums, Halls	1	100 feet for a 1 acre lot 200 feet for a two acre lot	0	0	0	2,000	10	1 space for every 500 sq. ft. of sales area, plus 1 space for every 4 persons seating capacity, plus 1 space for every 4 persons hall and assembly capacity, plus 1 space for every 1000 sq. ft. of administrative or service floor space, plus 1 space for each employee at maximum shift	60%	30	See above
Commercial recreational facilities such as amusement parks, water slides and go-cart track.											
Shopping centres and shopping malls											
Storage buildings											
Public buildings, public garages, police station, fire station and government administration buildings											
Funeral Parlours											
Carpenter/Cabinet-maker/Woodworking											
Radio and TV Studios											
Pawn Shops	n/a	n/a	0 ^a	0	0 <i>By-law 60/07</i>	n/a	n/a	40	30		
Playgrounds, public parks and tot lots											

^a Yard requirements may be 125 feet or 250 feet where abutting Provincial Trunk Highways or Provincial Roads and are subject to the Highway Traffic Board or Manitoba Transportation and Government Services. Permits may be required from either body.

^b The minimum side yard on the street side of a corner site shall be the same as the minimum front yard.

^c The minimum standards for parking lots and parking spaces are depicted in subsection 3.3.20 within. Loading requirements are listed in subsection 3.3.19 within.

Parking requirements for combined uses, shall be the combined requirements for all uses.

Ex. A 1000 sq. ft. convenience store with 40 seat restaurant and 1000 square ft. service station with 6 employees will require:

- store 2 spaces, restaurant 10 spaces, service station 2 spaces, employees 6 spaces

TOTAL 20 spaces

PART 6 OPEN SPACE ZONES

6.1 INTENT AND PURPOSE

Open Space Institutional "OI" zone provides lands for public or private recreation use. The Open Space Shore Land "OS" Zone is intended to protect shoreline areas from incompatible uses.

6.2 GENERAL PROVISIONS FOR OPEN SPACE ZONES

The general provisions applying to the Open Space Zones are contained within this part. Also applying to this zone are the provisions of Part 1 – "Definitions", Part 2 – "Administration", Part 3 – "Zoning" and "Appendix A".

6.3 SHORELAND REGULATIONS

No person shall issue or obtain a development permit on land designated as Manitoba Hydro Water Storage, Winnipeg River Power Reserve, Crown Land, Crown Reserve and/or Public Reserve unless a permit or other such authorization has been obtained from the owner / authority of said lands. **Note:** No private development, docks, wharfs and / or boat launches will be considered within the area identified by a map notation as shown on Map 1.

6.4 ACCESSORY USES

In the "OI" Open Space and Institutional Zone accessory uses, buildings and structures shall be limited to the following:

- (a) Buildings or structures incidental to a permitted or conditional use;
- (b) Buildings or structures for the operation, maintenance and administration of a permitted use; and
- (c) Signs as permitted and regulated in this Part.

In the "OS" Open Space Shoreland Zone accessory uses, buildings and structures shall be limited to the following:

- (a) Boathouses;
- (b) Boat launches, Docks and wharfs; and
- (c) Signs as permitted and regulated in this Part.

6.5 OPEN SPACE ZONES - USE AND BULK REGULATIONS

The Open Space Zones Use and Bulk regulations shall be as set forth in this Part and as set forth in Tables VII and VIII, which are the Open Space Use and Bulk Tables.

For interpretation of the use and bulk tables see Section 3.3.4. "USE AND BULK TABLES".

6.6 DOCKS AND BOATHOUSE PLACEMENT

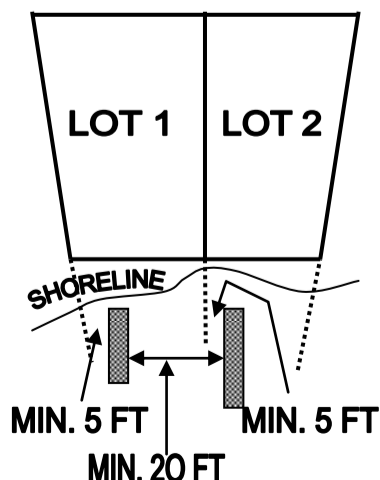


TABLE V**OPEN SPACE USE TABLE****LEGEND****P = PERMITTED****C = CONDITIONAL****- = NOT PERMITTED OF NOT APPLICABLE**

PERMITTED OR CONDITIONAL USES	COMMERCIAL ZONE	
	OPEN SPACE INSTITUTIONAL ZONE	OPEN SPACE SHORELAND ZONE
Accessory buildings and uses	P	P
Athletic Fields	P	-
Canteens and take out eating establishments when accessory to another permitted use	P	-
Churches	P	-
Conservatory	P	-
Museum	P	-
Arenas, curling rinks and recreation facilities including canteen, clubhouse, lounge, sale or rental of skating or hockey accessories and restaurants when incidental to the principal use	P	-
Government administration buildings	P	-
Public swimming pools	P	-
Golf courses – includes clubhouse, restaurant, lounge and golf accessories	P	-
Zoological gardens, aquaria and aviaries	P	-
Exhibition and fairgrounds	P	-
Historical sites	P	-
Parks, playgrounds, picnic areas, pavilions, bicycle trails	P	-
<i>Residential Care Facility</i>	<i>P</i>	<i>-</i>
<i>Senior Citizen Home (By-law 122/11)</i>	<i>P</i>	<i>-</i>
Hospitals	C	-
Cemeteries	C	-
Boathouse, docks and wharves, when accessory	-	P
Utility buildings (not exceeding 200 sq feet in area when accessory to an adjoining permitted or conditional use)	-	P
Docks and wharves, public and group docking facilities intended to serve two or more lots	C	-
Boat launching facilities	C	-

TABLE VI OPEN SPACE ZONE –BULK TABLE												
USES	Zone	MINIMUM REQUIREMENTS (N/A means not applicable)							MAXIMUM REQUIREMENTS			
		SITE AREA (acres)	SITE WIDTH (feet)	FRONT YARD ^a (feet)	SIDE YARD ^b (feet)	REAR YARD ^a (feet)	UNIT FLOOR AREA (sq. ft.)	DISTANCE TO OTHER BUILDINGS ON SITE (feet)	NO. OF PARKING SPACES REQUIRED ^d	SITE COVERAGE %	HEIGHT (feet)	NUMBER OF SIGNS AND SIGN SURFACE AREA
Accessory buildings, uses and structures.	OS OI	n/a	n/a	30	5 15 ^c	2	n/a	10	1 space for every 500 sq. ft. of sales area	10%	30	<p>b) PERMITTED SIGNS</p> <p>1 identification sign per dwelling unit, not exceeding 8 sq. ft. in surface area and not exceeding a height of 8 ft. above grade, if free standing.</p> <p>Signs are not permitted to be attached to the roof of a dwelling.</p> <p>For all other uses: 1 free standing identification or business sign having a sign surface area not exceeding 288 sq. ft. in each sign surface area to a maximum height of 30 ft. above grade</p> <p>No restriction on number or size of non-dwelling facia signs.</p> <p>A sign shall not overhang into a public street, lane or walkway.</p> <p>Rotating beacons and flashing signs are not permitted.</p>
Athletic fields	OI	1	100 feet for a 1 acre lot	30	25	25	n/a	10	1 space for every 4 persons seating capacity	60%	30	
Canteens and takeout eating establishments when accessory to another permitted use	OI											
Churches	OI											
Conservatory	OI											
Museums	OI											
Arenas and curling rinks including canteen, clubhouse, lounge, sale or rental of skating or hockey accessories, and restaurants when incidental to the principal use	OI											
Government administration buildings	OI											
Public Swimming pools	OI											
Golf courses, including clubhouse, restaurant, lounge and rental of golf accessories	OI											
Zoological gardens, aquaria and aviaries	OI											
Exhibition and Fairgrounds	OI	No minimum unless site contains buildings requiring sewage disposal facilities, in which case the above requirements shall apply	200 feet for a two acre lot	30	25	25	n/a	10	1 space for every 4 persons hall and assembly capacity	60%	30	
Historical sites	OI											
Parks, playgrounds, picnic areas, Pavilions, bicycle trails	OI	1	100	30	25	25	500	10	1 space for every 1000 sq. ft. of administrative or service floor space	10%	30	
Residential Care Facility	OI											
Senior Citizen Home (By-law 122/11)	OI											
Hospitals	OI	1	100	30	25	25	n/a	10	1 space for every 4 employee at maximum shift	60%	30	
Cemeteries	OI											

^a Yard requirements may be 125 feet or 250 feet when abutting Provincial Trunk Highways or Provincial Roads and are subject to the Highway Traffic Board or Manitoba Transportation and Government Services. Permits may be required from either body.

^b The minimum side yard on the street side of a corner site shall be the same as the minimum front yard.

^c The greater distance shall apply on the street side of a reversed corner site.

^d The minimum standards for parking lots and parking spaces are depicted in Subsection 3.3.20.

^e Barbed wire, razor wire and electrified fences are prohibited in the "OI" Zone.

^f A boathouse shall not be used for human habitation or be used for or contain any sleeping accommodation.

^g An applicant must first obtain a permit or licence from the owner of the property, ex. Manitoba Hydro or Manitoba Crown Lands Branch, prior to the issuance of a development and/or building permit. Refer to Section 6.1.1.

A permit may also be required from the federal Department of Fisheries and Oceans should the permit involve construction along the shoreline, or over or in the waterway.

TABLE VI (Cont'd) OPEN SPACE ZONE –BULK TABLE												
		MINIMUM REQUIREMENTS (N/A means not applicable)								MAXIMUM REQUIREMENTS		
USE	ZONE	SITE AREA (acres)	SITE WIDTH (feet)	FRONT YARD (feet)	SIDE YARD (feet)	REAR YARD (feet)	UNIT FLOOR AREA (sq. ft.)	DISTANCE BETWEEN DOCKS, WHARVES BOATHOUSES	NO. OF PARKING SPACES REQUIRED	WIDTH AND AREA	HEIGHT (feet)	NUMBER OF SIGNS AND SIGN SURFACE AREA
Boathouses, docks and wharves, private, when accessory to a permitted or conditional use on an adjoining or adjacent site. ^{f g}	OS	n/a	n/a	n/a	5 ft. from straight line projection of related lot lines. (See sketch)	n/a	n/a	20 ft.	n/a	20 ft. width 520 sq. ft. area	15	PERMITTED SIGNS 1 identification sign per dock, boathouse or wharf, not exceeding 8 sq. ft. in surface area and not exceeding a height of 8 ft. above grade, if free standing. Signs shall not overhang into a public street, lane or walkway. Rotating beacons and flashing signs are not permitted
Utility buildings, not exceeding 200 sq. ft. in area, when accessory to an adjoining permitted or conditional use. ^g	OS	n/a	n/a	n/a		n/a	n/a	n/a	n/a	200 sq. ft.	15	
Docks and wharves, public and group docking facilities intended to serve two or more lots.	OS	n/a	n/a	n/a	n/a	n/a	n/a	20 ft.	1 per docking space or boat slip	n/a	15	
Boat launching facilities	OS	n/a	n/a	n/a	n/a	n/a	n/a	20 ft.	As determined by Council	n/a	15	

^a Yard requirements may be 125 feet or 250 feet when abutting Provincial Trunk Highways or Provincial Roads and are subject to the Highway Traffic Board or Manitoba Transportation and Government Services. Permits may be required from either body.

^b The minimum side yard on the street side of a corner site shall be the same as the minimum front yard.

^c The greater distance shall apply on the street side of a reversed corner site.

^d The minimum standards for parking lots and parking spaces are depicted in Subsection 3.3.20.

^e Barbed wire, razor wire and electrified fences are prohibited in the "OI" Zone.

^f A boathouse shall not be used for human habitation or be used for or contain any sleeping accommodation.

^g An applicant must first obtain a permit or licence from the owner of the property, ex. Manitoba Hydro or Manitoba Crown Lands Branch, prior to the issuance of a development and/or building permit. Refer to Section 6.1.1.

A permit may also be required from the federal Department of Fisheries and Oceans should the permit involve construction along the shoreline, or over or in the waterway.

PART 7 AGRICULTURAL ZONE

7.1 INTENT AND PURPOSE

The “AL” Limited Agriculture Zone provides for agricultural uses on a restricted basis.

7.2 GENERAL PROVISIONS FOR AGRICULTURAL ZONE

The provisions applying to the agricultural zone are contained within this part. Also applying to this zone are the provisions of Part 1 – “Definitions”, Part 2 – “Administration”, Part 3 – “Zoning” and “Appendix A”.

7.3 The “AL” Limited Agriculture Zone provides for agricultural uses on a restricted basis in areas adjacent to urban centres, rural residential and recreation areas to avoid land use conflicts. The intensity and type of uses may be limited.

7.4 ACCESSORY USES

In the Agricultural Zone accessory uses, buildings and structures shall be limited to the following:

- (a) Buildings or structures for the operation and maintenance of an agricultural activity;
- (b) Storage of goods used in or produced by agricultural activities on the same, site activities unless with such such storage is excluded by the zoning regulations;
- (c) A machine shop, repair shop, welding shop, garage or other similar use;
- (d) Signs as permitted and regulated in this part;

7.5 AGRICULTURAL ZONE USE AND BULK REGULATIONS

7.6 The Limited Agriculture use and bulk regulations shall be as set forth in this Part and as set forth in Tables VII and VIII which are the Limited Agriculture Use and Bulk Tables, with the exception of uses lawfully established prior to the effective date of this By-law.

Table VII Limited Agriculture Use Table, lists all uses that are:

- “P” Permitted; and
- “C” Conditional;

In the Limited Agriculture Zones. All listed uses are subject to the provisions contained herein.

For interpretation of the use and bulk tables see Section 3.3.4. “USE AND BULK TABLES”

TABLE VII**LIMITED AGRICULTURE USE TABLE****LEGEND****P = PERMITTED****C = CONDITIONAL****- = NOT PERMITTED OF NOT APPLICABLE**

PERMITTED OR CONDITIONAL USE	"CG" Commercial General Zone
Accessory buildings, structures and uses	P
Single family dwellings	P
Agricultural operations, excluding livestock production operations	P
Greenhouses	P
Stable	P
Sale of agricultural products produced on site when accessory to a permitted or conditional use, including any related structures	P
Parks and playgrounds	P
Home occupation	P
Day care	P
Home business	C
Landscaping/ gardening/ contracting	C

TABLE VIII "AL" LIMITED AGRICULTURAL ZONE - BULK TABLE

USE	MINIMUM REQUIREMENTS (n/a not applicable)							MAXIMUM REQUIREMENTS		
	SITE AREA (acres)	SITE WIDTH (feet)	FRONT YARD (feet) ^a	SIDE YARD (feet) ^b	REAR YARD (feet) ^a	UNIT FLOOR AREA (sq. ft.)	DISTANCE TO OTHER BUILDINGS ON SITE (feet)	SITE COVERAGE	HEIGHT (feet) ^c	NUMBER OF SIGNS AND SIGN SURFACE AREA
Accessory buildings, structures and uses, except dwellings	N/A	N/A	125	25 ^b	25	n/a	10	n/a	30 ^c	<p>c) PERMITTED SIGNS</p> <p>1 identification sign per dwelling unit, not exceeding 8 sq. ft. in surface area and, if free standing not exceeding a height of 8 ft. above grade.</p> <p>Signs are not permitted to be attached to the roof of a dwelling.</p> <p>For all other uses: 1 identification or business sign having a sign surface area not exceeding 288 sq. ft. in each sign surface area to a maximum height of 30 ft. above grade.</p> <p>No restriction on number or size of non-dwelling facia signs.</p> <p>A sign shall not overhang into a public street, lane or walkway.</p> <p>Rotating beacons and flashing signs are not permitted.</p> <p>CONDITIONAL USE SIGNS</p> <p>Advertising signs</p>
Single family dwelling	2	200	125	25 ^b	25	800	10 ^c	n/a	30 ^c	
Agricultural operations, excluding livestock production operations	40	300	125	25 ^b	25	n/a	10	n/a	30 ^c	
Greenhouses	10	200	125	25 ^b	25	n/a	10	n/a	30 ^c	
Sale of agricultural products produced on site, when accessory to a permitted or conditional use, including any related structures	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Parks and Playgrounds	n/a	n/a	125	25 ^b	25	n/a	n/a	n/a	n/a	
Home occupation	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Home businesses	n/a	n/a	125	25 ^b	25	n/a	10	n/a	30	
Landscape gardeners and landscape contractors	20	300	125	25 ^b	25	n/a	10	n/a	30	
Daycare	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	

Section 1.02 FOOTNOTES

^a Yard requirements may be 125 feet or 250 feet where abutting Provincial Trunk Highways or Provincial Roads and are subject to the Highway Traffic Board or Manitoba Transportation and Government Services. Permits may be required from either body.

^b The minimum side yard on the street side of a corner site shall be the same as the minimum front yard.

^c The maximum height shall exclude grain storage structures, grain augurs and other facilities directly required for processing grain.

APPENDIX A – MAP

MAP 1: is a large map and forms part of the Zoning By-law