

## TOWN OF WINNIPEG BEACH

### BY-LAW NO. 14-2015

BEING a By-law of the Town of Winnipeg Beach to amend the Town of Winnipeg Beach Zoning By-law No. 8-2012, as amended;

WHEREAS Section 80 of *The Planning Act* provides that a Zoning By-law may be amended;

NOW THEREFORE the Council of the Town of Winnipeg Beach, in a meeting duly assembled, enacts as follows:

- 1) THAT Section 9.0, "R1-5 Residential Single Family Zone" Subsection "9.5 Site Regulations Accessory Uses and Buildings, Building Area max. 800 sq. ft." be amended to "1,200 sq. ft."
- 2) THAT Section 10.0, "R1-12 Residential Single Family Zone" Subsection "10.5 Site Regulations Accessory Uses and Buildings, Building Area max. 1,000 sq. ft." be amended to "1,200 sq. ft."
- 3) THAT Section 11.0, "RM Residential Multiple Family Zone" Subsection "11.6 Site Regulations Accessory Uses and Buildings, Building Area max. 800 sq. ft." be amended to "1,200 sq. ft."
- 4) THAT Section 13.0, "CC: Commercial Central Zone," Subsection 13.6, Item 5) be replaced with the following:
  - "5) A dwelling unit(s) may be permitted if located above the first storey or within the rear half of the first story of a commercial building."
- 5) THAT Section 14.0, "CH: Commercial Highway Zone," Subsection "14.3 Conditional Uses" be amended by adding the following items to the table and re-numbering accordingly:
  - "9) Dwelling, Multiple Family
  - 10) Dwelling, Semi-Detached
  - 11) Dwelling, Townhouse or Row
  - 12) Dwelling, Two Family"
- 6) THAT Section 14.0, "CH: Commercial Highway Zone," Subsection 14.6, Item 6) be replaced with the following:
  - "6) A dwelling unit(s) may be permitted if located above the first storey or within the rear half of the first story of a commercial building."
- 7) THAT Section 14.0 "CH: Commercial Highway Zone," be amended by adding the following subsection:

**"14.7 Additional Regulations for Conditional Uses Only**

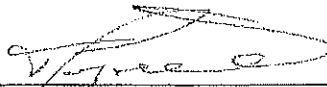
  - 1) Multiple Family, Two Family, Semi-Detached, Townhouse or Row Dwellings shall be developed in accordance with Section 11.0 of this By-law."
- 8) THAT Section 38.0 "Accessory Uses and Buildings," Subsection 38.1 "Accessory Uses and Buildings: General Regulations" be amended by adding the following after item "4) No accessory building or structure shall be constructed on any site prior to the construction of the principal building to which it is accessory":
  - "5) Accessory buildings or structures may contain plumbing subject to appropriate utility connections to the primary building."
- 9) THAT Section 56.0 "Guest House," Item 6) be amended by deleting "and or bathroom".

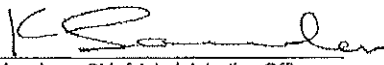
DONE AND PASSED by the Council of the Town of Winnipeg Beach assembled in Winnipeg Beach  
in the Province of Manitoba this 9<sup>th</sup> day of December A.D. 2015.

READ A FIRST TIME THIS 14<sup>th</sup> day of October A.D. 2015. (Resolution #345/2015)

READ A SECOND TIME THIS 9<sup>th</sup> day of December A.D. 2015. (Resolution #395/2015)

READ A THIRD TIME THIS 9<sup>th</sup> day of December A.D. 2015. (Resolution #396/2015)

  
\_\_\_\_\_  
(Tony Pimentel, Mayor)

  
\_\_\_\_\_  
Kerry Lawless, Chief Administrative Officer

TOWN OF WINNIPEG BEACH

BY-LAW NO. 08-2014

BEING a By-law of the Town of Winnipeg Beach to amend the Town of Winnipeg Beach Zoning By-law No. 8-2012;

WHEREAS Section 80 of *The Planning Act* provides that a Zoning By-law may be amended;

NOW THEREFORE the Council of the Town of Winnipeg Beach, in a meeting duly assembled, enacts as follows:

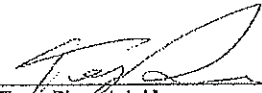
That Appendix "A", Town of Winnipeg Beach Zoning Map 1 attached to and being part of the Town of Winnipeg Beach By-law No. 8-2012 is hereby amended by rezoning Part Lot 6, Block 7, Plan 2831 from "R1-5" Residential Single Family Zone to "RM" Residential Multiple Family Zone, as shown outlined in a heavy dashed line on the map attached hereto and marked as Schedule "A" to this By-law.

DONE AND PASSED by the Council of the Town of Winnipeg Beach assembled in Winnipeg Beach in the Province of Manitoba this 11<sup>th</sup> day of March A.D. 2015.

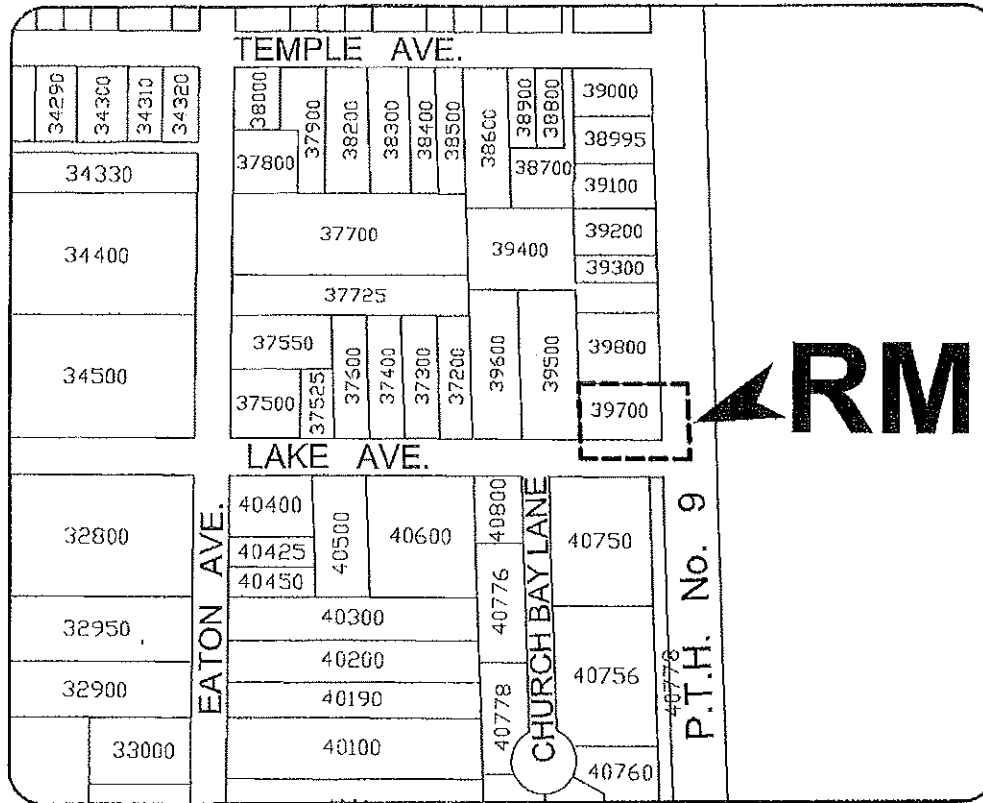
READ A FIRST TIME THIS 8<sup>th</sup> day of October A.D. 2014.

READ A SECOND TIME THIS 12<sup>th</sup> day of November A.D. 2014.

READ A THIRD TIME THIS 11<sup>th</sup> day of March A.D. 2015.

  
\_\_\_\_\_  
Tony Pimentel, Mayor

  
\_\_\_\_\_  
Kerry Lawless, Chief Administrative Officer



### SCHEDULE "A"

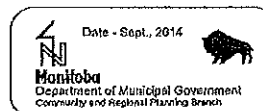
Attached to By-law No. 08-2014  
of the Town of Winnipeg Beach,  
amending Zoning Map 1 of the  
Town of Winnipeg Beach Zoning  
By-law No. 8-2012.

### LEGEND:

Portion to be rezoned

FROM: "R1-5" Residential Single Family Zone  
TO: "RM" Residential Multiple Family Zone

### TOWN OF WINNIPEG BEACH Zoning Amendment Pt. S.E. 33-17-4E.



Town of Winnipeg Beach

ZONING BY-LAW NO. 8-2012

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

WHEREAS pursuant to Section 40 of *The Planning Act*, the Board of the Eastern Interlake Planning District has prepared a revised Development Plan;

AND WHEREAS the Town of Winnipeg Beach is a member of the Eastern Interlake Planning District;

AND WHEREAS Section 68 of the Planning Act provides that a municipal council must adopt a Zoning By-Law that is generally consistent with the Development Plan;

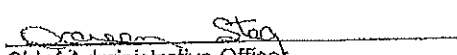
AND WHEREAS, it is deemed desirable and expedient to repeal By-Law No. 13/2004 and all amendments thereto and substitute therewith a new Zoning By-Law;

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

1. The Zoning By-law No. 8-2012 attached hereto is hereby adopted;
2. The By-law shall be known as the Town of Winnipeg Beach Zoning By-law No. 8-2012;
3. By-law 13/2004 and all amendments thereto are repealed;
4. The Town of Winnipeg Beach Zoning By-Law No. 8-2012 shall take force and effect on the date of third reading;

DONE AND PASSED in Council duly assembled at the Town of Winnipeg Beach, Manitoba, this 12<sup>th</sup> day of December, 2012.

  
Mayor

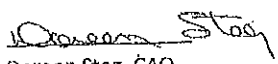
  
Chief Administrative Officer

READ A FIRST TIME the 12<sup>th</sup> day of September, 2012.

READ A SECOND TIME the 14<sup>th</sup> day of November, 2012.

READ A THIRD TIME the 12<sup>th</sup> day of December, 2012.

Certified to be a true and exact copy of By-Law No. 8-2012 given third reading and passed on the 12<sup>th</sup> day of December, 2012.

  
Doreen Steg, CAO

Town of Winnipeg Beach

# **TOWN OF WINNIPEG BEACH ZONING BY-LAW**

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## THE ZONING MAP



## Sections 1 – 7: Operative and Interpretive Clauses

### **1.0 Title and Contents**

#### **1.1 Title**

This By-law may be cited as the Town of Winnipeg Beach Zoning By-law.

#### **1.2 Intent and Purpose**

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

- 1) To implement the objectives and policies of the *Eastern Interlake Planning District Development Plan*.
- 2) To outline the powers and duties of Council, the Development Officer and the landowner and/or developer as they relate to this By-law.
- 3) To regulate the following:
  - a) all buildings and structures erected hereafter;
  - b) all uses or changes in use of all buildings, structures and land established hereafter;
  - c) all structural alterations or relocations of existing buildings and structures occurring hereafter; and
  - d) all enlargements or additions to existing buildings, structures and uses.

#### **1.3 Contents of the By-law**

The contents of this By-law include:

- 1) Section 1.0 to Section 7.0, outlines the Operative and Interpretive Clauses.
- 2) Section 8.0 to Section 20.0, outlines all of the Zone clauses.
- 3) Section 21.0 to Section 56.0, outlines General Administrative Clauses, General Development Regulations and Special Land Use Regulations.
- 4) The last page of the Zoning By-Law is the Zoning Map.

#### **1.4 Headings and Titles**

Notwithstanding any other regulation of this By-law or any other By-law passed by Council to the contrary, headings and titles within this By-law shall be deemed to form a part of the text of this By-law.

#### **1.5 Minimum Regulations**

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

#### **1.6 Units of Measurement**

This By-law contains imperial measurements.

#### **1.7 Effective Date**

This By-law shall be in full force and effect when it is given Third Reading by the Council of the Town of Winnipeg Beach.

#### **1.8 Control of Development**

No development, other than that designated in Section 25.1, shall be undertaken in the Municipality unless an application has been approved and the development permit has been issued.

## Sections 1 – 7: Operative and Interpretive Clauses.

### **1.9 Relationship to Former By-law**

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

### **1.10 Interpretation**

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

### **1.11 Validity**

Should any section or part of a section of this By-law be declared invalid by a court of competent jurisdiction, the same shall not affect regulations of the By-law as a whole or any part thereof beyond that which is declared invalid.

## **2.0 Non-Conforming Buildings, Structures, Lots and Uses**

- 1) When on or before the day on which this By-law or any By-law for the amendment of it comes into force, a development permit has been issued, and the enactment of the By-law would render the development in respect of which the permit was issued a non-conforming building, structure, lot, or use, the development permit continues in effect notwithstanding the enactment of the By-law.
- 2) Any lawful building or structure which does not conform to one or more of the applicable yard regulations of the Zone in which it is located, either on the effective date of this By-law or amendments thereto, shall be deemed to be a permitted building or structure and shall be used as if it conformed to all such regulations, in accordance with Section 2.0(5) hereof.
- 3) Any legal existing lot which does not conform to the minimum site area, site width, front yard or access regulations hereof for the Zone where it is located, shall be deemed to be a permitted lot and shall be used as if it conformed to all such regulations, in accordance with Section 2.0(5) hereof.
- 4) Any lawful use of a building, structure or lot, or portion thereof, which does not conform to one or more of the applicable use regulations of the Zone in which it is located, either on the effective date of this By-law or amendments thereto, shall be deemed to be a permitted use and shall be used as if it conformed to all such regulations, in accordance with Section 2.0(5) hereof.
- 5) A non-conforming use of land or a non-conforming use of a building may be continued, but if that use is discontinued for a period of twelve consecutive months or more, any future use of the land or building shall conform to the regulations of this By-law.
- 6) A non-conforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continues.
- 7) A non-conforming use of part of a building may be extended throughout the building. But the building, whether or not it is a non-conforming building shall not be enlarged, added to, or structurally altered if the line of non-conformity is increased.
- 8) A non-conforming building may continue to be used, but the building shall not be enlarged, added to, rebuilt or structurally altered unless:
  - a) the line of non-conformity is not increased; or
  - b) it may be necessary to make it a conforming building; or

## Sections 1 – 7: Operative and Interpretive Clauses

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- c) as the Development Officer considers necessary for the routine maintenance of the building.
- 9) Where a building or structure that does not conform to the regulations of this By-law or amendments thereto is destroyed or damaged to an extent that in the opinion of Council, is 50% or more of the replacement value of the building or structure above its foundation, the building or structure shall not be repaired or rebuilt except in conformity with the regulations of this By-law.
- 10) The use of land or the use of a building is not affected by change of ownership, tenancy or occupancy of the land or building.
- 11) Notwithstanding Section 2.0(1) to Section 2.0(10), as per the Act a non-conformity may be altered by way of variation order by Council.

### 3.0 The Zoning Map

The Zoning Map is Part VI of this By-law. It divides the Town of Winnipeg Beach into Zones and specifies regulations applying to particular lands.

#### 3.1 Zone Boundaries

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

- 1) Where a Zone boundary is shown as approximately following the centre of streets, lanes or other public thoroughfares, it shall be deemed to follow the centre line thereof.
- 2) Where a Zone boundary is shown as approximately following the boundary of a site, the site boundary shall be deemed to be the boundary of the Zone for that portion of the Zone boundary which approximates the site boundary.
- 3) Where a Zone boundary is shown approximately following municipal limits, it shall be deemed to be following municipal limits.
- 4) Where a Zone boundary is shown as approximately following the centre of pipelines, railway lines, or utility easements, it shall be deemed to follow the centre line of the right-of-way thereof.
- 5) Where a Zone boundary is shown as being parallel to or as an extension of features noted above, it shall be so construed.
- 6) Where features on the ground are at variance with those shown on the Zoning Map or in other circumstances not mentioned above, the Development Officer shall interpret the Zone boundaries. Any such decision may be appealed to Council.
- 7) Where a Zone boundary is not located in conformity to the regulations of Section 3.1(1) to Section 3.1(6), and in effect divides or splits a registered parcel of land, the disposition of such boundary shall be determined by dimensions indicated on the Zoning Map or by measurements directly scaled from that Map.

#### 3.2 Right-of Way Boundaries

- 1) Notwithstanding anything contained in this By-law, no Zone shall be deemed to apply to any public roadway and any public roadway may be designed, constructed, widened, altered, redesigned and maintained in such manner as may be determined by Council and Manitoba Infrastructure and Transportation, where applicable.

## Sections 1 – 7: Operative and Interpretive Clauses

- 2) Where any public roadway is closed pursuant to the regulations of *The Municipal Act*, as amended, the land contained therein shall there upon be deemed to carry the same Zone as the abutting land.
- 3) Notwithstanding Section 3.2(2), where such abutting lands are governed by different Zones, the centre line of the public right-of-way shall be deemed to be the Zone boundary.

### 4.0 Approval Required for Development

No person:

- 1) shall commence, or cause or allow to be commenced, a development without a development permit which has been issued under the regulations of this By-law; or
- 2) shall carry on, or cause or allow to be carried on a development without a development permit which has been issued under the regulations of this By-law.

### 5.0 Other Legislation

#### 5.1 Compliance

- 1) A person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with:
  - a) the regulations of the *Manitoba Building Code* and the *National Building Code*;
  - b) the *Eastern Interlake Planning District Development Plan*;
  - c) the *Town of Winnipeg Beach Building By-law*;
  - d) any other appropriate federal, provincial or municipal legislation; and
  - e) the conditions of any caveat, covenant, site plan, development agreement, variance or conditional use order, easement or other instrument affecting a building or land.
- 2) Whenever regulations contained in any appropriate federal, provincial or municipal legislation impose overlapping regulations, laws or policies over the use of land, buildings or structures, or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest standard shall apply.
- 3) Whenever the regulations of a special agreement or development agreement entered into between the Town of Winnipeg Beach and a developer impose overlapping regulations over the use of land, buildings or structures, or contain any restrictions covering any of the same subject matter contained in this By-law, the most restrictive or highest standard shall govern.
- 4) The Province of Manitoba and the Government of Canada are not bound or restricted by any regulation of this By-law. The said governments are encouraged, however, to permit only those developments that are consistent with the regulations of this By-law.

#### 5.2 Public Utilities and Services

- 1) Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any public utility or protective and emergency service, as defined in this By-law.

## Sections 1 – 7: Operative and Interpretive Clauses

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### 6.0 Definitions

#### 6.1 General Definitions

Terms and words in this By-law which are defined in *The Planning Act* have the meaning expressed in the *Act*. Other terms and words, unless the context otherwise requires, are defined as follows:

- 1) **Abut or abutting** means immediately continuous to or physically touching, and when used with respect to a lot or site, means that the lot or site physically touches upon another lot, site, or piece of land, and shares a property line or boundary line with it.
- 2) **Accessory** means, when used to describe a use or building, a use or building naturally or normally incidental, subordinate, and exclusively devoted to the principal use or building, and located on the same lot or site.
- 3) **Act** means *The Planning Act*, being Chapter P80 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.
- 4) **Agricultural Implement Sales and Service** means a building and open space area used for display, sale and rental of new or used farm implements that includes repair work.
- 5) **Aircraft Landing Field** means any area of land or water is used or intended for a use for the landing or taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities, including taxiways, aircraft storage and hangars.
- 6) **Alteration** means a change or modification to an existing building, structure or use which, unless otherwise provided for herein, does not increase the exterior dimensions with respect to height and area.
- 7) **Amusement Establishment** means a facility within any building, room or area having table games or electronic games played by patrons for entertainment. This Use Class includes arcades but does not include Carnivals or Indoor Participant Recreation Services.
- 8) **Animal Shelter and Veterinary Service** means a development used for the care and treatment of small animals where the veterinary services primarily involve outpatient care and minor medical procedures. All animals shall be kept in an enclosed building. This use class includes pet clinics and veterinary offices.
- 9) **Attached**, when used in reference to a building, means a building otherwise complete in itself, which is dependent for structural support, or complete enclosure, upon a wall or walls shared in common with an adjacent building or buildings.
- 10) **Auctioning Establishment** means a development specifically intended for the auctioning of goods and equipment, including temporary storage of such goods and equipment.
- 11) **Automotive and Equipment Repair Shop** means a development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This Use Class includes transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops. This Use Class does not include body repair and paint shops.
- 12) **Automotive and Recreational Vehicle Sales** means the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, utility trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance

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- services and sale of parts. This Use Class includes automobile dealership, car rental agencies and motorcycle dealerships.
- 13) **Basement** means the portion of a building or structure which is wholly or partially below grade, having above grade no more than 6 ft. of its clear height which lies below the finished level of the floor directly above or being a minimum depth of 4 ft.
- 14) **Bed and Breakfast Home** means a principal dwelling where sleeping accommodation with or without light meals is provided to members of the travelling public for remuneration.
- 15) **Blank Walls** means exterior walls containing no windows, doors or other similar openings.
- 16) **Building** means any structure used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment.
- 17) **Building Area** means the horizontal area measured within the outside of the exterior walls of the ground floor of all accessory buildings on a lot.
- 18) **Bulk Storage Facility** means a place for the outdoor storage or tank storage of large quantities of raw materials or industrial related goods such as liquids, gases, minerals, pipes, gravel, fertilizers, and grain. This Use Class does not include anhydrous ammonia facilities.
- 19) **Business Support Service** means a development used to provide support services to businesses which are characterized by one or more of the following features: the use of minor mechanical equipment for printing, duplicating, binding or photographic processing, the provision of office maintenance or custodial services, the provision of office security, and the sale, rental, repair or servicing of office equipment, furniture and machines. Typical uses include printing establishments, film processing establishments, janitorial firms and office equipment sales and repair establishments.
- 20) **By-law Officer** means a law enforcement employee designated by the Board or Town to enforce noncriminal by-laws, rules, laws, codes or regulations enacted by the Town of Winnipeg Beach or the Eastern Interlake Planning District Board.
- 21) **Canopy** means a roof-like ornamental, architectural structure.
- 22) **Cemetery** means a development of a parcel of land, primarily a landscaped open space for the entombment of the deceased, and may include the following accessory developments: crematories, cenerarium, columbarium, and mausoleums. Typical uses in this class include memorial parks, burial grounds and gardens of remembrance.
- 23) **Child Care Service** means a development licensed by the Province to provide daytime personal care and education to children, but does not include overnight accommodation. Typical uses include day care centres, day nurseries, kindergartens, nursery schools and play schools.
- 24) **Commercial Resort** means a commercial recreation establishment that may consist of one or more buildings containing single or Dwelling, Multiple Family units, as well as recreational and service facilities used on a seasonal basis. Other facilities that may be a part of the commercial resort development include tourist campsites, hotels, retail stores, eating and drinking establishments and outdoor participant recreation services.
- 25) **Commercial School** means a development used for training and instruction in a specific trade, skill or service for the financial gain of the individual or company owning the school. Typical uses include secretarial, business, hairdressing, beauty culture, dancing or music schools.

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- 26) **Community Recreation Service** means a development for recreational, social or multi purpose use without fixed seats and primarily intended for local community purposes. Typical uses include community halls and community centres.
- 27) **Conditional Uses** means those uses of land, buildings or structures which may be permitted in a particular Zone but only at the discretion of Council in accordance with Part 7 of the *Act*.
- 28) **Condominium** means individual ownership of a unit in a multi-unit structure where expenses common to all parties are shared.
- 29) **Condominium Bare Land Unit** means a unit of land defined by delineation of its horizontal boundaries without reference to any buildings on a condominium plan.
- 30) **Condominium Unit** means a part of the land or building that is designated as a unit by the condominium plan, and is comprised of the space enclosed by its boundaries and all material parts of the land within this space at the time the condominium declaration and plan are registered.
- 31) **Construction or Constructed** means the physical location, erection, increase or decrease in size of any building or structure or ground including any excavation, building, drilling, digging, alteration, addition, extension, location, relocation, demolition, replacement and/or development.
- 32) **Convenience Retail Store** means a development used for the retail sale of those goods required by area residents or employees on a day-to-day basis, from business premises which do not exceed 2,960.17 sq. ft. in gross floor area. Typical uses include small food stores, drug stores, and variety stores, selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter.
- 33) **Convenience Vehicle Rentals** means a development used for the rental of new or used automobiles, light trucks and utility trailers. This Use Class includes those establishments which are not strictly office in nature, but include, as an integral part of the operation, minor vehicle servicing, storing, fuelling or car washing facilities.
- 34) **Conversion** means a change in use of land or a building or an act done in relation to land or a building that results, or is likely to result, in a change in the use of such land or building without involving major structural alterations.
- 35) **Council** means the Council of the Municipal Corporation of the Town of Winnipeg Beach.
- 36) **Curb Cutting** means the cutting or lowering of a curb, sidewalk or boulevard, or any of them, to provide a driveway for vehicular and pedestrian access to a site.
- 37) **Custom Manufacturing Establishment** means a development used for small-scale on-site production of goods by hand manufacturing, primarily involving the use of hand tools. Typical uses include jewellery, toy and musical instrument manufacturing, gunsmiths, and pottery and sculpture studios.
- 38) **Designated Officer** means an employee or officer of a planning district or municipality who is designated to carry out a power or responsibility in accordance with the *Act*.
- 39) **Development Officer** means an employee or officer designated by the Board to carry out the power or responsibilities in accordance with the provisions of this By-law and the *Act*.

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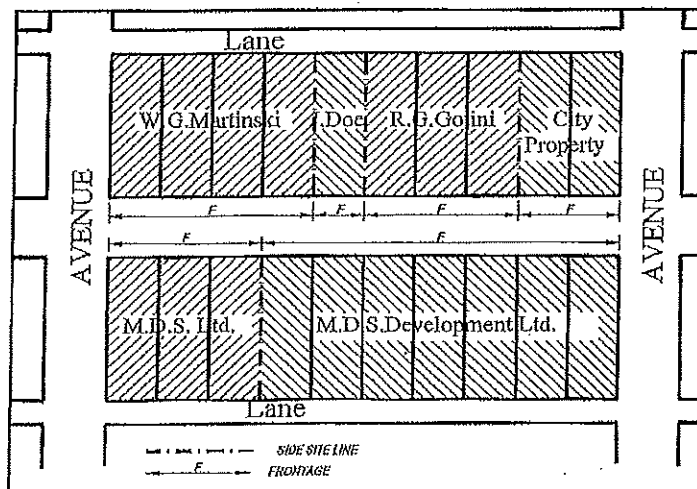
- 40) **Development Permit** means a permit issued by the Eastern Interlake Planning District authorizing development, and may include a building permit.
- 41) **Development Plan** means the *Eastern Interlake Planning District Development Plan* adopted by By-law No. 02-2010 and amendments thereto.
- 42) **Drive-In Food Service** means a development used for eating and drinking which offer a limited menu produced in a manner that allows rapid customer service and include one or more of the following features: car attendant services; drive-through food pickup services; or parking primarily intended for the on-site consumption of food within a motor vehicle.
- 43) **Dwelling, Manufactured Home** means a factory built dwelling unit certified prior to the placement on the lot as having been built as a modular home in accordance with CSA building regulations, being placed on a permanent foundation, having its chassis or frame permanently removed, and arriving at the lot ready for occupancy apart from incidental operations and connections.
- 44) **Dwelling, Modular Home** means a building assembly or system of building sub-assemblies manufactured in its entirety, or in substantial part, off-site and transported to the point of use for installation on-site, with or without other specified components, as a finished building or as part of a finished building in accordance with CSA building regulations. Modular homes need not have electrical, plumbing, heating, ventilation, insulation or other service systems, but when such systems are installed at the off-site manufacture or assembly point, they shall be deemed a part of such building or system of building assemblies. Modular homes do not include open frame construction which can be completely inspected on-site.
- 45) **Dwelling, Multiple Family** means a building containing three or more dwelling units served by common corridors and entrance. Each dwelling unit shall be designed for and used by one family.
- 46) **Dwelling, Semi-Detached** means the whole of a building divided vertically into two separate dwelling units, each of which has an independent entrance.
- 47) **Dwelling, Single Family** means a development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. This Use Class includes a manufactured home dwelling.
- 48) **Dwelling, Townhouse or Row** means a dwelling unit divided vertically into three or more attached dwelling units, each of which has an independent entrance.
- 49) **Dwelling, Two Family** means an attached or semi-detached building designed for and used by not more than two families, each having exclusive occupancy of a dwelling unit.
- 50) **Dwelling, Unit** means one or more self-contained rooms provided with sleeping and cooking facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a Household.
- 51) **Dwelling Area** means the total area of the main floor of a structure measured within the outside face of the exterior walls of a building. This calculation shall exclude the basement or other areas below grade and the area of any storeys located above the main floor.
- 52) **Eating and Drinking Establishment** means the sale to the public of prepared foods, for consumption within the premises or off the site. This includes licensed drinking establishments, restaurants, cafes, delicatessens, tearooms, banquet catering, lunchrooms, and take-out restaurants. This Use Class does not include drive-in food services which provide services to customers who remain in their vehicles, refreshment



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stands, take-out windows where service is provided to customers on the outside, or mobile catering food services.

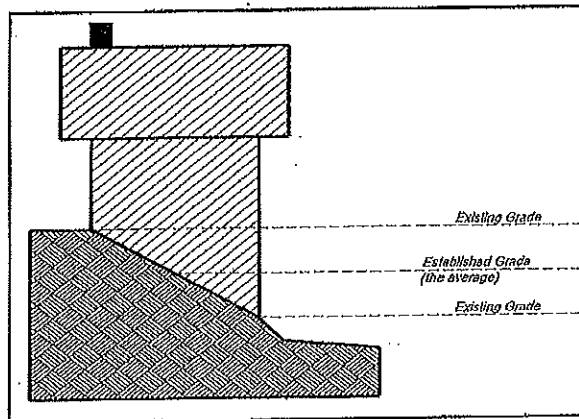
- 53) **Elevation, Lot Grade** means either the elevation of the finished ground surface at any specific reference point, at any point on the slope between two specific reference points on a lot, or a combination thereof.
- 54) **Equipment Rentals and Sales** means a development used for the rental of tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items.
- 55) **Extended Medical Treatment Service** means a development providing room, board, and surgical or other medical treatment for the sick, injured or infirm including outpatient services and accessory staff residences. Typical uses include hospitals, sanatoriums, nursing homes, convalescent homes, and auxiliary hospitals.
- 56) **Fleet Service** means a development using a fleet of vehicles for the delivery of people, goods or services, where such vehicles are not available for sale or long-term lease. This Use Class includes ambulance services, taxi services, bus line, messenger and courier services.
- 57) **Floor Area Ratio** means the figure obtained when the area of all the floors of the buildings constructed or proposed to be constructed on a lot is divided by the area of the lot, subject to the following:
  - a) the area of the floor of the building shall be measured to the outside edge of the exterior walls, excluding basements and crawl spaces over 5 ft. clear height and shall exclude balconies, canopies, terraces and sun decks;
  - b) undevelopable areas are excluded; and
  - c) where parking is a principal use of the lot, those areas which are used for parking within the outermost walls of a building or underground shall be counted in the calculation.
- 58) **Frontage** means all that portion of a site fronting on a street and measured between side lot lines.



**Figure 1.**  
**Frontage**

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- 59) **Funeral Service** means a development used for the preparation of the dead for burial or cremation, and the holding of funeral services. This Use Class includes funeral homes, undertaking establishments and includes cremation and interment services.
- 60) **Garage** means an accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.
- 61) **Gas Bar** means a development used for the retail sale of gasoline, other petroleum products, and incidental auto accessories. This Use Class does not include Service Stations.
- 62) **General Contractor Service** means a development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal Contractor Services Use only.
- 63) **General Retail Store** means a development used for the retail sale of groceries, beverages, household goods, furniture and appliances, hardware, printed matter, confectionary, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationery and similar goods from within an enclosed building. Minor public services, such as postal services and film processing depots are permitted within general retail stores. This Use Class includes Convenience Retail Stores but does not include developments used for the sale of gasoline, heavy agricultural or industrial equipment.
- 64) **General Storage** means a development used exclusively for temporary indoor or outdoor storage of goods, materials and merchandise. This Use Class does not include vehicle storage compounds, automobile wrecking yards, salvage yards, scrap metal yards, or the storage of hazardous goods or waste.
- 65) **Government Service** means a development providing municipal, provincial or federal government services directly to the public. Typical uses include government offices, taxation offices, courthouses, postal distribution offices, manpower and employment offices, and social service offices.
- 66) **Grade, Building Lot** means the lot grade elevation of the finished ground surface immediately adjacent to the foundation of a building.



**Figure 2.**  
**Established Grade**  
**of Building**

## Sections 1 – 7: Operative and Interpretive Clauses

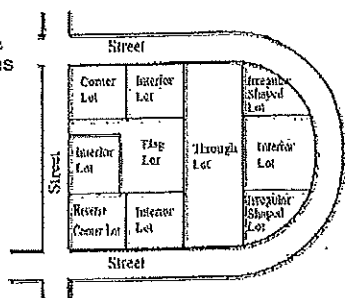
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- 67) **Greenhouse, Plant and Tree Nursery** means a development used primarily for the raising, storage and sale of bedding, household and ornamental plants.
- 68) **Guest House** means an accessory detached dwelling located on the same site as a single family dwelling which is intended to be used as an extension to the residential use of the single family dwelling.
- 69) **Habitable Room** means any room in a Dwelling other than a Non-Habitable Room.
- 70) **Health Service** means a development used for the provision of physical and mental health services on an outpatient basis. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative or counselling nature. Typical uses include medical and dental offices, health clinics and counselling services.
- 71) **Height** means, the vertical distance measured from the finished grade to the highest point of the structure.
- 72) **Home Occupation** means an occupation, trade, profession or craft carried on, in or from a dwelling unit or its accessory building for consideration and which is clearly incidental or accessory to the residential use of the dwelling unit.
- 73) **Hotel** means a development used for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor and are not equipped with individual kitchen facilities. Hotels may include accessory Eating and Drinking Establishments, meeting rooms, and Personal Services Shops.
- 74) **Household** means one person or two or more persons voluntarily associated, plus any dependents, living together as an independent, self-governing single housekeeping unit.
- 75) **Household Repair Service** means a development used for the provision of repair services to goods, equipment and appliances normally found within the home. This Use Class includes radio, television and appliance repair shops, furniture refinishing and upholstery shops.
- 76) **Industrial, General** means development used principally for one or more of the following activities: the assembling of semi-finished or finished goods, products or equipment; the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses; or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-Industrial Zones; the storage or transshipping of materials, goods and equipment; and the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses.
- 77) **Industrial, Light** means processing and manufacturing uses, provided that they do not create unusual fire, explosion or safety hazards, noise in excess of average intensity of street and traffic noise in the area in question; they do not emit smoke, dust, dirt, toxic or offensive odours or gas and there is no production of heat or glare perceptible from any residential adjacent property. Typical uses include automotive body repair and paint shops, commercial manufacturing establishments and research facilities.
- 78) **Industrial Vehicle and Equipment Sales and/or Rentals** means a development used for the sale or rental of heavy vehicles, machinery or mechanical equipment typically used in building, roadway, manufacturing, assembly and processing operations and agricultural production.

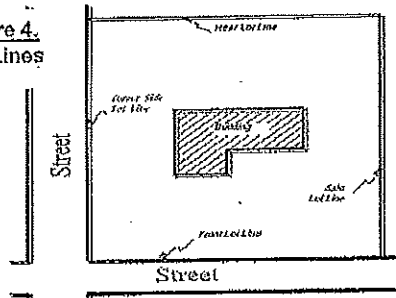
## Sections 1 – 7: Operative and Interpretive Clauses

- 79) **Institutional Facility** means a premises which is intended for the training, treatment, rehabilitation, housing, care, and/or supervision of children and/or adults not related by blood, marriage or adoption to the operator nor to each other, and may include: public, private and parochial schools, colleges, hospitals, summer camps and recreational camps, nursing homes, senior citizen homes, personal care homes, residential care homes, rehabilitation homes, day care centres, nursery schools, foster homes, group homes, halfway houses, and like uses. Where applicable, such Institutional facilities are licensed or approved by appropriate Government agencies. Accessory uses may include: dwelling quarters for staff, lounge facilities, Recreational Facilities, Athletic, Sports and Recreational Areas, a gift shop, a cafeteria, office, meeting rooms, halls and auditoria and the like.
- 80) **Landscaping** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property or to provide a screen between properties in order to mitigate objectionable features between them.
- 81) **Limited Contractor Service** means a development used for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with the contractor services where all materials are kept within an enclosed building, there are no accessory manufacturing activities, and no more than two service vehicles.
- 82) **Loading Space** means an off-street space or berth on the same lot with a building, or contiguous with a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandize or materials, and which abuts upon a street, lane or other appropriate means of access.
- 83) **Lot, Corner** means a lot located at the intersection of two streets; the interior angle of such intersection not exceeding 135 degrees.
- 84) **Lot, Interior** means any site other than a corner lot or through lot.
- 85) **Lot, Reverse Corner** is a corner lot which has a rear yard which abuts the side yard of a neighbouring lot.
- 86) **Lot, Through** means a lot having a pair of opposite lot lines along two streets. On a through lot, both street lines shall be deemed front lot lines.

**Figure 3.**  
**Lot Types**



**Figure 4.**  
**Lot Lines**



- 87) **Lot Line, Corner Side** means a side yard abutting a street.
- 88) **Lot Line, Front** means the property line of a lot abutting public roadway other than a lane. In the case of a Corner Lot, the Front Line is the shorter of the property lines abutting a public roadway.

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- 89) **Lot Line, Rear** means either the property line of a lot which is furthest from and opposite the Front Lot Line, or, where there is no such property line, the point of intersection of any side lot lines which is furthest from and opposite the Front Lot Line.
- 90) **Lot Line, Side** means the property line of a lot other than a Front Lot Line or Rear Lot Line.
- 91) **Marquee** means a roof-like structure often bearing a signboard projecting over an entrance to a building.
- 92) **Mobile Catering Food Service** means a development using a fleet of three or more vehicles for the delivery and sale of food to the public.
- 93) **Mobile Home Sales** means a development used for the sale of mobile homes, together with incidental maintenance services and the sale of parts and accessories. Typical uses include mobile home dealerships.
- 94) **Motel** means a development used for the provision of rooms or suites for temporary lodging or light housekeeping, where each room or suite has its own exterior access. Motels may include accessory Eating and Drinking Establishments and Personal Service Shops.
- 95) **Motor Home** is certified and licensed vehicular portable structure designed to be used as temporary accommodation for recreational purposes and being independent of Municipal sewer, water and electrical services.
- 96) **Municipal Engineer** means the Municipal Engineer as appointed by Council for the Town of Winnipeg Beach.
- 97) **Non-Accessory Parking** means a development providing vehicular parking which is intended for the use of residents, employees or clients of a particular development and may include public parking lots and parking structures located above or below grade.
- 98) **Non-Commercial Farm** means a development for small scale, non-commercial agricultural pursuits ancillary to rural residential uses. This Use Class shall be developed so that it will not unduly interfere with the general enjoyment of adjacent property. Animals shall be kept for the use or enjoyment of the householder only.
- 99) **Non-Habitable Room** means a space in a dwelling providing a service function and not intended primarily for human occupancy, including bathrooms, entryways, corridors, or storage areas.
- 100) **Nuisance** means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.
- 101) **Offensive or Objectionable** means, when used with reference to signage, lighting or a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise; vibration; smoke; dust or other particular matter; odour; toxic or non-toxic matter; radiation hazards; fire or explosive hazards; heat; glare; humidity of unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which in the opinion of the Development Officer or Council may be or become hazardous or injurious as regards health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land, building or structure.
- 102) **Outdoor Amusement Establishment** means a permanent development providing facilities for entertainment and amusement activities which primarily take place out-of-

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doors and where patrons are primarily participants. Typical uses include amusement parks, go-cart tracks and miniature golf establishments.

- 103) **Outdoor Storage** means the storage of merchandise, goods, inventory, materials or equipment or other items that are not intended for immediate sale, by locating them outside.
- 104) **Parking Garage (Parkade)** means an accessory building or structure, or any portion of a principal building or structure, containing communal parking spaces used for the parking or temporary storage of motor vehicles.
- 105) **Participant Recreation Service, Indoor** means a development providing facilities within an enclosed building for sports and active recreation where patrons are predominately participants. Typical uses include athletic clubs; health and fitness clubs; curling, roller-skating and hockey rinks; swimming pools; rifle and pistol ranges, bowling alleys and racquet clubs.
- 106) **Participant Recreation Service, Outdoor** means a development providing facilities which are available at the public at large for sports and active recreation conducted outdoors. Typical uses include golf courses, driving range, ski hills, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, riding stables and fitness trails.
- 107) **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.
- 108) **Patio** means a roofless, unenclosed, outdoor structure, with or without steps, consisting of a platform or deck, eight (8) inches or below in height from finished grade.
- 109) **Personal Service Shop** means a development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This Use Class includes barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, and dry cleaning establishments and laundromats.
- 110) **Porch** means a partially enclosed structure having a roof but without any enclosing walls greater than 4 ft. in height from the top of the floor.
- 111) **Private and Semi-Private Swimming Pool** means an artificially constructed basin, lined with concrete, fibreglass, vinyl or like material that is capable of containing a water depth greater than 24 inches (2 ft.).
- 112) **Private Club** means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, without on-site residences. Private Clubs may include rooms for eating, drinking and assembly.
- 113) **Private Education Service** means a development for instruction and education which is not maintained at public expense and which may or may not offer courses of study equivalent to those offered in a public school or private instruction as a home occupation. This Use Class includes dormitory and accessory buildings.
- 114) **Professional, Financial and Office Support Service** means a development primarily used for the provision of professional, management, administrative, consulting, and financial services. Typical uses include the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment,

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telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial uses.

- 115) **Protective and Emergency Service** means a development which is required for the public protection of persons and property from injury, harm or damage together with the incidental storage of emergency development which is necessary for the local distribution of utility services. Typical uses in this class include police stations, fire stations and ancillary training facilities.
- 116) **Public Education Service** means a development which is publicly supported or subsidized involving public assembly for educational, training or instructing purposes, and includes administration offices required for the provision of such services on the same site. This Use Class includes public schools, community colleges, and technical and vocational schools, and their administrative offices.
- 117) **Public Library and Cultural Exhibit** means a development for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use; or a development for the collection, preservation and public exhibition of works or objects of historical, scientific or artistic value. Typical uses include libraries, museums and art galleries.
- 118) **Public Park** means a development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and man-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, amphitheatres, and athletic fields.
- 119) **Public Utility** means any system, works, plant, pipeline, equipment or services and facilities available at approved rates to the public, including but not limited to:
- a) for the transmission of telegraph, telephone, wireless, radio or television;
  - b) for the conveyance of persons or goods over a railway, street railway, or tramway, or by motor bus or truck; or
  - c) for the production, transmission, delivery or furnishing of gas, whether natural or manufactured, oil or other fluid petroleum products, water, heat, light or power; either directly or indirectly, to or for the public and includes all such carried on by or for the owner or a municipality or the Government of Manitoba, and includes any system, works, plant, pipeline, equipment, service or system of sewage collection or disposal declared to be a public utility pursuant to the terms of The Public Utility Board Act. This Use Class includes public utility buildings.
- 120) **Rapid Drive-Through Vehicle Service** means a development providing rapid cleaning, lubrication, maintenance or repair services to motor vehicles, where the customer typically remains within his vehicle or waits on the premises. Typical uses include automatic or coin operated car washes, rapid lubrication shops, or specialty repair establishments.
- 121) **Recycling Depot** means a development used for the buying and temporary storage of bottles, cans, newspapers and similar household goods for reuse where all storage is contained within an enclosed building. This does not include auto wreckers.
- 122) **Religious Assembly** means a place of worship and related activities. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.

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- 123) **Service Station** means the servicing, washing and repairing of vehicles; and the sale of gasoline, other petroleum products and a limited range of vehicle parts and accessories. Service stations may include eat and drinking establishments. Typical uses include truck stops and highway service stations.
- 124) **Setback** means the distance that a development or a specified portion of it, must be set back from a property line.
- 125) **Site** means an area of land consisting of one or more abutting lots.
- 126) **Site Coverage** means the combined area of all buildings or structures on the site as a percentage of the site area, measured at the level of the lowest storey above the grade including all enclosed and insulated decks, sunrooms, porches and verandas, but excluding seasonal non-insulated structures, open or covered, such as decks, screen porches or veranda, patios at grade, steps, uncovered walks, wheelchair ramps, cornices, eaves and similar projections
- 127) **Site Depth** means the average horizontal distance between the front and rear lot lines of the site.

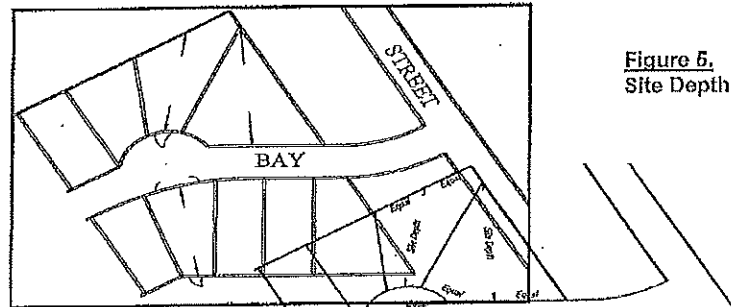


Figure 5,  
Site Depth

- 128) **Site Plan** means a map or series of maps drawn to scale showing some or all of the following information: proposed and existing buildings, structures, alterations and additions, roads, walkways, landscaping, parking areas, stacking spaces, loading spaces, vegetation, buffer strips, elevations, areas to be raised by fill, grade level, physical features of the site and other relevant information as may be required by the Development Officer or Council for any proposed development.
- 129) **Site Width** means the horizontal distance between the side lot lines of a lot, measured at right angles to the site depth at a point midway between the front and rear lot lines, or at 50 ft. from the front lot line, and the lesser of these distances is the site width.

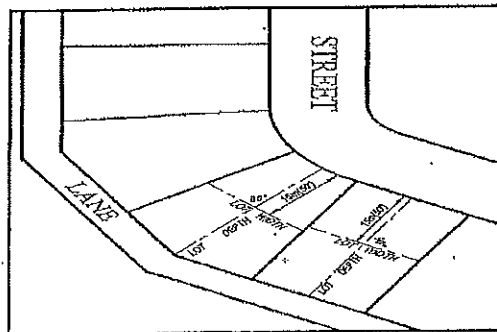


Figure 6,  
Site Width



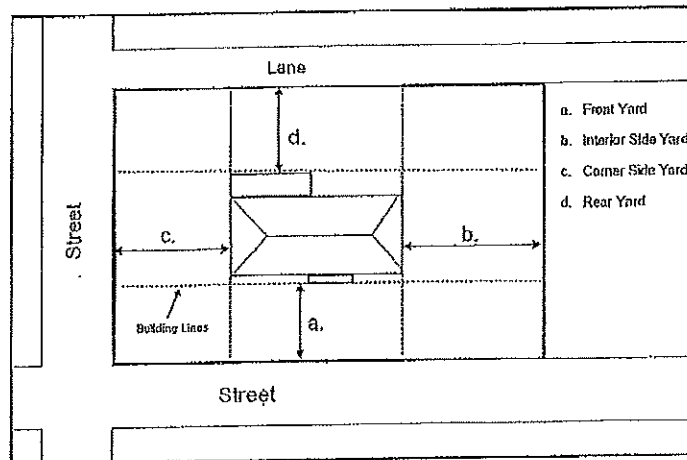
## Sections 1 – 7: Operative and Interpretive Clauses

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- 130) **Sleeping Unit** means a Habitable Room, or a group of two or more Habitable Rooms, not equipped with self-contained cooking facilities.
- 131) **Small Animal Breeding and Boarding Establishment** means a development used for the breeding, boarding or training of small animals normally considered as household pets. Typical uses are kennels and pet boarding establishments.
- 132) **Spatial Separation** means the distance to be maintained between the main use/building and its accessory structures.
- 133) **Spectator Entertainment Establishment** means a development providing facilities within an enclosed building specifically intended for live theatrical, musical or dance performances; or the showing of motion pictures. Typical uses include auditoria, cinemas, and theatres.
- 134) **Storey** means that portion of a building which is situated between the top of any floor and the top of the floor next above it. If there is no floor above, the storey is the portion of the building which is situated between the top of any floor and the ceiling above it. If the top of the floor directly above a basement is more than 6 ft. above grade, such basement shall be considered a storey for the purpose of this By-law.
- 135) **Storey, Half** means a storey under a gable, hip, or gambrel roof, the wall plates of which, on at least two opposite walls, are not more than 2 ft. above the floor of such storey.
- 136) **Street** means a public roadway having a right-of-way at least 33 ft. in width that affords the principal means of access to abutting land.
- 137) **Structure** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure.
- 138) **Tandem Parking** means two parking spaces, one behind the other, with a common or shared point of access to the manoeuvring aisle.
- 139) **Temporary Buildings and Uses** means a development for which a development permit has been issued for a limited time only.
- 140) **Tourist Campsite** means a development of land which has been planned and improved for the seasonal short term use of motor homes, tents, campers and similar recreational vehicles and is not used as year round storage, or accommodation for residential use. Typical uses include recreational vehicle parks, campsites and tenting grounds.
- 141) **Tourist Cottage Establishment** means any land or premises equipped with seasonal dwellings used or maintained for accommodation of the public for seasonal vacations and recreational purposes whether or not a fee or charge is paid. This includes a condominium or a condominium bare land unit that is sold or rented out on a time-share basis. Accessory uses may include accommodation for permanent staff, lounge, dining room, and outdoor recreation uses which are considered incidental or subordinate thereto, including hiking and ski trails, tennis courts, swimming pools, marina facilities, or similar uses.
- 142) **Traffic Generation** means the volume of vehicular traffic generated over a prescribed area within a prescribed time frame, which can be directly attributed to a particular development or geographic area.
- 143) **Truck Sales and/or Rentals** means a development used for the sale or rental of new or used trucks, motor homes and automobiles, together with incidental maintenance services and the sale of parts and accessories. Typical uses include truck dealerships and recreation vehicle sales.

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- 144) **Use** means the purpose or activity for which a piece of land or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.
- 145) **Utility Service** means any system, works, plant, pipeline, equipment or services and facilities available at approved rates to the public, and includes all such carried on by or for the owner or a municipality or the Government of Manitoba. Typical uses include sanitary landfill sites, sewage treatment plants, sewage lagoons, garbage transfer and compacting stations and waste recycling plants.
- 146) **Variation Order** means the altering of any of the regulations found in this By-law in accordance with Part 6 of the Act.
- 147) **Warehouse Sales** means a development used for the wholesale or retail sale of bulky goods where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. This Use Class includes developments where principal goods being sold are such bulky items as furniture, carpet, major appliances and building materials.
- 148) **Yard** means required open space that is unoccupied by any building or structure and unobstructed from its lowest level to the sky, unless otherwise permitted in this By-law.
- 149) **Yard, Corner Side** means a side yard which adjoins a street.
- 150) **Yard, Front** means a yard extending all the full length of the front site line between the side site lines. All front yard regulations found in this By-law shall be measured from the front property line. For a corner site the Development Officer may determine which yard shall be deemed the front yard.
- 151) **Yard, Interior Side** means a yard extending along the side site line from the front yard to the rear yard, adjoining a neighbouring property.
- 152) **Yard, Rear** means a yard extending along the full length of the rear site line from the front yard to the rear yard.



**Figure 7.  
Yards**

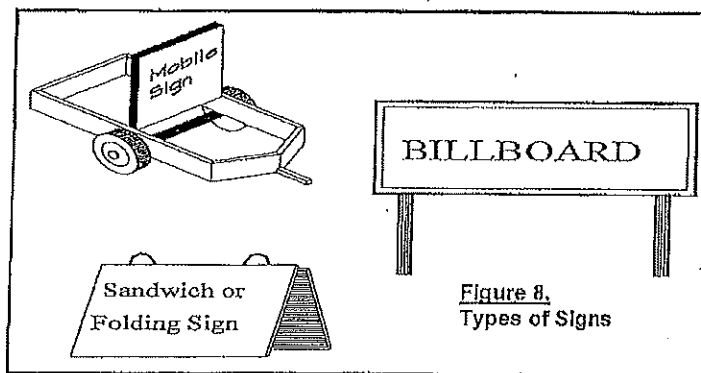
- 153) **Zone** means a Section contained in Part II of this By-law which regulates the use and development of land as depicted on the Zoning Map comprising Part VI of this By-law.

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### 7.0 Sign Definitions

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

- 1) **Abandoned Sign** means any sign which no longer correctly identifies a business or the products and services offered on the premises where the sign is located, or any sign which is not in a readable state.
- 2) **Animated Sign** means any sign or portion of a sign having moving parts or electronically controlled colour changes which depict action or give motion to the sign.
- 3) **Awning Sign** means a protective roof-like covering, as over a window or door.
- 4) **Business Identification Sign** means a sign identifying the name, dealer, franchise, association, primary function, product or service of the commercial activity conducted on the premises, and may include local advertising and changeable copy.



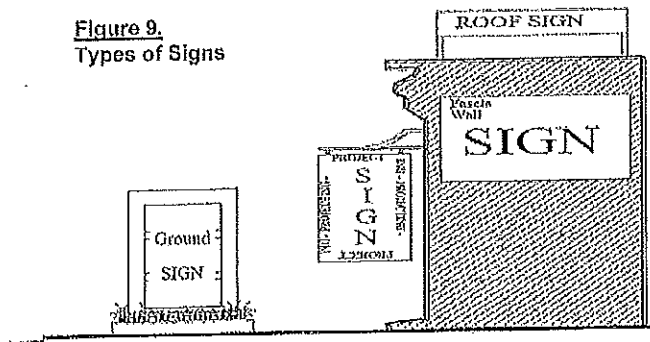
- 5) **Canopy Sign** means a sign attached to, or forming part of, a permanent building projecting or fixed structural framework which extends outward from the exterior wall of a building and which may be roofed over or covered to provide protection over the entrance to a building.
- 6) **Copy** means the letters, graphics or characters which make up the message on sign face.
- 7) **Copy Area** means the total area within one or more rectangles which enclose the entire limits of the copy.
- 8) **Directional Sign** means an on-premise sign providing direction to pedestrian or vehicular traffic without advertising copy, except a business logogram. Directional signs include such signs as exit and parking signs.
- 9) **Electric Sign** means any sign containing electrical wiring or lights built into the sign face which are intended for connection to an electrical energy source.
- 10) **Fascia Sign** means any sign painted on or attached to an exterior building wall so that the sign does not extend more than 15.75 inches out from the wall nor beyond the horizontal limits of the wall.
- 11) **General Advertising Sign** means a sign which directs attention to a business, activity, product, service or entertainment which cannot be considered as the principal products

## Sections 1 – 7: Operative and Interpretive Clauses

sold nor a principal business, activity, entertainment, or service provided on the premises where the sign is displayed, and general advertising has a similar meaning.

- 12) **Ground Sign** means any sign supported independently of a building and permanently fixed to the ground.
- 13) **Height (sign)** means the vertical distance measured from the finished ground surface directly under the sign to the highest point of the sign.
- 14) **Identification Sign** means a sign which contains only the name and address of a building, institution or person and the activity carried on in the building or institution, but does not include any other advertising copy.
- 15) **Illuminated Sign** means any sign having only steady illumination of the same intensity by artificial means, either from lighting directed on the sign face or from a light source located within the sign which is transmitted through a transparent or translucent sign face.
- 16) **Mural Sign** means a non-illuminated sign painted on the exterior wall of a building which enhances the visual appearance of the building and does not include business identification or general advertising.
- 17) **Official Sign** means a sign required by, or erected pursuant to, the regulations of federal, provincial or municipal legislation.
- 18) **Portable Sign** means a sign greater than 6 sq. ft. in area mounted on a trailer, stand or other support structure which is designed in such a manner that the sign can readily be relocated to provide advertising at another location or readily taken on and off a site, and may include copy that can be changed manually through the use of attachable characters, message panels or other means.
- 19) **Projecting Sign** means any sign, except a canopy sign, which is supported by an exterior building wall and projects outward from the building wall by more than 15.75 inches.
- 20) **Roof Sign** means any sign erected upon, against, or above a roof, or on top of or above, the parapet of a building.

**Figure 9.**  
**Types of Signs**



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

## Sections 1 – 7: Operative and Interpretive Clauses

- 22) **Sign Alteration** means any modification of a sign or supporting structure, excluding the routine maintenance or repainting of a sign or changing the copy on signs specifically designed for this purpose.
- 23) **Sign Area** means the entire area of the sign on which copy is intended to be placed. In the case of double-faced or multi-faced sign, only half of the area of each face of the sign used to display advertising copy shall be used in calculating the total sign area.
- 24) **Sign Structure** means any structure which supports a sign, including materials used to conceal or improve the visual appearance of the structural parts.
- 25) **Temporary Sign** means a sign which is not permanently anchored to a footing extending below grade or permanently affixed to, or painted on, a building and on which the copy has been painted or affixed in a permanent manner. The copy on the sign shall relate to an activity, use or event of limited time duration not exceeding six months. Temporary signs include such signs as political campaign signs, real estate signs, construction identification signs, signs identifying seasonal businesses, signs advertising specific community events, and signs providing temporary identification for developments awaiting installation of a permanent sign. For the purpose of this By-law, temporary signs shall include sandwich and folding signs but not portable signs.
- 26) **Warning Sign** means an on-premise sign providing a warning to the public, including such signs as *No Trespassing* or *Private Driveway* signs.

## Sections 8 – 11: Residential Zones

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### 8.0 Residential Zones

#### 8.1 Purpose

The Residential Zones established in this By-law are intended to provide sufficient land for various types of residential development in the Town of Winnipeg Beach in keeping with the provisions of the *Eastern Interlake Planning District Development Plan*.

#### 8.2 Residential Zones

The following Residential Zones are hereby established:

- 1) R1-5: Residential Single Family Zone
- 2) R1-12: Residential Single Family Zone
- 3) RM: Residential Multiple Family Zone

## Sections 8 – 11: Residential Zones

### 9.0 R1-5: Residential Single Family Zone

#### 9.1 General Purpose

To establish a Zone primarily for serviced Single Family Dwellings on minimum 5,000 sq. ft. sites as well as associated or compatible uses.

#### 9.2 Permitted Uses

- |                                     |                   |
|-------------------------------------|-------------------|
| 1) Dwelling, Single Family          | 3) Public Park    |
| 2) Protective and Emergency Service | 4) Public Utility |

#### 9.3 Conditional Uses

- |                                 |   |
|---------------------------------|---|
| 1) Bed and Breakfast Home       | 8) Home Occupation                      |
| 2) Child Care Service           | 9) Guest House                          |
| 3) Community Recreation Service | 10) Institutional Facility              |
| 4) Dwelling, Manufactured Home  | 11) Public Education Service            |
| 5) Dwelling, Modular Home       | 12) Public Library and Cultural Exhibit |
| 6) Dwelling, Semi-Detached      | 13) Religious Assembly                  |
| 7) Dwelling, Two Family         | 14) Utility Service                     |

#### 9.4 Site Regulations Permitted and Conditional Uses

Site Area	min. 5,000 sq. ft.
Site Width	min. 50 ft.
Front Yard	min. 25 ft.
Rear Yard	min. 25 ft.
Side Yard	min. 5 ft.
Corner Side Yard	min. 10 ft.
Site Coverage	max. 40%
Building Height	max. 25 ft. or 2 storeys
Dwelling Area	min. 600 sq. ft.
Dwelling Width	min. 20 ft.

#### 9.5 Site Regulations Accessory Uses and Buildings

Site Area	N/A
Site Width	N/A
Front Yard	min. 25 ft.
Rear Yard	min. 2 ft.
Side Yard	min. 2 ft.
Corner Side Yard	min. 10 ft.
Site Coverage	max. 10%
Building Height	max. 20
Building Area	max. 800 sq. ft.
Building Width	N/A
Spatial Separation	min. 6 ft.

#### 9.6 Additional Regulations for Permitted and Conditional Uses

- 1) A Home Occupation shall be developed in accordance with Section 52.0 of this By-law.
- 2) A permit shall be required from Manitoba Infrastructure and Transportation for any new structures located along PR 229 within 125 feet of the highway right-of-way.

#### 9.7 Additional Regulations for Conditional Uses Only

- 1) A Child Care Service shall be developed in accordance with Section 53.0 of this By-law
- 2) A Bed and Breakfast Home shall be developed in accordance with Section 54.0 of this By-law.
- 3) A Guest House shall be developed in accordance with Section 56.0 of this By-law.

## Sections 8 – 11: Residential Zones

### 10.0 R1-12: Residential Single Family Zone

#### 10.1 General Purpose

To establish a Zone primarily for serviced Single Family Dwellings on minimum 12,000 sq. ft. sites as well as associated or compatible uses.

#### 10.2 Permitted Uses

- |                                     |                   |
|-------------------------------------|-------------------|
| 1) Dwelling, Single Family          | 3) Public Park    |
| 2) Protective and Emergency Service | 4) Public Utility |

#### 10.3 Conditional Uses

- |                                 |   |
|---------------------------------|---|
| 1) Bed and Breakfast Home       | 8) Home Occupation                      |
| 2) Child Care Service           | 9) Guest House                          |
| 3) Community Recreation Service | 10) Institutional Facility              |
| 4) Dwelling, Manufactured Home  | 11) Public Education Service            |
| 5) Dwelling, Modular Home       | 12) Public Library and Cultural Exhibit |
| 6) Dwelling, Semi-Detached      | 13) Religious Assembly                  |
| 7) Dwelling, Two Family         | 14) Utility Service                     |

#### 10.4 Site Regulations Permitted and Conditional Uses

Site Area	min. 12,000 sq.ft.
Site Width	min. 60 ft.
Front Yard	min. 25 ft.
Rear Yard	min. 25 ft.
Side Yard	min. 5 ft.
Corner Side Yard	min. 15 ft.
Site Coverage	max. 40%
Building Height	max. 25 ft. or 2 storeys
Dwelling Area	min. 800 sq. ft.
Dwelling Width	min. 20 ft.

#### 10.5 Site Regulations Accessory Uses and Buildings

Site Area	N/A
Site Width	N/A
Front Yard	min. 25 ft.
Rear Yard	min. 2 ft.
Side Yard	min. 2 ft.
Corner Side Yard	min. 15 ft.
Site Coverage	max. 10%
Building Area	max. 1000 sq. ft.
Building Height	max. 20 ft.
Building Width	N/A
Spatial Separation	min. 6 ft.

#### 10.6 Additional Regulations for Permitted and Conditional Uses

- 1) A Home Occupation shall be developed in accordance with Section 52.0 of this By-law.

#### 10.7 Additional Regulations for Conditional Uses Only

- 1) A Child Care Service shall be developed in accordance with Section 53.0 of this By-law.
- 2) A Bed and Breakfast Home shall be developed in accordance with Section 54.0 of this By-law.
- 3) A Guest House shall be developed in accordance with Section 56.0 of this By-law.



## Sections 8 – 11: Residential Zones

### 11.0 RM: Residential Multiple Family Zone

#### 11.1 General Purpose

To provide a Zone for the development of Multiple Family Dwellings as well as compatible uses.

<b>11.2 Permitted Uses</b> 1) Dwelling, Two Family 2) Dwelling, Semi-Detached 3) Dwelling, Multiple Family 4) Dwelling, Townhouse or Row 5) Institutional Facility 6) Protective and Emergency Service 7) Public Park 8) Public Utility		
<b>11.3 Conditional Uses</b> 1) Bed and Breakfast Home 2) Child Care Service 3) Commercial Resort 4) Community Recreation Service 5) Convenience Retail Store 6) Dwelling, Manufactured Home 7) Dwelling, Modular Home 8) Dwelling, Single Family 9) Guest House 10) Health Service 11) Home Occupation 12) Eating and Drinking Establishment 13) Personal Service Shop 14) Public Education Service 15) Public Library and Cultural Exhibit 16) Religious Assembly 17) Utility Service		
<b>11.4 Site Regulations</b> <b>Dwelling, Townhouse or Row</b> Site Area min. 3,000 sq. ft./unit Site Width min. 30 ft. Front Yard min. 25 ft. Rear Yard min. 25 ft. Side Yard min. 5 ft. Corner Side Yard min. 15 ft. Site Coverage max. 60% Building Height max. 25 ft. or 2 storey Dwelling Area min. 600 sq. ft.	<b>11.5 Site Regulations</b> <b>Dwelling, Multiple Family</b> Site Area refer to Sec. 11.7(3) below Site Width min. 100 ft. Front Yard min. 25 ft. Rear Yard min. 25 ft. Side Yard min. 15 ft. Corner Side Yard min. 15 ft. Site Coverage max. 60% Building Height max. 35 ft. or 3 storey Dwelling Area min. 400 sq. ft.	<b>11.6 Site Regulations</b> <b>Accessory Uses &amp; Buildings</b> Site Area N/A Site Width N/A Front Yard min. 25 ft. Rear Yard min. 25 ft. Side Yard min. 5 ft. Corner Side Yard min. 15 ft. Site Coverage max. 10% Building Height max. 20 ft. Building Area max 800 sq. ft. Spatial Separation min. 10 ft.

#### 11.7 Additional Regulations for Permitted and Conditional Uses

- 1) A Home Occupation shall be developed in accordance with Section 52.0 of this By-law.
- 2) Single Family, Two Family and Semi-Detached Dwellings shall be developed in accordance with Section 9.0 of this By-law.
- 3) The minimum site area regulation for Multiple Family Dwellings shall be 10,000 sq. ft. for the first four dwelling units and 1,000 sq. ft. for each additional dwelling unit.

#### 11.8 Additional Regulations for Conditional Uses Only

- 1) A Child Care Service shall be developed in accordance with Section 53.0 of this By-law.
- 2) A Bed and Breakfast Home shall be developed in accordance with Section 54.0 of this By-law.
- 3) A Guest House shall be developed in accordance with Section 56.0 of this By-law and will only be allowed as accessory to a single family dwelling in the "RM" Residential Multiple Family Zone.

## Sections 12 – 14: Commercial Zones

### 12.0 Commercial Zones

#### 12.1 Purpose

The Commercial Zones established in this By-law are intended to provide sufficient land in appropriate locations to meet the needs of commercial development in the Town of Winnipeg Beach in keeping with the provisions of the *Eastern Interlake Planning District Development Plan*.

#### 12.2 Commercial Zones

The following Commercial Zones are hereby established:

- 1) CC: Commercial Central Zone
- 2) CH: Commercial Highway Zone

## Sections 12 – 14: Commercial Zones

### 13.0 CC: Commercial Central Zone

#### 13.1 General Purpose

To establish a Zone for commercial, residential, office and service uses within the central commercial area of the Town of Winnipeg Beach.

#### 13.2 Permitted Uses

- |                                      |  |
|--------------------------------------|--|
| 1) Business Support Service          | 9) Household Repair Service                            |
| 2) Child Care Service                | 10) Institutional Facility                             |
| 3) Convenience Retail Store          | 11) Personal Service Shop                              |
| 4) Eating and Drinking Establishment | 12) Professional, Financial and Office Support Service |
| 5) General Retail Store              | 13) Protective and Emergency Service                   |
| 6) Government Service                | 14) Public Park  |
| 7) Health Service                    | 15) Public Utility                                     |
| 8) Home Occupation                   |  |

#### 13.3 Conditional Uses

- |  |   |
|--|---|
| 1) Amusement Establishment               | 13) Indoor Participant Recreation Service |
| 2) Animal Shelter and Veterinary Service | 14) Mobile Catering Food Service          |
| 3) Commercial Resort                     | 15) Motel                                 |
| 4) Commercial School                     | 16) Non-Accessory Parking                 |
| 5) Dwelling, Manufactured Home           | 17) Private Club                          |
| 6) Dwelling, Modular Home                | 18) Public Library and Cultural Exhibit   |
| 7) Dwelling, Multiple Family             | 19) Rapid Drive-Through Vehicle Service   |
| 8) Dwelling, Semi-Detached               | 20) Religious Assembly                    |
| 9) Dwelling, Single Family               | 21) Spectator Entertainment Establishment |
| 10) Dwelling, Townhouse or Row           | 22) Tourist Cottage Establishment         |
| 11) Dwelling, Two Family                 | 23) Utility Service                       |
| 12) Hotel                                |   |

#### 13.4 Site Regulations Permitted and Conditional Uses

Site Area	N/A
Floor Area Ratio	max. 1
Rear Yard	min. 20 ft.
Side Yard	refer to Section 13.6(1), below
Building Height	max. 35 ft. or 3 storeys
Site Coverage	max. 60%

#### 13.5 Site Regulations Accessory Uses and Buildings

Site Area	N/A
Floor Area Ratio	N/A
Rear Yard	min. 10 ft.
Side Yard	N/A
Building Height	max. 20 ft.
Site Coverage	max. 15%
Spatial Separation	Per Manitoba Building Code

#### 13.6 Additional Regulations for Permitted and Conditional Uses

- 1) A minimum side yard of 10 ft. shall be required where a site abuts the lot line of a site in a Residential Zone.
- 2) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a required front or side yard. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent sites and public

## Sections 12 – 14: Commercial Zones

roadways in accordance with Section 42.0 of this By-law. If the rear or sides of a site abut a Residential Zone or a lane serving a Residential Zone and are used for parking, an outdoor service or display area, or both, they shall be screened in accordance with Section 42.0 of this By-law.

- 3) Any fuel storage areas established on the site shall comply with the *Storage and Handling of Petroleum Products and Allied Products Regulation* (Manitoba Regulation 188/2001) and any further amendments of said regulation.
- 4) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba Conservation and Water Stewardship legislation.
- 5) A Dwelling Unit is allowed only in conjunction with a Permitted or Conditional Commercial Use Development only when:
  - a) it is occupied by the owner/operator or a site watchperson or caretaker, if necessary; and
  - b) it is located above the first storey or within the rear half of the first storey of the commercial building.
- 6) A Home Occupation shall be developed in accordance with Section 52.0 of this By-law.
- 7) A Child Care Service shall be developed in accordance with Section 53.0 of this By-law.

### **13.7 Additional Regulations for Conditional Uses Only**

- 1) A Single Family Dwelling shall be developed in accordance with Section 9.0 of this By-law.
- 2) Multiple Family, Two Family, Semi-Detached, Townhouse or Row Dwellings shall be developed in accordance with Section 11.0 of this By-law.

## Sections 12 – 14: Commercial Zones

### 14.0 CH: Commercial Highway Zone

#### 14.1 General Purpose

To establish a Zone for high quality commercial development along major roadways within the Town of Winnipeg Beach.

#### 14.2 Permitted Uses

- |  |   |
|--|---|
| 1) Automotive and Recreational Vehicle Sales | 15) Motel   |
| 2) Business Support Service                  | 16) Non-Accessory Parking                               |
| 3) Convenience Retail Store                  | 17) Outdoor Amusement Establishment                     |
| 4) Convenience Vehicle Rentals               | 18) Personal Service Shop                               |
| 5) Drive-In Food Service                     | 19) Professional, Financial, and Office Support Service |
| 6) Eating and Drinking Establishment         | 20) Protective and Emergency Service                    |
| 7) Gas Bar                                   | 21) Public Park   |
| 8) General Retail Store                      | 22) Public Utility                                      |
| 9) General Storage                           | 23) Rapid Drive-Through Vehicle Service                 |
| 10) Government Service                       | 24) Service Station                                     |
| 11) Greenhouse, Plant and Tree Nursery       | 25) Spectator Entertainment Establishment               |
| 12) Health Service                           | 26) Truck Sales and/or Rentals                          |
| 13) Household Repair Service                 | 27) Utility Service                                     |
| 14) Limited Contractor Service               |   |

#### 14.3 Conditional Uses

- |   |  |
|---|--|
| 1) Agricultural Implement Sales and Service | 11) Hotel                                  |
| 2) Amusement Establishment                  | 12) Indoor Participant Recreation Service  |
| 3) Animal Shelter and Veterinary Service    | 13) Mobile Home Sales                      |
| 4) Auctioning Establishment                 | 14) Outdoor Participant Recreation Service |
| 5) Automotive and Equipment Repair Shop     | 15) Private Club                           |
| 6) Child Care Service                       | 16) Religious Assembly                     |
| 7) Commercial Resort                        | 17) Tourist Campsite                       |
| 8) Commercial School                        | 18) Tourist Cottage Establishment          |
| 9) Equipment Rentals and Sales              | 19) Warehouse Sales                        |
| 10) General Contractor Service              |  |

#### 14.4 Site Regulations Permitted and Conditional Uses

Site Area	N/A
Front Yard	min. 25 ft.
Floor Area Ratio	max. 1
Site Width	min. 50 ft.
Rear Yard	min. 20 ft.
Building Height	max. 35 ft. or 3 storeys

#### 14.5 Site Regulations Accessory Uses and Buildings

Site Area	N/A
Front Yard	min. 25 ft.
Floor Area Ratio	N/A
Site Width	N/A
Rear Yard	min. 10 ft.
Building Height	max. 20 ft.
Spatial Separation	Per the Manitoba Building Code

#### 14.6 Additional Regulations for Permitted and Conditional Uses

- 1) Where a site abuts the property line of an existing or future Residential Zone as indicated in the *Eastern Interlake Planning District Development Plan*, a 15 ft. landscaped yard is required. This yard could

## Sections 12 – 14: Commercial Zones

Include a berm, fence and extensive landscaping to the satisfaction of the Development Officer or Council.

- 2) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a required front or side yard. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent sites and public roadways in accordance with Section 42.0 of this By-law. If the rear or sides of a site abut a Residential Zone or a lane serving a Residential Zone and are used for parking, an outdoor service or display area, or both, they shall be screened in accordance with Section 42.0 of this By-law.
- 3) All exposed building faces shall have consistent and harmonious exterior finishing materials as per Council pre-approval.
- 4) Any fuel storage areas established on the site shall comply with the *Storage and Handling of Petroleum Products and Allied Products Regulation* (Manitoba Regulation 188/2001) and any further amendments of said regulation.
- 5) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba Conservation and Water Stewardship legislation.
- 6) A Dwelling Unit is allowed only in conjunction with a Permitted or Conditional Commercial Use Development only when:
  - a) it is occupied by the owner/operator or a site watchperson or caretaker, if necessary; and
  - b) It is located above the first storey or within the rear half of the first storey of the commercial building.
- 7) Access for the following developments shall be to the satisfaction of the Department of Infrastructure and Transportation, where applicable, and the Development Officer who shall ensure that such developments do not prejudice the safety and transportation function of public roadways:
  - a) Drive-In Food Service
  - b) Eating and Drinking Establishment
  - c) Rapid Drive-Through Vehicle Service
  - d) General Retail Store

## Sections 15 -- 16: Industrial Zones

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### 15.0 Industrial Zones

#### 15.1 Purpose

The Industrial Zone established in this By-law is intended to accommodate the potential future development of light and business park office industrial establishments in suitable locations in the Town of Winnipeg Beach in keeping with the provisions of the *Eastern Interlake Planning District Development Plan*.

#### 15.2 Industrial Zones

The following Industrial Zone is hereby established:

- 1) MB: Industrial Business Zone

## Sections 15 – 16: Industrial Zones

### 16.0 MB: Industrial Business Zone

#### 16.1 General Purpose

To establish a Zone that accommodates the potential development of industrial businesses, which generally carry out their operations within enclosed buildings but permits some outdoor operations and storage such that the Zone is compatible with any adjacent non-industrial Zone.

#### 16.2 Permitted Uses

- |  |  |
|--|--|
| 1) Agricultural Implement Sales and Service  | 17) Indoor Participant Recreation Service              |
| 2) Amusement Establishment                   | 18) Light Industrial                                   |
| 3) Automotive and Recreational Vehicle Sales | 19) Limited Contractor Service                         |
| 4) Business Support Service                  | 20) Mobile Catering Food Service                       |
| 5) Commercial School                         | 21) Non-Accessory Parking                              |
| 6) Convenience Vehicle Rentals               | 22) Professional, Financial and Office Support Service |
| 7) Custom Manufacturing Establishment        | 23) Protective and Emergency Service                   |
| 8) Drive-In Food Service                     | 24) Public Park  |
| 9) Eating and Drinking Establishment         | 25) Rapid Drive-Through Vehicle Service                |
| 10) Equipment Rentals and Sales              | 26) Religious Assembly                                 |
| 11) Fleet Service                            | 27) Service Station                                    |
| 12) Funeral Service                          | 28) Spectator Entertainment Establishment              |
| 13) General Storage                          | 29) Truck Sales and/or Rentals                         |
| 14) Government Service                       | 30) Utility Service                                    |
| 15) Health Service                           | 31) Warehouse Sales                                    |
| 16) Household Repair Service                 |  |

#### 16.3 Conditional Uses

- |   |  |
|---|--|
| 1) Auctioning Establishment                           | 9) Mobile Home Sales                       |
| 2) Automotive and Equipment Repair Shop               | 10) Motel                                  |
| 3) Bulk Storage Facility                              | 11) Outdoor Amusement Establishment        |
| 4) Commercial Resort                                  | 12) Outdoor Participant Recreation Service |
| 5) General Contractor Service                         | 13) Personal Service Shop                  |
| 6) General Industrial                                 | 14) Private Club                           |
| 7) Hotel  | 15) Recycling Depot                        |
| 8) Industrial Vehicle and Equip. Sales and/or Rentals | 16) Tourist Cottage Establishment          |

#### 16.4 Site Regulations Permitted and Conditional Uses

Site Area	min. 5,000 sq.ft.
Site Width	min. 75 ft.
Floor Area Ratio	max. 1
Front Yard	min. 25 ft.
Rear Yard	min. 10 ft.
Side Yard	min. 10 ft.
Corner Side Yard	min. 10 ft.
Building Height	max. 35 ft. or 3 storeys

#### 16.5 Site Regulations Accessory Uses and Buildings

Site Width	N/A
Floor Area Ratio	N/A
Front Yard	min. 25 ft.
Rear Yard	min. 10 ft.
Side Yard	min. 10 ft.
Corner Side Yard	min. 10 ft.
Building Height	max. 20 ft.
Spatial Separation	Per the Manitoba Building Code



## Sections 15 – 16: Industrial Zones

### 16.6 Additional Regulations for Permitted and Conditional Uses

- 1) Where a site abuts the property line of an existing or future Residential Zone as indicated in the *Eastern Interlake Planning District Development Plan*, a 25 ft. landscaped yard is required. This yard could include a berm, fence and extensive landscaping to the satisfaction of Council.
- 2) Where a site abuts the property line of an existing or future Residential Zone as indicated in the *Eastern Interlake Planning District Development Plan*, any buildings shall be setback a minimum of 50 ft. from the property line.
- 3) No parking, loading, storage, waste collection, outdoor service or display area shall be permitted within a required yard.
- 4) All development shall comply with Section 47.2 of this By-law.
- 5) Any fuel storage areas established on the site shall comply with the *Storage and Handling of Petroleum Products and Allied Products Regulation* (Manitoba Regulation 188/2001) and any further amendments of said regulation.
- 6) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba Conservation and Water Stewardship legislation.
- 7) When outside storage of goods and materials is required:
  - a) the storage shall be located to the rear of a line adjacent to and parallel with the front wall of the building;
  - b) the storage shall not project above the height of the wall or fence; and
  - c) a solid fence shall be provided and maintained in a condition that is acceptable to the Development Officer.
- 8) The operation of all uses shall comply with all environmental and public health standards of the Province of Manitoba. If the Development Officer is of the opinion that a proposed development may conflict with these standards, the application shall be referred to the appropriate Provincial Department(s) prior to issuing a development permit.
- 9) A Dwelling Unit is allowed only in conjunction with a Permitted or Conditional Industrial Use development only when it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.

## Sections 21 – 32: General Administrative Clauses

### 17.0 Community Service Zones

#### 17.1 Purpose

The Community Service Zones established in this By-law are intended to provide sufficient land for developments of either a public or private nature which provides services to the Town of Winnipeg Beach and are in keeping with the provisions of the *Eastern Interlake Planning District Development Plan*.

#### 17.2 Community Service Zones

The following Community Service Zones are hereby established:

- 1) I: Institutional Zone
- 2) PR: Parks and Recreation Zone
- 3) RD: Restricted Development Zone

## Sections 21 – 32: General Administrative Clauses

### 18.0 Institutional Zone

#### 18.1 General Purpose

To provide a Zone for public and privately owned facilities of an institutional, government or community service nature.

#### 18.2 Permitted Uses

- |                                     |  |
|-------------------------------------|--|
| 1) Child Care Service               | 7) Public Education Service            |
| 2) Community Recreation Service     | 8) Public Library and Cultural Exhibit |
| 3) Government Service               | 9) Public Park                         |
| 4) Health Service                   | 10) Public Utility                     |
| 5) Private Education Service        | 11) Religious Assembly                 |
| 6) Protective and Emergency Service | 12) Utility Service                    |

#### 18.3 Conditional Uses

- 1) Cemetery
- 2) Eating and Drinking Establishment, only when integrated with another Permitted or Conditional Use development
- 3) Extended Medical Treatment Service
- 4) Indoor Participant Recreation Service, only when integrated with another Permitted or Conditional Use development
- 5) Institutional Facility
- 6) Outdoor Participant Recreation Service, only when integrated with another Permitted or Conditional Use development
- 7) Private Club

#### 18.4 Site Regulations Permitted and Conditional Uses

Site Area	min. 10,000 sq.ft.
Site Width	min. 100 ft.
Floor Area Ratio	max. 1
Front Yard	min. 25 ft.
Rear Yard	min. 25 ft.
Side Yard	min. 10 ft.
Corner Side Yard	min. 15 ft.
Building Height	max. 35 ft. or 3 storeys

#### 18.5 Site Regulations Accessory Uses and Buildings

Site Width	N/A
Floor Area Ratio	N/A
Front Yard	min. 25 ft.
Rear Yard	min. 10 ft.
Side Yard	min. 10 ft.
Corner Side Yard	min. 15 ft.
Building Height	max. 20 ft.
Spatial Separation	Per the Manitoba Building Code

#### 18.6 Additional Regulations for Permitted Uses

- 1) A Child Care Service shall be developed in accordance with Section 53.0 of this By-law.

## Sections 21 – 32: General Administrative Clauses

### 19.0 PR: Parks and Recreation Zone

#### 19.1 General Purpose

To establish a Zone for active and passive recreational uses and landscaped buffers.

#### 19.2 Permitted Uses

- |   |  |
|---|--|
| 1) Child Care Service                     | 5) Protective and Emergency Service    |
| 2) Community Recreation Service           | 6) Public Library and Cultural Exhibit |
| 3) Indoor Participant Recreation Service  | 7) Public Park                         |
| 4) Outdoor Participant Recreation Service | 8) Public Utility                      |

#### 19.3 Conditional Uses

- 1) Eating and Drinking Establishment, only when integrated with another Permitted or Conditional Use development
- 2) Government Service
- 3) Spectator Entertainment Establishment
- 4) Utility Service

#### 19.4 Site Regulations Permitted and Conditional Uses

Floor Area Ratio	N/A
Front Yard	min. 25 ft.
Rear Yard	min. 25 ft.
Side Yard	min. 10 ft.
Corner Side Yard	min. 15 ft.
Building Height	max. 35 ft. or 3 storeys

#### 19.5 Site Regulations Accessory Uses and Buildings

Floor Area Ratio	N/A
Front Yard	min. 25 ft.
Rear Yard	min. 10 ft.
Side Yard	min. 10 ft.
Corner Side Yard	min. 15 ft.
Building Height	max. 20 ft.
Spatial Separation	Per the Manitoba Building Code

#### 19.6 Additional Regulations for Permitted Uses

- 1) A Child Care Service shall be developed in accordance with Section 53.0 of this By-law.

## Sections 21 – 32: General Administrative Clauses

### **20.0 RD: Restricted Development Zone**

#### **20.1 General Purpose**

To provide a Zone that accommodates land uses that are compatible with the municipal sewage lagoons.

#### **20.2 Permitted Uses**

- 1) Existing Dwelling as per the effective date of this Zoning By-law

#### **20.3 Conditional Uses**

- |                                       |  |
|---------------------------------------|--|
| 1) General Storage                    | 7) Public Park                         |
| 2) Greenhouse, Plant and Tree Nursery | 8) Public Utility                      |
| 3) Home Occupation                    | 9) Rapid Drive-Through Vehicle Service |
| 4) Limited Contractor Service         | 10) New Single Family Dwelling         |
| 5) Non-Accessory Parking              | 11) Utility Service                    |
| 6) Protective & Emergency Service     |  |

#### **20.4 Site Regulations Permitted and Conditional Uses**

Site Area	min. 2 acres
Site Width	min. 200 ft.
Front Yard	min. 50 ft.
Rear Yard	min. 25 ft.
Side Yard	min. 25 ft.
Corner Side Yard	min. 15 ft.
Site Coverage	max. 40%
Building Height	max. 35 ft. or 2 ½ storeys
Dwelling Area	min. 600 sq. ft.
Dwelling Width	min. 20 ft.

#### **20.5 Site Regulations Accessory Uses and Buildings**

Site Area	N/A
Site Width	N/A
Front Yard	min. 50 ft.
Rear Yard	min. 25 ft.
Side Yard	min. 25 ft.
Corner Side Yard	min. 15 ft.
Site Coverage	10%
Building Height	max. 20 ft.
Building Area	max. 1,000 sq. ft.
Building Width	N/A
Spatial Separation	min. 10 ft.

#### **20.6 Additional Regulations for Conditional Uses Only**

- 1) A Home Occupation shall be developed in accordance with Section 52.0 of this By-law.
- 2) Notwithstanding the regulations of this Section, the development of new Dwellings as well as the subdivision of land to create additional lots for new Dwellings shall be limited to the area south of Kernstead Road and west of Churchill Road. Within the remaining RD Zone area, no new or additional development or subdivision of land for new Dwellings shall be allowed.
- 3) Existing dwellings are recognized as permitted uses and, subject to zoning regulations and building codes, may be structurally altered, increased in size or rebuilt or replaced with a new structure. Intensification of the use of an existing single-family dwelling to a two-family dwelling or multi-family dwelling will not be permitted.
- 4) All Conditional Use applications shall be referred to those Provincial departments deemed appropriate by the Development Officer, in consultation with Council and Manitoba Local Government, to obtain comments on the said application.

## Sections 21 – 32: General Administrative Clauses

### 21.0 Authority and Responsibility of the Development Officer

#### 21.1 Establishment and Appointment

- 1) The Development Officer shall be any person appointed by Council to occupy the position of Development Officer.

#### 21.2 Development Officer Duties and Responsibilities

- 1) The Development Officer:
  - a) shall review each development permit application to ascertain whether it conforms to the adopted Development Plan and amendments thereto, all applicable regulations of this By-law and amendments thereto, and other Municipal By-laws, the conditions of any caveat, covenant, site plan, development agreement, variation or conditional use order, easement or any other instrument affecting a building or land;
  - b) may refer a development permit application to any Municipal, Provincial or Federal department or any other agency or body, deemed appropriate to obtain comments on the application;
  - c) shall approve, with or without any conditions as are required to ensure compliance, a development permit application provided it complies with the regulations of this By-law, or shall refuse a development permit application if the development does not comply with the regulations of this By-law pursuant to Section 21.3 of this By-law;
  - d) shall refuse to issue a development permit where the proposed building, structure or use does not comply with the *Town of Winnipeg Beach Building By-law*;
  - e) may give notice of his/her decision on applications for development as follows:
    - i) where an application has been approved notice to the applicant may be given in writing by ordinary mail; or
    - ii) where an application has been refused, notice in writing may be given to the applicant, by ordinary mail, and such notice shall state the reason for refusal;
  - f) shall, in the case of a development permit for a temporary sign or portable sign, specify the length of time that the permit remains in effect;
  - g) shall receive, review and process variation and conditional use order applications and amendments to this By-law; and
  - h) shall perform other such duties as described or implied elsewhere in this By-law or required by Council.
- 2) A person who is unsatisfied with a decision or order of the Development Officer may request Council to review the decision or order by written notice within 14 days after the person receives the decision or order.
- 3) After giving the person a reasonable opportunity to be heard, Council may confirm, vary, substitute or cancel the order or decision.

#### 21.3 Variance to Regulations

- 1) The Development Officer may approve, with or without conditions, a minor variation not to exceed 10% of the regulations of this By-law governing front, side, rear or any other yard regulations.

## Sections 21 – 32: General Administrative Clauses

### 21.4 Public Inspection of Applications

- 1) The Development Officer shall ensure that a Register of Applications is maintained, and is made available to any interested person during normal office hours.

### 21.5 Maintenance and Inspection of By-law

- 1) The Development Officer shall:
  - a) make available to the public during normal office hours copies of this By-law and all subsequent amendments thereto; and
  - b) charge the specified fee for supplying to the public copies of this By-law.

### 22.0 Responsibilities of Council

- 1) Subject to the provisions of the *Act*, the Council is responsible for:
  - a) the enactment of this By-law;
  - b) administering and enforcing those provisions of the *Act*, where applicable;
  - c) considering the adoption or rejection of proposed amendments or the repeal of this By-law;
  - d) approving or rejecting variance order applications; and
  - e) approving or rejecting conditional use applications and may revoke the authorized conditional use for any violation of any conditions imposed by it.

### 23.0 Duties of the Owner

- 1) Neither the granting of a development permit nor the approval of the drawings and specifications or the inspections made by the Development Officer shall in any way relieve the owner of the responsibility of complying with the regulations of this By-law or of any relevant By-laws of the Town of Winnipeg Beach.
- 2) Every owner shall:
  - a) permit the Development Officer to enter any building or premises for the purpose of administering or enforcing this By-law at all reasonable times and with the consent of the owner in accordance with Sections 84 and 85 of the *Act*;
  - b) after the development application has been approved and the permit issued, notify the Development Officer and obtain his/her approval before doing any work at variance with the approved documents filed; and
  - c) be responsible for obtaining, where applicable, from the appropriate authorities, permits or licenses relating to the buildings, grades, sewers or water supply systems, plumbing, signs, blasting, street, occupancy, electrical, highways, and all other permits required in connection with the proposed work.

### 24.0 Development Permit Application Submissions

#### 24.1 General Conditions

- 1) An application for a development permit shall not be considered to have been received until the applicant has submitted all information required pursuant to Sections 25.0 and 26.0 of this By-law, and any information specifically required pursuant to the regulations of the applicable Zone or any other Section of this By-law and until the applicant has paid the appropriate fee.
- 2) Notwithstanding Section 24.1(1), the Development Officer may consider an application, if the development is of such a nature as to enable a decision to be made on the application without all of the information required in this Section.

## Sections 21 – 32: General Administrative Clauses

- 3) The Development Officer may require an applicant to submit such additional information as he/she considers necessary to verify the compliance of the proposed use or development with the regulations of this By-law.
- 4) A development permit for an accessory building cannot be issued unless a development permit for the main building has also been issued.
- 5) The approval of any application, drawings, or the issuing of a development permit shall not prevent the Development Officer from thereafter requiring the correction of errors, nor from prohibiting the development being carried out when the same is in violation of this By-law.
- 6) Where an application for a development permit is determined to contain incorrect information, no development permit shall be issued until such information is corrected by the applicant.
- 7) Any development permit issued on the basis of incorrect information contained in the application shall be invalid.
- 8) Unless otherwise specified in this By-law, all drawings submitted shall be drawn on substantial standard drafting material to a scale of not less than 1:100 or such other scale as the Development Officer may approve, and shall be fully dimensioned, accurately figured, explicit and complete.

### **25.0 Development Regulations**

#### **25.1 No Development Permit Required:**

- 1) No development permit is required under this By-law for the developments listed below, provided that such developments shall comply with the regulations of this By-law. Developments exempted from applications are as follows:
  - a) regular maintenance and repair of any development, provided it does not include structural alterations;
  - b) private driveways and patios which are accessory to a development;
  - c) a fence, wall, or gate not exceeding 6 ft. in height;
  - d) an accessory building that:
    - i) is 120 sq. ft. or less in area;
    - ii) does not exceed 15 ft. or one storey in height; and
    - iii) is not considered a hazard by the Development Officer;
  - e) the erection or placement of a temporary building or sign, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building or sign is removed within thirty days of substantial completion or as determined by the Development Officer;
  - f) demolition of a development only where a development permit has been issued for a new development on the same site, and the demolition of the existing development is explicit or implicit in that permit;
  - g) the following types of signs are exempt but this shall not relieve the owner or person in control of such signs from erecting and maintaining the signs in a safe and good condition:
    - i) signs less than 6.5 sq. ft. in area, advertising the sale, lease, or rent of property, premises, or buildings on that site;
    - ii) memorial signs or tablets of bronze, brass, stone or other non-combustible materials when built into or attached to the walls of a building or other structure provided such tablets bear only the name of



## Sections 21 – 32: General Administrative Clauses

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- the owner, the name and use of the building, the date of erection of the building or reading matter commemorating a person or event;
- iii) signs of a duly constituted governmental body, including traffic or regulating devices, legal notices, railway crossing, danger or other emergency signs;
- iv) one real estate sign; and
- v) non-illuminated directional signs, each sign not to exceed 5.38 sq. ft. in sign area.

### 25.2 Permitted Use Developments, Excluding Signs:

- 1) The following information shall be submitted with an application for Permitted Use Developments, and the appropriate application form fully and accurately completed in accordance with the following regulations:
  - a) the municipal address of land and buildings presently occupying the site, if any;
  - b) a Report on Title;
  - c) a legal description of the land on which the proposed development is to occur, by lot, block, subdivision and registered plan numbers;
  - d) the applicant's name, address and interest in the land;
  - e) description of the work to be performed with respect to:
    - i) change in current occupancy of land use; or
    - ii) description of proposed development or building operations;
  - f) identification of the scale of the development with respect to:
    - i) gross floor area of the development;
    - ii) area of the site covered;
    - iii) height of the structure;
    - iv) number of floors or storeys;
  - g) the estimated contract value, in dollars, of the proposed work;
  - h) a site plan, at a minimum scale of 1:500, showing the following:
    - i) a directional true north arrow with the north point located in such a manner that the true north is in the upper position of the drawings;
    - ii) setbacks and yard dimensions;
    - iii) the location of all existing and proposed new buildings or structures in relation to property lines; and
    - iv) dimensioned layout of existing and proposed parking areas, driveways, entrances and exits, abutting public roadways, median breaks and auxiliary lanes;
  - i) identification of the scale of the development with respect to the number of dwellings, or establishments for commercial, industrial or other purposes;
  - j) if required by the Development Officer, a site plan at a minimum scale of 1:500, showing:
    - i) the location of sidewalks and walkways; where applicable, parking, loading, storage, outdoor service and display areas; and
    - ii) the location of fences, screening, retaining walls, trees, landscaping, and other physical features both existing and proposed in the site and adjoining boulevard, if any;
  - k) floor plans at minimum scale of 1:100, indicating all uses or occupancies, storage and garbage holding areas;
  - l) elevations and drawings, indicating sections and the bulk of buildings, at a minimum scale of 1:100;
  - m) number of parking and loading spaces required and provided; and
  - n) a building location certificate.

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### **25.3 Sign Developments**

- 1) The following information shall be submitted, in duplicate, with an application for a Sign Development, and the appropriate application form shall be fully and accurately completed:
  - a) the municipal address and legal description of the land or building where the sign is to be erected;
  - b) the applicant's name, address, telephone number and interest in the land;
  - c) the name of the business or development where the sign is to be erected;
  - d) if the development where this sign is to be erected is a single business occupancy or multiple business occupancy development;
  - e) a letter from the owner of the property on which the sign is to be erected, or his/her agent, authorizing the applicant's sign development;
  - f) two sets of working drawings for the proposed sign showing:
    - i) the overall dimensions of the sign, including all sign boxes and cabinets;
    - ii) a description or illustration of the copy to be displayed on the sign;
    - iii) the method of illumination, if any;
    - iv) the materials from which the sign is to be constructed;
    - v) method used to support the sign and the type of wall construction if the sign is anchored to a building;
  - g) two sets of a sketch/site plan showing:
    - i) the location of the sign on the building;
    - ii) the clearance from grade from the lowest portion of the sign;
    - iii) maximum extension of the sign above the building roof or parapet wall;
    - iv) the distance of the maximum projection of the sign beyond the building wall; and
    - v) any sidewalks, pedestrian passageways, or public roadways that the proposed sign will extend over.

### **26.0 Special Information Regulations**

#### **26.1 Slope and Soil Information**

- 1) When an application for a development permit is submitted to the Development Officer for the development of a site abutting a water course and Municipal drain, the Development Officer may require, in consultation with the Municipal Engineer, information regarding the existing and proposed grades at 1.64 ft. contour intervals. The final grades shall be to the satisfaction of the Town.
- 2) Notwithstanding anything contained herein, the Development Officer may require a detailed engineering study of the soil conditions prepared by a Certified Professional Engineer of Manitoba prior to the issuance of a development permit or the construction of any development abutting a water course and Municipal drain. The engineering study shall contain evidence of:
  - a) test borings;
  - b) ground water piezometer test;
  - c) slope indicators where necessary;
  - d) identification of any sub-surface mining operations; and
  - e) surface erosion analysis.The detailed engineering study shall conclude by the registered Professional Engineer certifying that the foundations proposed for the development were designed with full knowledge of the soil conditions and the proposed siting of the development upon this site.

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- 3) The Development Officer may require the submission of a detailed engineering study as outlined in Section 26.1(2) of this By-law prior to the issuance of a Development Permit at any location within the Town of Winnipeg Beach which in the opinion of the Municipal Engineer has unstable soil conditions.
- 4) The Development Officer, having required a detailed engineering study of the soil conditions may, acting on the advice of the Municipal Engineer, apply conditions to the approval of the development permit to prevent erosion and to stabilize soil conditions.

### **27.0 Conditions Attached to a Development Permit**

- 1) The Development Officer may impose, with respect to a Permitted Use, such conditions as are required to ensure compliance with this By-law.
- 2) Council may, with respect to a Conditional Use, impose such conditions as deemed appropriate, having regard to the regulations of this By-law, other Municipal regulations, and matters raised at the Conditional Use Hearing.
- 3) The Development Officer or Council may, as a condition of issuing a development permit, require the applicant to make satisfactory arrangements for the supply of water, electric power, sewer service, vehicular and pedestrian access, or any of the aforementioned, including payment of the costs of installation or constructing any such utility or facility by the applicant.
- 4) The Development Officer or Council may, as a condition of issuing a development permit require that an applicant enter into an agreement or an interim agreement, which shall be attached to and form part of such development permit, to do all or any of the following:
  - a) to construct, or pay for the construction of, a public roadway required to give access to the development;
  - b) to specify the location and number of vehicular and pedestrian access points to sites from public roadways;
  - c) to install, or pay for the installation of, utilities that are necessary to serve the development, or pay the recovery costs of services which have already been installed;
  - d) to pay any sewer or water costs; and
  - e) to repair or reinstate, or to pay for the repair or reinstatement, to original condition, any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise harmed by development or building operations upon the site.
- 5) The Development Officer or Council may require any agreement entered into pursuant to Section 27.0(4) to be caveated against the title to the site at the Land Titles Office.

### **28.0 Enforcement and Penalties**

#### **28.1 Offenses**

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

## Sections 21 – 32: General Administrative Clauses

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- 2) Any contractor, worker, or other person who constructs a building or structure, or makes an addition or alteration thereto;
  - a) for which a development permit is required but has not been issued or is not subsisting under this By-law; or
  - b) in contravention of a condition of a development permit issued under this By-law;commits an offense.

### 28.2 Penalties

- 1) Fines and penalties will be imposed in accordance with the *Planning Act*.

### 28.3 Suspension or Revocation of the Development Permit

- 1) The Development Officer may suspend or revoke a development permit where:
  - a) the applicant fails to comply with the conditions of issuance of a permit; or
  - b) any person undertakes or causes or permits any development on a site contrary to the terms or conditions of a permit.
- 2) Any person who undertakes, or causes or permits, any development on a site without a permit, or after a permit has been suspended or revoked, shall discontinue such development forthwith upon notice in writing issued by the Development Officer so requiring, and shall not resume such development unless a permit has been issued or the permit reinstated.

## 29.0 Rezoning Amendments

### 29.1 Text Amendments

- 1) Any person applying to amend this By-law shall apply in writing to the Development Officer, furnishing reasons in support of the application and requesting that the Development Officer submit the application to Council.
- 2) If a person applies to the Council in any manner for an amendment to Parts I - VI of this Zoning By-law, the Council shall require him/her to submit his/her application to the Development Officer in accordance with the provisions of this Section before it considers the amendment proposed by such person.

### 29.2 Rezoning Applications

- 1) Any person applying to amend Part II of this By-law to change the Zone governing any land shall apply in writing to the Development Officer and submit the following to the Development Officer:
  - a) a Report on Title which has been issued not later than thirty days prior to the receipt of the amendment application by the Development Officer;
  - b) the applicant's name, signature, address and interest in the property;
  - c) a signed statement by the applicant stating that he/she is willing to pay for all costs incurred by the Town of Winnipeg Beach in processing the proposed amendment, whether it be enacted or not, including, but not limited to, all mapping, printing, reproduction, planning, engineering, surveys and advertising costs;
  - d) the appropriate application fee; and
  - e) a brief written statement by the applicant in support of his/her application, and his/her reasons for applying.

## Sections 21 – 32: General Administrative Clauses

### 29.3 Review and Processing of Amendments

- 1) Upon receipt of an application for a rezoning amendment, the Development Officer shall forward the application to Council for review.
- 2) If Council deems it appropriate to give the application first reading, the Development Officer shall then examine the proposed amendment or undertake an investigation and analysis of the potential impacts of development under the proposed Zone. The analysis shall be based upon the full development potential of the uses and development regulations specified in the proposed Zone and not on the merits of any particular development proposal. The analysis shall, among other things, consider the following Impact criteria:
  - a) relationship to and compliance with *Eastern Interlake Planning District Development Plan* and Council policy;
  - b) compatibility with surrounding development in terms of land use function and scale of development;
  - c) traffic impacts;
  - d) relationship to, or impacts on, services such as water and sewage systems, and other utilities and public facilities such as recreational facilities and schools;
  - e) relationship to municipal land, right-of-way or easement requirements;
  - f) effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;
  - g) necessity and appropriateness of the proposed Zone in view of the stated intentions of the applicant; and
  - h) relationship to the documented concerns and opinions of area residents regarding the application.
- 3) The Development Officer shall prepare a written report on the proposed amendment and advise the applicant of the hearing date.
- 4) The Development Officer may present for the consideration of Council any proposed amendment to this By-law, and the proposed amendment shall be accompanied by the report and recommendation of the Development Officer.
- 5) Council may initiate any amendment to this By-law, and prior to the approval of any amendment, Council may refer the proposal to the Development Officer for his/her report and recommendation.
- 6) Every rezoning application shall be accompanied by the required fee as set out by the Eastern Interlake Planning District.
- 7) When a Development and/or Zoning Agreement is to be entered into between the Town of Winnipeg Beach and the applicant, the applicant shall pay to the Town of Winnipeg Beach, in addition to any other fee required pursuant to this or any other By-law, a Development and/or Zoning Agreement fee.

### 29.4 Notification of Amendments

- 1) Prior to consideration by Council of a proposed rezoning amendment, the Development Officer shall place a notice in compliance with the *Act*.

### 30.0 Subdivisions

- 1) Notwithstanding Sections 31.0 and 32.0 of this By-law, no parcel of land shall hereafter be divided into sites, unless each site conforms to the regulations of the Zone in which

## Sections 21 – 32: General Administrative Clauses

the site is located.

- 2) An existing undersized lot may be increased in area or frontage, or both, and still remain an existing undersized lot if after the increase the lot still remains undersized.
- 3) In addition to the regulations contained herein, all subdivisions shall conform to the *Eastern Interlake Planning District Development Plan*, and the provisions of the *Act*, where applicable.

### **31.0 Conditional Uses**

- 1) An owner or his/her agent may file an application to use land for a use listed as a Conditional Use in this By-law.
- 2) An application for approval of a Conditional Use shall be filed with the Development Officer and shall be in such form and accompanied by such information and fees as determined by Council.
- 3) Council shall request the Development Officer to prepare a written report that identifies potential impacts. This includes how the proposed use may impact the general character of the area, overall safety and general welfare, Municipal services, vehicle and pedestrian circulation, and financial implications.
- 4) Prior to the consideration by Council of a proposed Conditional Use application, the Development Officer shall place a notice in compliance with the *Act*.
- 5) An application for a Conditional Use shall be processed and approved or rejected in accordance with the *Act*. If warranted, Council may want to consider imposing conditions to ensure that the proposed development will not significantly impact the community. This could include:
  - a) buffering measures such as berms and fencing;
  - b) performance standards dealing with such potential impacts as noise, odour and vibration;
  - c) limiting the hours of operation;
  - d) imposing design and siting regulations including landscaping, outdoor lighting, refuse and storage areas, and building design and architectural appearance; and
  - e) requiring the applicant to upgrade certain Municipal services.
- 6) The approval of Council shall expire and cease to have any effect if it is not acted upon within twelve months of the date of the decision, unless it is renewed before the expiry date at the discretion of Council for an additional period not exceeding twelve months.

### **32.0 Variation Orders**

- 1) Any person who is of the opinion that this By-law injuriously or adversely affects him/her or his/her property rights, may at any time apply for a Variation Order, in accordance with the provisions of the *Act*.
- 2) An application for a Variation Order shall be filed with the Development Officer, and shall be in such form and accompanied by such information and fees as determined by the Development Officer or Council.
- 3) Prior to the consideration by Council of a proposed Variation Order application, the Development Officer shall place a notice in compliance with the *Act*.

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- 4) An application for a Variation Order shall be processed and approved or rejected in accordance with the provisions of the Act. Council shall request the Development Officer to prepare a written report that assesses the merits and implications of the proposed application.
- 5) The approval of Council shall expire and cease to have any effect if it is not acted upon within twelve months of the date of the decision, unless it is renewed at the discretion of Council for an additional period not exceeding twelve months.

## Sections 33 – 50: General Development Regulations

### **33.0 Applicability**

General Development Regulations apply to any development on any site, irrespective of the Zone in which it is located.

### **34.0 Yards on Corner Lots and Through Lots in Residential Zones**

- 1) In the case of a Corner Lot, the Front Yard shall be the Yard abutting the Front Lot Line
- 2) Notwithstanding Section 34.0(1), the Development Officer may require any Corner Lot to provide an additional Front Yard or Yards other than that required, having regard to the orientation and access of any development, and the Front Yard regulations of adjacent properties.
- 3) The Development Officer may require any Through Lot to provide a Front Yard on each public roadway, other than a lane, in accordance with the Front Yard regulations of the Zone in which the site is located, provided that at least one Front Yard shall be provided.

### **35.0 Projection into Yards**

Except as herein provided, every part of a required yard shall be open and unobstructed from the ground level to the sky, save for trees, shrubs, gardens, fences, and driveways:

- 1) Eaves, chimneys, cornices and ornamental or decorative features on a main structure may extend or project into a:
  - a) Required side yard not more than six (6) inches for each one (1) foot of width of such side yards provided the width of such side yard is not reduced to less than two feet (2 feet).
  - b) Required front or rear yard not more than five (5) feet.
- 2) Eaves, chimneys, cornices and ornamental or decorative features on a detached accessory structure or building may extend or project into a:
  - a) Required side yard not more than six (6) inches for each one (1) foot of width of such side yard provided the width of such side yard is not reduced to less than eighteen (18) inches.
  - b) Required front or rear yard not more than six (6) inches for each one (1) foot of depth of such front or rear yard provided the depth of such yard is not reduced to less than eighteen (18) inches.
- 3) An open, unenclosed and uncovered porch, a paved terrace or a deck (excluding fixed canopies) may project into a:
  - a) required front yard for a distance not exceeding eight (8) feet;
  - b) required rear yard for a distance not exceeding twelve (12) feet;
  - c) required side yard provided that the required side yard is not reduced to less than three (3) feet;
  - d) required corner side yard provided that the required corner side yard is not reduced to less than eight (8) feet.
- 4) An open, unenclosed stairway or balcony, not covered by a roof or canopy, may project into a required rear yard not more than four (4) feet, and such balconies may extend into the required front yard not more than three (3) feet;
- 5) Free standing decorative or ornamental driveway entrance dividers (including light features) shall maintain a minimum front, side and rear yard of five (5) feet and a height not exceeding four (4) feet and shall not be located in such a manner as to materially impede the view of any street or highway;



## Sections 33 – 50: General Development Regulations

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- 6) Name plates and signs as permitted and regulated in this By-law shall be allowed in any required front, side, or rear yard; and
- 7) In the Commercial Zones: Awnings, marquees, roof overhangs, and canopies which are attached to a building may project up to eight (8) feet into a required front or side yard and may project beyond a front or corner side site line a maximum of eighteen (18) inches. Any awnings, marquees, roof overhangs, and canopies which project beyond eighteen (18) inches must be at least nine (9) feet above grade and will require a resolution of Council. Canopies and other like structures, which are not attached to a building, shall be considered as buildings/structures for the purposes of yard, height and coverage requirements.

### 36.0 Objects Prohibited or Restricted

- 1) No person shall keep in any part of a site in any Residential Zone:
  - a) any commercial vehicle, loaded or unloaded, of a maximum weight exceeding 6,804.00 kg. (15,000.00 lb.) gross vehicle weight;
  - b) any dismantled or wrecked vehicle for more than fourteen consecutive days unless otherwise authorized under the *Derelict Vehicle By-law*; or
  - c) any object or chattel which, in the opinion of the Development Officer or Council, is unsightly or tends to adversely affect the amenities of the area.
  - d) any above-ground or below-ground bulk fuel storage tanks.
- 2) No person shall keep in any Zone:
  - a) travel trailers and associated camping amenities in any part of a site that does not contain a principal building.

### 37.0 Fences

#### 37.1 Residential Zones

- 1) A fence on a Residential property:
  - a) shall not include electric fences or barbed wire fences;
  - b) shall not be higher than:
    - i) 4 ft. in a required Front Yard; and
    - ii) 6 ft. in a required Side or Rear Yard.
- 2) Measurement is taken from finished grade to the highest portion of the fence, excluding fence posts, which can project a maximum of 6 inches.
- 3) Notwithstanding Section 37.1(1) of this By-law, the height of a fence can be increased or decreased at the discretion of the Development Officer to account for the grade of surrounding properties.

#### 37.2 All Other Zones

- 1) A fence in all other Zones:
  - a) shall not include electric fences or barbed wire fences;
  - b) shall not be higher than:
    - iii) 4 ft. in a required Front Yard; and
    - iv) 8 ft. in a required Side or Rear Yard.

## Sections 33 – 50: General Development Regulations

- 2) Notwithstanding Section 37.2(1) b) of this By-law, the maximum height of a fence located on a public or private education service site, public utility or utility service site or public park shall be 10 ft.
- 3) Notwithstanding Section 37.2(1) of this By-law, in any Industrial Zone:
  - a) the maximum height of a fence located in a Rear Yard shall be 8 ft.; and
  - b) outside storage shall not be allowed to project above the height a fence.
- 4) Notwithstanding Section 37.2(1) to Section 37.2(3) of this By-law, the height of a fence can be increased or decreased at the discretion of the Development Officer to account for the grade of surrounding properties.

### **38.0 Accessory Uses and Buildings**

#### **38.1 Accessory Uses and Buildings: General Regulations**

- 1) Accessory developments are permitted when accessory to a permitted use.
- 2) Accessory developments are conditional when accessory to a conditional use.
- 3) Where any building or structure on a site is attached to a principal building on the site by a roof, an open or enclosed structure above grade, a floor or a foundation which is above grade, or any structure below grade allowing access between the buildings such as a parking garage or a corridor or passageway connecting the buildings, it is at the discretion of the Development Officer whether this building or structure should be classified as part of the principal building or an accessory building.
- 4) No accessory building or structure shall be constructed on any site prior to the time of construction of the principal building to which it is accessory.

#### **38.2 Accessory Buildings in Non-Residential Zones**

- 1) Accessory buildings in non-Residential Zones shall be subject to the regulations for that Zone.
- 2) Notwithstanding Section 38.2(1), the maximum height of an accessory building or structure on a site which abuts a site in a Residential Zone shall not be greater than the height of principal buildings permitted in the abutting Residential Zone.

#### **38.3 Accessory Buildings in Residential Zones**

##### **In a Residential Zone:**

- 1) An accessory building or structure shall not be used as a Dwelling.
- 2) Accessory Buildings and Structures shall be located on a site as follows:
  - a) where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building; and
  - b) where the accessory building is detached from the main building, it shall not be located closer than the front wall of the main building, this provision excludes lakefront properties.

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### **38.4 Temporary Buildings and Uses**

- 1) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by Council or the Development Officer.
- 2) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than six months and may not be renewed for more than one successive period at the same location.
- 3) In all cases, temporary buildings and structures shall not exceed 1,000 sq. ft. in area and one storey or 15 ft. in height, and:
  - a) may be used as an office space for the contractor or developer;
  - b) shall not be used for human habitation, except as temporary accommodation for a caretaker, watchman or construction workers; and
  - c) shall not be detrimental to the public health, safety, convenience and general welfare, nor detract from the aesthetic value of the neighbourhood.

### **39.0 Lighting of Sites**

- 1) Outdoor lighting for any development:
  - a) shall be low-glare in nature and located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices; and
  - b) if ground mounted, the maximum height shall be 20 ft.

### **40.0 Height of Buildings and Structures**

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

### **41.0 Access to Sites**

- 1) All Municipal access locations and curb crossings shall require the approval from Council with consultation of the Municipal Engineer. A permit from the Department of Infrastructure and Transportation will be required for direct access to PTH No. 9, PR No. 229, PR No. 232 and the Winnipeg Beach Provincial Access Road from PTH No. 9 to PR No. 232.
- 2) No person shall construct a driveway for motor vehicles from a site to a public roadway, if the public roadway, in the opinion of the Municipal Engineer, carries or will carry a heavy traffic volume or such driveway would create an unnecessary traffic hazard, unless there is no other practical method of vehicular access to the site and a turning space is provided on the site connected to the driveway so that every motor vehicle leaving the site by the driveway will face the public roadway which the driveway enters.

## Sections 33 – 50: General Development Regulations

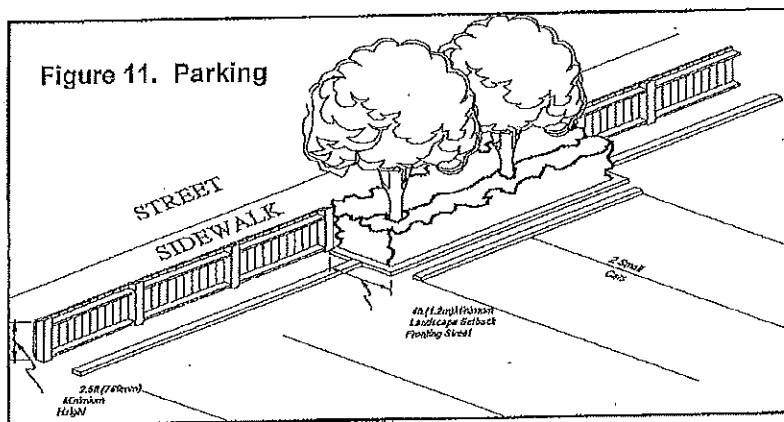
### 42.0 Landscaping

#### 42.1 Landscaping in Commercial, Industrial, Institutional and Multiple Family Zones

- 1) A landscaping plan is required and no landscaping work shall be commenced unless the landscaping plan is approved by the Development Officer or Council.

#### 42.2 Landscaping for Parking and Storage Areas

- 1) A parking area having eight or more parking spaces and which is visible from an abutting site in a Residential Zone shall be fenced or have a screen planting. The location, length, thickness and height of such fence or screen planting shall be in accordance with the landscaping plan.



- 2) A garbage collection area, including metal garbage storage bins, open storage areas, or outdoor service areas, which are visible from an abutting site in a Residential Zoning Zone, or from a public roadway including a lane, shall be fenced or have a screen planting. The location, length, thickness and height of such fence or screen planting shall be in accordance with the landscaping plan. Such fence or screen planting shall be maintained to provide effective screening from the ground to a height of 6 ft.

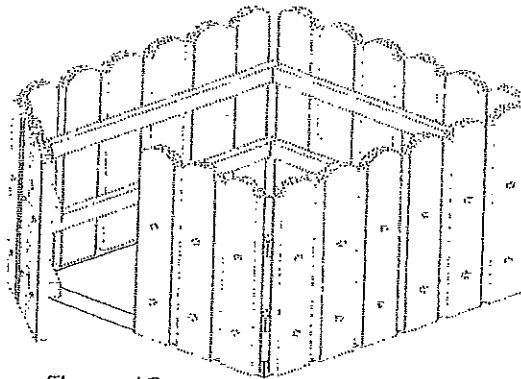


Figure 12.  
Refuse Storage Area

- 3) In the case of bulk outdoor storage, including but not limited to lumber yards and similar uses, where because of height of materials stored, a screen planting would not be sufficient, a fence, earth berm or combination thereof, with sufficient height to substantially block the view, shall be substituted for the regulation provided in Section 42.2(2).

#### 43.0 Moving of Structures

- 1) No person shall move any structure or part thereof off his/her property to any other location unless that structure or part is made to conform to the provisions of this By-law applicable to the Zone to which it is to be moved.
- 2) Prior to the relocation of any building or structure into, from or within the Town, the Town shall require the owner/applicant/agent enter into a Performance Agreement with the Town. Said performance agreement shall contain conditions the Town deems necessary to protect the public interest, and without limiting the generality of the foregoing such agreement may deal with:
  - a) exterior appearance
  - b) excavation, erection, alteration, relocation, reconstruction, removal, repair, addition, installations, damage to other property
  - c) landscaping features
  - d) a deposit/bond with a dollar value, which in Council's opinion, would cover any necessary outstanding deficiencies, should the owner renege on their contract/agreement. This amount to be fully refunded once all conditions and deficiencies are met as determined by the Development Officer and Council. In all such cases, the Town shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection herewith are being and will be complied with.

## Sections 33 – 50: General Development Regulations

### 44.0 Parking

#### 44.1 Off Street Parking

- 1) When any new development is proposed, including a change of use of existing development, or when any existing development is substantially enlarged or increased in capacity, then provision shall be made for off-street vehicular parking or garage spaces in accordance with the regulations and standards in Table 44.1.1 below.
- 2) Where a proposed use is not listed below, the parking regulation shall be determined by Council which may either determine that the proposed use is similar to one which is listed, or, if that is not the case, the Development Officer shall make his/her own determination as to the regulation.
- 3) Where the parking space regulation is determined by reference to a unit such as the number of bedrooms or seats, floor area, the next higher number shall be required where the calculation results in a fractional number of parking spaces.
- 4) In the case of the multiple use of a site, the Development Officer shall calculate the parking required for each individual use and the total shall be deemed to be the required parking for the site, unless the applicant can demonstrate to the satisfaction of Council through a parking demand study that there is a complementary use of the parking facilities which would warrant a reduction in the parking regulations.

**TABLE 44.1.1**  
**Off Street Parking Regulations**

Zoning Use Class	Number of Parking Spaces Required
<b>Residential and Related Use Classes</b> Dwelling, Multiple Family Dwelling, Single and Two Family Institutional Facility Bed and Breakfast Home	1.2 per Dwelling Unit 1 per Dwelling Unit 1 per each 2 Dwelling or Sleeping Units 1 per Sleeping Accommodation
<b>Commercial Use Classes</b> Hotel and Motel Eating and Drinking Establishment Convenience and General Retail Stores All Other Commercial Establishments	1 per Guest Room or Sleeping Unit 1 per 4 Seats or 100 sq. ft. of floor area, whichever is greater 1 per 200 sq. ft. of floor area 1 per 250 sq. ft. of floor area
<b>Industrial Use Classes</b> All Industrial Establishments	1 per 1,000 sq. ft. of floor area or 1 per 5 employees, whichever is greater
<b>Basic Service Use Classes and Community, Educational, Recreational and Cultural Service Use Classes</b>  Indoor Participant Recreation Service, Religious Assembly, Outdoor Participant Recreation Service, Private Club, Public Library, Cultural Exhibit and Community Recreation Service  Extended Medical Treatment Service Public and Private Education Service  Government Service Child Care Service Funeral Service	1 per 5 Seating spaces or 10 ft. of bench space. Where there are no fixed seats, 1 per each 100 sq. ft. of floor area devoted to the assembly room floor area  2 per Bed 1.5 per Classroom, plus 1 per each 100 sq. ft. of floor area devoted to public use  1 per 550 sq. ft. of floor area 1 per 2 employees 1 per 5 seating spaces

## Sections 33 – 50: General Development Regulations

### 44.2 Spaces and Aisles

- 1) Except as provided below, each required non-residential off-street parking space shall be a minimum of 8.5 ft. in width, and a minimum of 18 ft. in length, exclusive of access drives or aisles, ramps, or columns. Such spaces shall have a vertical clearance of at least 6.5 ft. For parallel parking, the length of the parking spaces which shall be increased to 23 ft., except than an end space with an open end shall be a minimum of 18 ft. For parking spaces other than parallel parking spaces, up to 15% of the required parking spaces may be of a length shorter than that required above, to a minimum of 15 ft.
- 2) Aisles shall be a minimum of 23 ft. wide for 90 degree parking, 18 ft. wide for 60 degree parking, and 12 ft. wide for 45 degree and parallel parking.
- 3) For residential buildings, the required parking spaces shall be wholly provided on the same site as the building. For all other uses, the parking spaces shall be located not more than 328 ft. from the building, unless otherwise approved by Council. Such distance shall be measured along an accessible public roadway from the nearest point of the parking area to the nearest point of the site where the building or use is located.
- 4) Except as otherwise provided for in this By-law, no parking spaces shall be within a required front yard.

## Sections 33 – 50: General Development Regulations

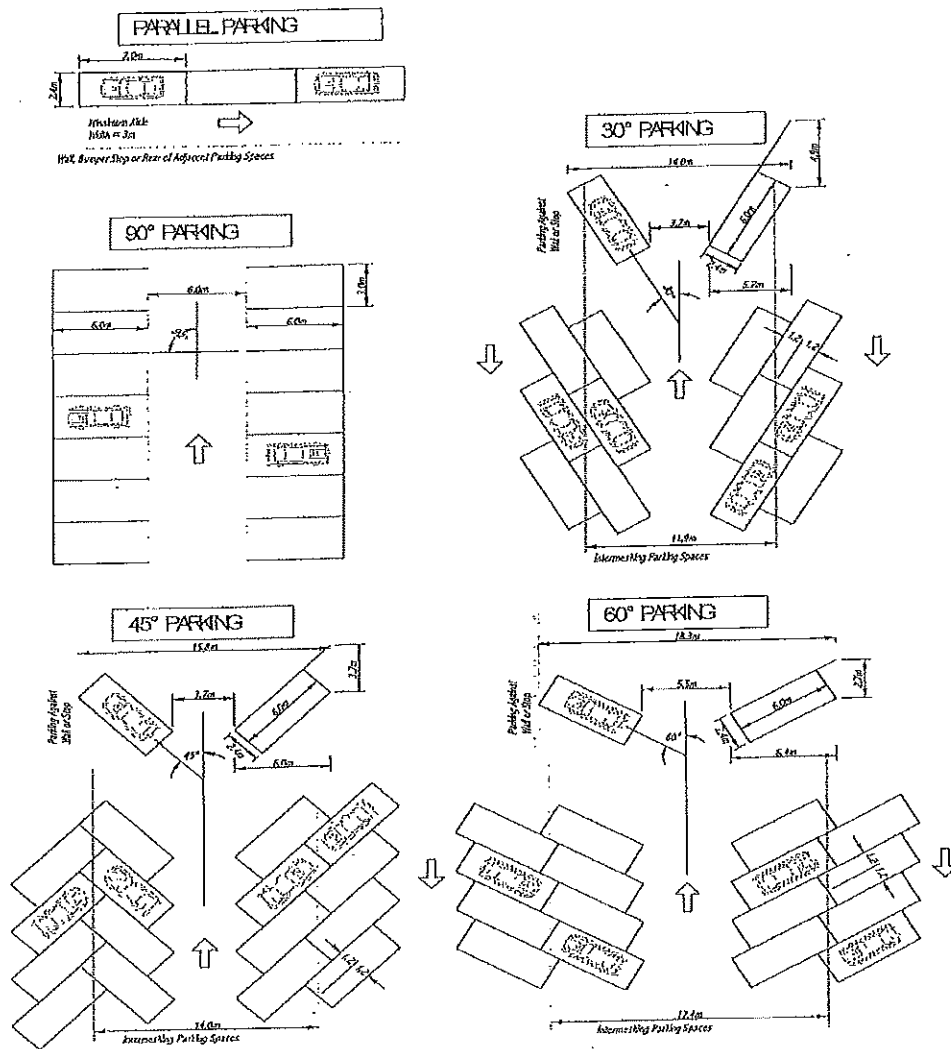


Figure 13.  
Minimum Parking Space Requirements



## Sections 33 – 50: General Development Regulations

### 45.0 Signs

#### 45.1 General

- 1) Notwithstanding Section 25.1, no person shall erect a sign without first obtaining a development permit from the Development Officer and no development permit to erect a sign shall be issued unless all the sign provisions of this By-law have been satisfied.
- 2) Where provisions of this By-law are inconsistent with the regulations respecting signs on or near public highways made or administered by the Manitoba Department of Infrastructure and Transportation, the more restrictive regulations shall apply.
- 3) No flashing signs will be permitted within the control areas of the provincial highway system, including control circles at major intersections. Under *The Highway Traffic Act*, no device may be erected upon or in view of a highway that resembles or interferes with the effectiveness of a traffic control device without the approval of the traffic authority.
- 4) Signs are considered accessory uses.
- 5) No sign shall be erected, operated, used or maintained which:
  - a) due to its position, shape, colour, format or illumination obstructs the view of, or may be confused with, an official traffic sign, signal or device, as determined by the Development Officer or Council;
  - b) display lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles;
  - c) allows a swinging motion;
  - d) is not related to any business upon the site where the sign is located; and
  - e) is located on a public right-of-way or sidewalk, unless otherwise provided herein.

#### 45.2 Abandoned and Unlawful Signs

- 1) Where a Development Officer finds a sign to be abandoned, the Development Officer may, after resolution of Council, by notice in writing or by registered mail, order the registered owner, the person in possession of the land or building or the person responsible for the abandoned sign to remove the sign within twenty days after receipt of the notice, or take such measures as are specified in the notice to alter and refurbish the sign so that it correctly identifies the business, or the products and services offered on the site where the sign is displayed.
- 2) Where a sign contravenes the provisions of this By-law, Council may, by notice in writing, order the owner or the person responsible for the contravening sign to take such measures as are specified in the notice to alter the sign so that it complies with the provision of this By-law, or remove the sign.
- 3) Failure to remove abandoned or unlawful signs, or to comply with the measures specified in the notice by Council, shall result in:
  - a) the issuance of an offense ticket pursuant to this By-law by either the Development Officer or Council; or
  - b) the removal of the sign by the Town of Winnipeg Beach with the owner or the person responsible for the contravening sign assuming liability for all removal costs.

## Sections 33 – 50: General Development Regulations

### 45.3 Sign Regulations

- 1) Quality, aesthetic character, and finishing of sign construction shall be to the satisfaction of the Development Officer or Council,
- 2) No signs shall be erected in a Residential Zone except those expressly provided for in this Section.
- 3) Fascia signs shall not have letters over 2 ft. high and which exceed 80% of the building width.
- 4) Freestanding signs are limited to no more than one per site, except on a corner site or through lot. The Development Officer or Council may allow more than one freestanding sign if warranted by the circumstances.
- 5) Where the architectural design and appearance of a building facade for a multiple business occupancy are uniform, signs for individual businesses located on the same facade shall be similar as to proportion, materials, and placement such that they present a pleasing architectural appearance.
- 6) No canopy sign shall be erected over a public thoroughfare which:
  - a) extends horizontally beyond a line drawn perpendicularly distant to and 2 ft. in from the line of the curb;
  - b) extends more than 6.5 ft. over the public thoroughfare;
  - c) is less than 10 ft. above the public thoroughfare measured from the lowest portion of such canopy;
  - d) is supported on posts or by braces, brackets or supports on or extending over a public thoroughfare except where the braces, brackets or supports are hidden from view and above the height of the roofline of the canopy; and
  - e) is constructed in such a manner that drainage from the canopy falls on any public thoroughfare.
- 7) No awning sign shall be erected over a public thoroughfare that:
  - a) extends more than 6.5 ft. over the public thoroughfare;
  - b) is less than 8 ft. above the public thoroughfare measured from the lowest portion of the awning including any fringe thereupon; or
  - c) is supported by pillars or posts or by braces, brackets or supports on or extending over such public thoroughfare except where the braces, brackets or supports are hidden and above the height of the roofline of the awning.
- 8) Signs shall be developed in accordance with the following regulations:
  - a) where a lot is occupied by more than one business (i.e. multiple occupancy), each business shall be considered as a separate business; and
  - b) signs shall be developed in accordance with Table 45.3.1 below.
- 9) Notwithstanding anything elsewhere contained in this By-law, the following regulations shall apply to Portable Signs:
  - a) portable signs are only allowed in Commercial, Industrial and Community Service Zones;
  - b) the maximum sign surface area of a portable sign is 50 sq. ft.;
  - c) there shall be no more than one portable sign per site, except that for a site with multiple occupancy there can be a maximum of two portable signs. Where there is more than one portable sign, the signs shall be a minimum of 65 ft. apart;
  - d) a portable sign shall comply with the yard regulations of the Zone in which it is located;

## Sections 33 – 50: General Development Regulations

- e) any flashing or scintillating portable signs shall not be located within 200 ft. of a Residential Zone boundary;
  - f) no portable sign shall be placed in such a way that it may interfere with, obstruct the view of, or be confused with a authorized traffic signal, warning sign or other regulatory or informational device, and in no circumstances shall it be located within 10 ft. from the nearest part of any exit or entrance driveway;
  - g) the maximum height of a portable sign shall be 10 ft. measured from grade to the highest part of the sign;
- 10) Notwithstanding anything elsewhere contained in this By-law, the following regulations shall apply to a Temporary Sign that provides information dealing with a land development project:
- a) the maximum sign surface area is 150 sq. ft.;
  - b) the sign shall comply with the yard regulations of the Zone in which it is located;
  - c) the sign shall be placed in such a way that it will not interfere with, obstruct the view of, or be confused with an authorized traffic signal, warning sign or other regulatory or informational device, and in no circumstances shall it be located within 10 ft. from the nearest part of any exit or entrance driveway;
  - d) the sign shall be removed within 30 days of the last sale of any lots or buildings or at the discretion of the Development Officer.
- 11) Notwithstanding anything elsewhere contained in this By-law, the following regulations shall apply to a Folding or Sandwich Board Temporary Sign:
- a) the maximum sign surface area is 25 sq. ft.;
  - b) the sign may be placed in a public right-of-way or sidewalk provided that it is placed adjacent to or in front of the related business and an unobstructed pathway measuring a minimum of 5 feet in width is maintained at all times;
  - c) the sign shall be placed in such a way that it will not interfere with, obstruct the view of, or be confused with an authorized traffic signal, warning sign or other regulatory or informational device, and in no circumstances shall it be located within 10 feet from the nearest part of any exit or entrance driveway; and
  - d) there shall be a maximum of one folding (i.e. sandwich board) sign per business.

Sections 33 – 50: General Development Regulations

**TABLE 45.3.1**  
**Signage Regulations**

Zoning Use Class	Type of Sign	Maximum Sign Area
Residential and Agricultural Use Classes	Identification Sign Real Estate Sign	4 sq. ft. 16 sq. ft.
Commercial and Industrial Use Classes	Sign attached to a building (excluding Mural Signs)	Total sign area per business not to exceed 20% of the building face for each business (with only the wall of a building which faces a street being eligible) to a maximum of 100 sq. ft. for single occupancy and a combined maximum of 500 sq. ft. for multiple occupancy
	Ground Sign	100 sq. ft. per business to a maximum total sign area per site of 200 sq. ft. for multiple occupancy
	If both Attached and Ground Signs are used (excluding Mural Signs)	The maximum combined total sign area shall not exceed 150 sq. ft. for single occupancy sites and 500 sq. ft. for multiple occupancy sites of three or more businesses
	Folding/Sandwich Board Sign	25 sq. ft. per business
	Mural Sign	If 15% or less of the total mural sign area is devoted to business identification and general advertising, it shall not be included in the maximum sign area calculation of 500 sq. ft. If more than 15% of the total mural sign area is devoted to business identification and general advertising, only the sign area over and above the 15% portion shall be included in the maximum total sign area calculation of 500 sq. ft.
Basic Service Use and Community, Educational, Recreational and Cultural Service Use Classes	Ground Sign and/or Sign attached to a building	25 sq. ft. when in a Residential Zone or abutting a Residential Zone or 50 sq. ft. in other Zones

## Sections 33 – 50: General Development Regulations

### 46.0 Off Street Loading

- 1) When any new development is proposed including a change of use of existing development, or when any existing development is substantially enlarged or increased in capacity, off-street vehicular loading and unloading spaces shall be provided in accordance with the following:
  - a) any commercial development excluding Professional, Financial and Office Support Services:
    - i) one space required for less than 5,005 sq. ft., two spaces for 5,005 sq. ft. to 10,146 sq. ft. and one space for each additional 24,757 sq. ft.
  - b) any Professional, Financial and Support Service development, as well as any development within the Industrial Use Classes, Basic Service Use Classes, or Community, Educational, Recreational, and Cultural Service Use Classes:
    - i) one space required for up to 30,139 sq. ft. and one additional space up to a maximum of five for each additional 39,139 sq. ft.
- 2) All loading and unloading spaces shall be located on the site so that all materials and commodities loaded or unloaded can be easily collected or distributed within the site, to and from all tenants or occupants. Access shall be so arranged that no backing or turning movements of vehicles going to or from the site causes interference with traffic on the adjoining or abutting public roadways, lanes, sidewalks, or boulevards.
- 3) Loading and unloading spaces shall be of adequate size and with adequate access, both to the satisfaction of the Development Officer, to accommodate the types of vehicles which will be loading and unloading, without those vehicles projecting into a public roadway. In no case shall the space be less than 301 sq. ft., or less than 8.5 ft. wide, or have less than 12 ft. overhead clearance.

### 47.0 General Performance Standards

#### 47.1 Applicability

- 1) Any development or site used for any Permitted or Conditional Use shall comply with the performance standards of this Section. Where a use may not comply with the performance standards of this Section, the Development Officer may require that the applicant submit a statement from a qualified and registered Professional Engineer of Manitoba certifying that the proposed use can meet the performance standards of the appropriate Zone.

#### 47.2 Performance Standards for Industrial Developments

- 1) No operations or activity in any Industrial Zone shall emit air and water contaminants in excess of the standards prescribed by the Province of Manitoba pursuant to the *Manitoba Environment Act* and the regulations pertaining thereto.
- 2) No activity or operation in an Industrial Zone shall cause, or permit to be caused, a noise level at or inside the boundary line of a Residential Zone which exceeds the regulations of the Province of Manitoba pursuant to the *Manitoba Environment Act* and regulations pertaining thereto.
- 3) Any use or activity in the MB: Industrial Business Zone shall comply with the following appearance standards:
  - a) all loading, service, trash collection and accessory storage areas, and trucking yards shall be located to the rear or sides of the principal building, and shall be

## Sections 33 – 50: General Development Regulations

- b) screened from view from any public roadway and from adjacent sites, by building walls, landscape materials, berms, fences or a combination of these; the Development Officer may require that exposed projections outside the building such as mechanical and electrical equipment, transformer ducts, and materials handling equipment be screened from view from any public roadway, or from adjacent sites if such projections are inconsistent with the character and appearance of surrounding development or the intended visual qualities of this Zone;
- c) all buildings shall be constructed and finished with durable materials designed to maintain the initial appearance of the development throughout the life of the project. The Development Officer may require that the appearance of metal or concrete block walls exposed to public view from beyond the site be improved where such walls are inconsistent with the finishing materials or appearance characteristic of surrounding development.

### **47.3 General Performance Standards for Non-Industrial Developments**

- 1) In all non-industrial development, the design, use of exterior finishing materials and construction shall be to the satisfaction of the Development Officer or Council who shall ensure, as far as is reasonably practicable, that materials will be used which ensure that the standard of the buildings will be similar to, or better than, the standard of surrounding development. The Development Officer or Council may require that the appearance of walls exposed to public view from beyond the site be improved where the appearance of such walls is inconsistent with the finishing standards of surrounding development.

### **48.0 Development Restricted**

#### **48.1 Restricted Lot Occupancy**

- 1) Unless specifically permitted in a Zone, no more than one dwelling unit is permitted on a lot.

#### **48.2 Existing Uses Listed as Conditional Uses**

- 1) Any use that legally existed prior to the adoption of this By-law, and is now listed as a Conditional Use, shall for the purposes of this By-law, be considered as a legally existing Conditional Use.

#### **48.3 Noxious or Offensive Uses**

- 1) Notwithstanding anything contained herein, no use shall be permitted in any Zone which may be offensive or objectionable unless satisfactory measures are undertaken to mitigate or eliminate such effects.

#### **48.4 Land Unsuitable for Development**

- 1) Notwithstanding the provisions contained in this By-law, the Development Officer or Council may prohibit or restrict the development of an area of land for a use permitted in a Zone if the area has been identified either by Council or other agencies as being subject to flooding, erosion, bank instability, landslide, subsidence, marshy or unstable,

## Sections 33 – 50: General Development Regulations

or otherwise hazardous or unsuitable for the proposed development and use by virtue of its soil or topography.

### **48.5 Multiple Uses**

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

### **48.6 Side Yard Exceptions**

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

### **49.0 Streets**

#### **49.1 Future Road Allowance Deemed Existing**

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

### **50.0 Non-Commercial Farms**

- 1) Non-commercial farms are not permitted in the Town of Winnipeg Beach.

## Sections 51 – 56: Special Land Use Regulations

### 51.0 Applicability

- 1) The Special Land Use Regulations apply to the uses listed irrespective of the Zone in which they are located. Where these Regulations appear to be in conflict with the Zone regulations in which the use is either a Permitted or a Conditional use, the Special Land Use Regulations shall take precedence and shall be applied in addition to the regulations in the Zone.

### 52.0 Home Occupations

A Home Occupation shall comply with the following regulations:

- 1) The home occupation shall not include social escort services, automotive service uses and tow-truck operations.
- 2) There shall be no outdoor business activity, or storage of material or equipment associated with the home occupation.
- 3) The home occupation shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located.
- 4) The home occupation is carried on solely by the members of the family residing at the same dwelling unit without the employment of other persons.
- 5) Any exterior display or advertisement for the home occupation must be approved by the Development Officer. The home occupation may have one identification sign not exceeding 4.0 sq. ft. in area, indicating the name of the occupant and/or home occupation of the occupant provided the sign is attached to and parallel with the wall of the principal or accessory building.
- 6) There shall be no mechanical or electrical equipment used which creates noise, or visible and audible interference in radio or television reception in adjacent Dwellings.
- 7) The home occupation shall be operated as a secondary use only, and shall not change the principal character or external appearance of the Dwelling involved.
- 8) A home occupation within a dwelling unit or accessory building shall not exceed a maximum floor area of 400 sq. ft.
- 9) The home occupation shall not be permitted if such use would be more appropriately located in a Commercial or Industrial Zone having regard for, among other matters, potential traffic generation and potential interference with the residential character of the area.
- 10) In addition to the information regulations of this By-law, each conditional use application for a development permit for the home occupation shall include a description of the office use to be undertaken at the premise and an indication of where any materials, equipment or vehicles associated with the office use are to be stored.
- 11) An approved conditional use for a home occupation is not transferable to a new home owner.
- 12) If the home occupation is used for instructional classes, there shall not be more than six pupils at a time.



## Sections 51 -- 56: Special Land Use Regulations

### **53.0 Child Care Services**

A Child Care Service shall meet Provincial Government regulations and comply with the following regulations:

- 1) The number of children within a Child Care Service established as a secondary use within a Dwelling shall not exceed eight (8).
- 2) A Child Care Service shall not be a principal use of a building within Residential Zones.
- 3) Council shall, in deciding whether to approve or refuse a Child Care Service which is a Conditional Use when in a Residential Zone, consider among other matters, if the development would be suitable for the location proposed, taking into account, among other matters, potential traffic generation, proximity to park or other open or recreation areas, isolation of the proposed site from other residential uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of their properties by nearby residents, and consistency in terms of intensity of use with other development in the area.

### **54.0 Bed and Breakfast Homes**

A Bed and Breakfast Home shall comply with the following regulations:

- 1) There shall be no exterior display or advertisement larger than 8 sq. ft. in area, provided that no sign shall be illuminated and any sign must be compatible with the residential character of the area.
- 2) The Bed and Breakfast Home shall not generate vehicular traffic or parking that is in excess of what is normally characteristic of the area.
- 3) The Bed and Breakfast Home shall be operated by a live-in owner as a secondary use only, have a maximum of eight accommodation units, and shall not change the principal residential character or external appearance of the dwelling.
- 4) Guest stays are limited to less than seven days.
- 5) Meals shall be limited to the occupants of the dwelling and resident guests with no cooking facilities allowed in guest rooms.
- 6) Catering to social functions is not permitted.
- 7) In addition to the parking regulations for the primary use, one additional on-site parking space shall be provided for each accommodation unit.

### **55.0 Private and Semi-Private Swimming Pools and Hot Tubs**

Private and semi-private pools and hot tubs shall meet Provincial Government regulations and comply with the following regulations:

- 1) Shall be considered as being accessory to a Permitted Use and shall be developed in accordance with Section 38.0 of this By-law.
- 2) Shall not be located closer than 5 ft. to any side or rear lot line, nor shall they be constructed beyond the foremost portion or portions of the principal building on the site.
- 3) Shall meet all minimum safety requirements as set out by the Manitoba Building Code, which include but are not limited to: fencing, self closing gates, etc.

## Sections 51 – 56: Special Land Use Regulations

### 56.0 Guest House

A Guest House shall comply with the following regulations:

- 1) It shall comply with all site regulations applicable to the zone in which the Single-Family Dwelling is located;
- 2) The maximum building area allowed is 320 sq. ft.;
- 3) It shall only provide secondary and incidental accommodation for family members and guests of the occupants of the Single-Family Dwelling;
- 4) It is not intended for exclusive occupancy by a family living independent from the occupants of the Single-Family Dwelling;
- 5) It is not to be rented separately from Single-Family Dwelling;
- 6) It is not allowed to contain cooking and or bathroom facilities; and
- 7) It is not allowed to be served by utilities that are independent of the Single-Family Dwelling.

Council may impose additional conditions on the development or use of a Guest House deemed necessary to protect adjoining properties and the public welfare. The Town of Winnipeg Beach has the right to inspect Guest Houses.

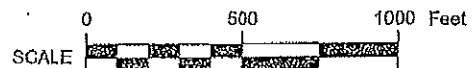
# Town of Winnipeg Beach ZONING MAP 3

## LEGEND:

R1-12	RESIDENTIAL SINGLE FAMILY ZONE
PR	PARKS AND RECREATION ZONE
—	ZONE LIMITS
—	TOWN LIMITS
151300	Assessment Roll Number

## APPENDIX "A"

ESTABLISHING ZONING MAP 3  
OF THE TOWN OF WINNIPEG BEACH  
ZONING BY-LAW NO. 0-0000

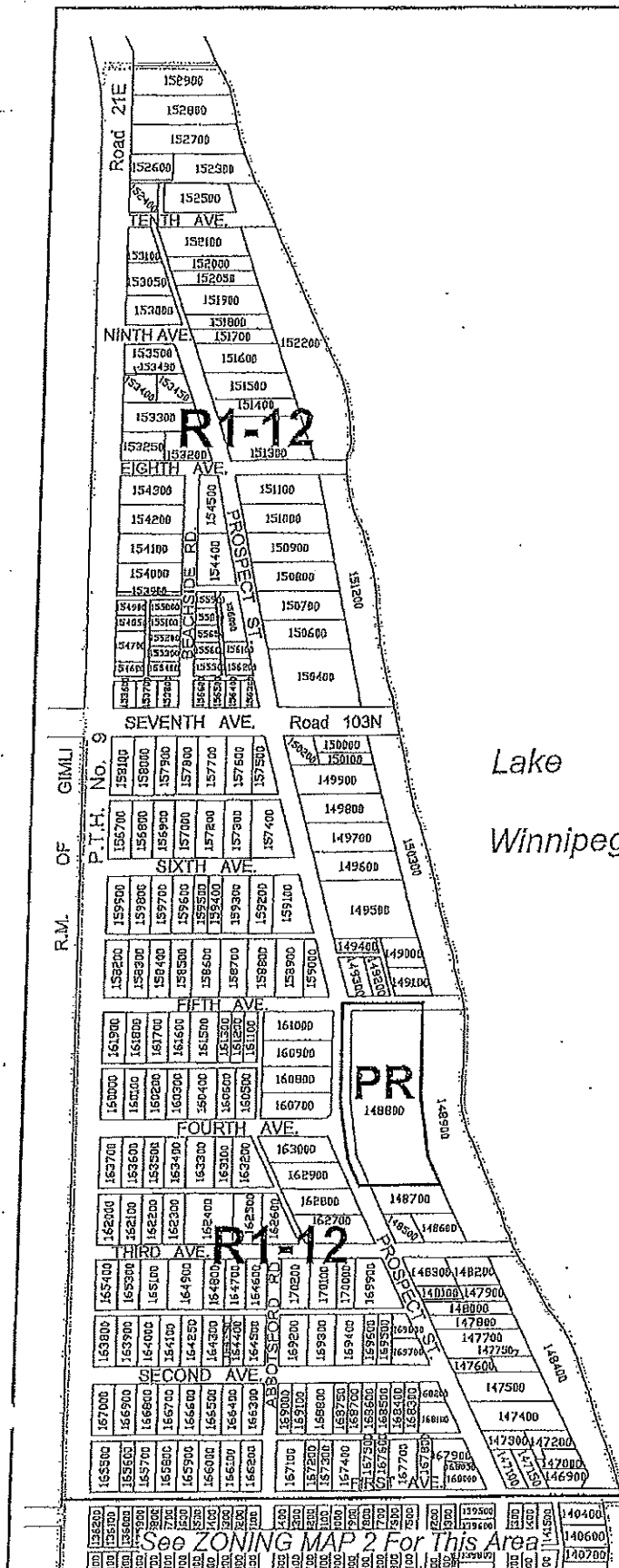


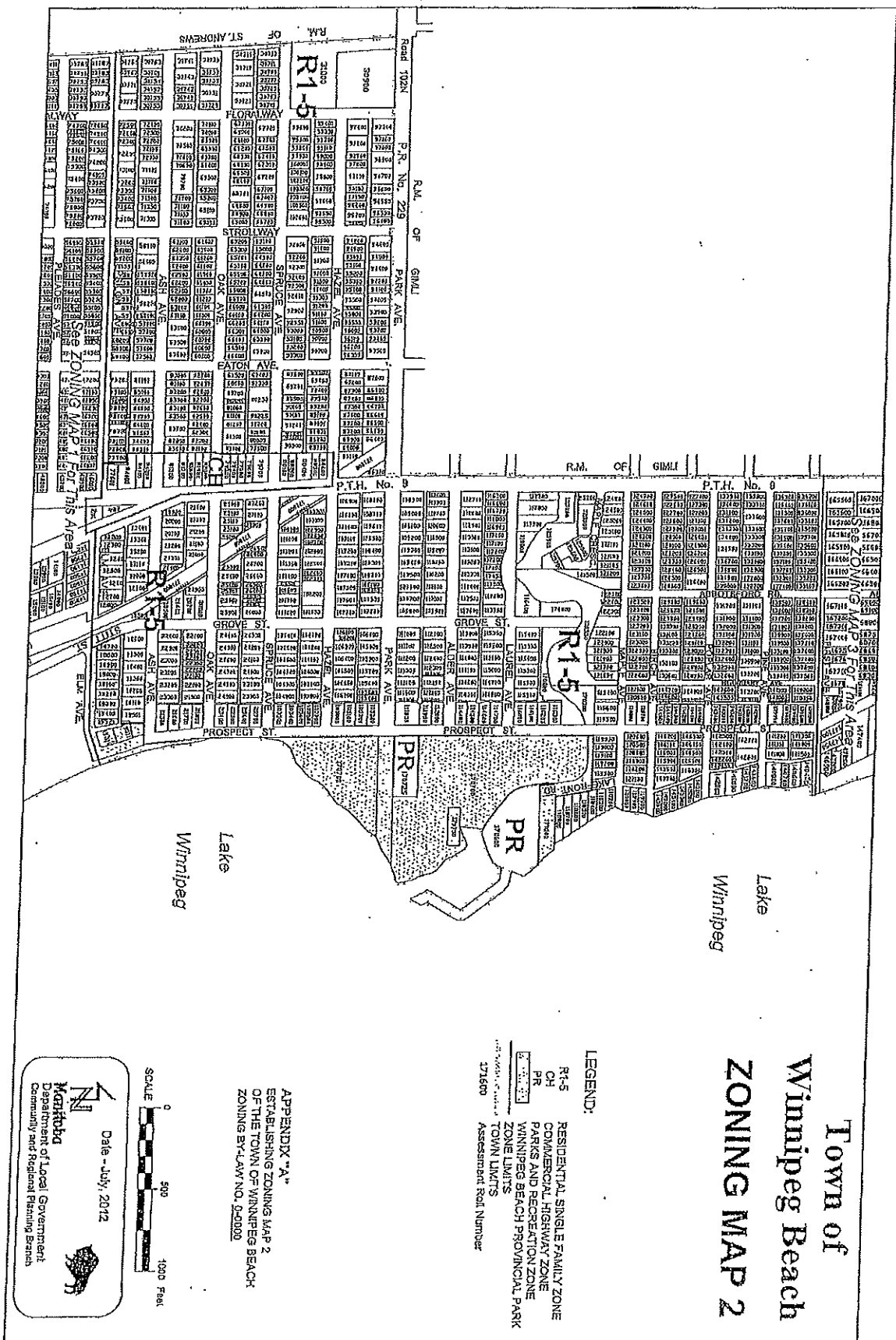
Date - July, 2012



Manitoba

Department of Local Government  
Community and Regional Planning Branch

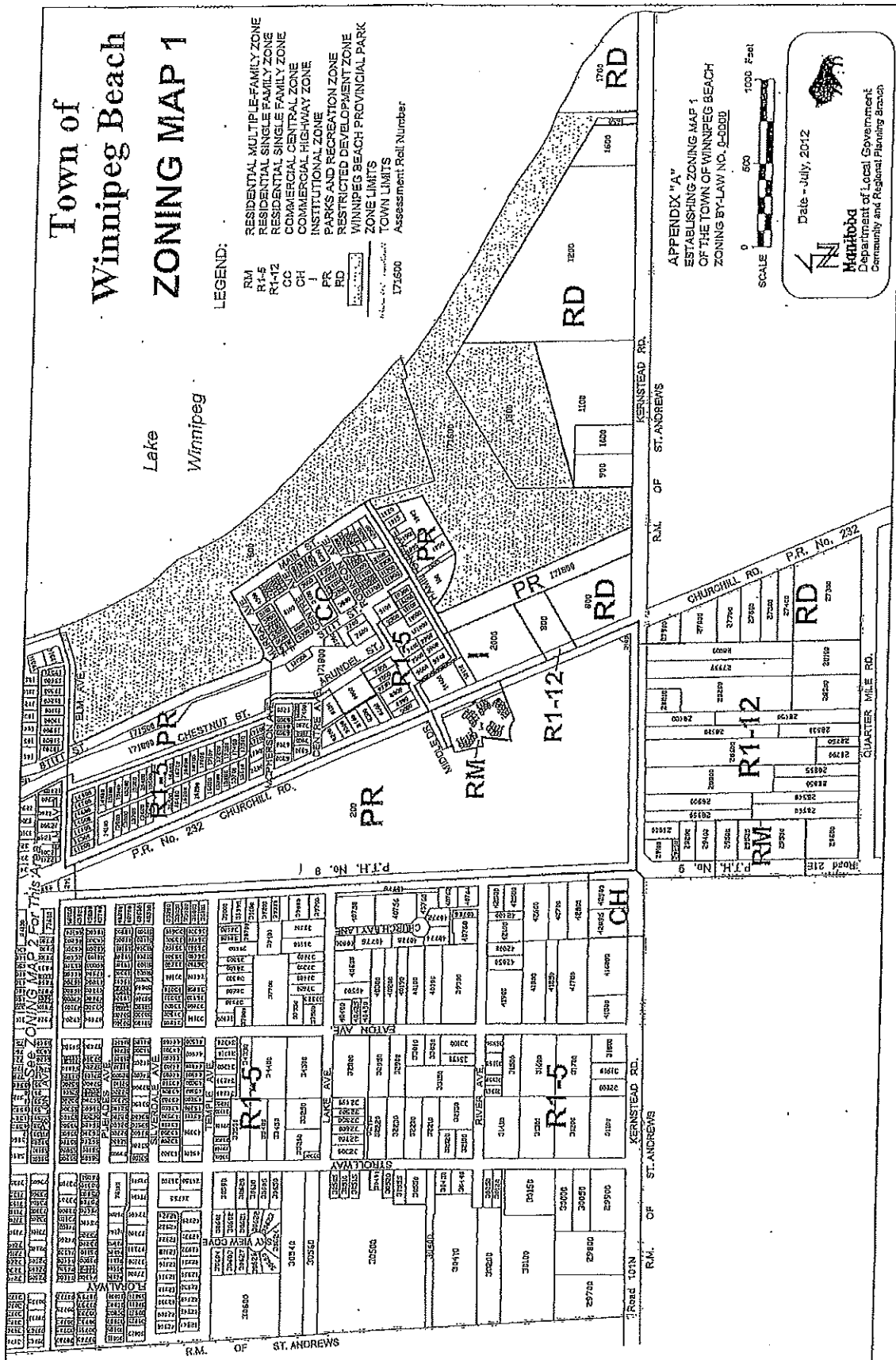




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Winnipeg

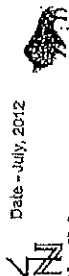
## CONCEPT

- |                        |  |
|------------------------|--|
| RM-5                   | RESIDENTIAL MULTIPLE-FAMILY ZONE           |
| R1                     | RESIDENTIAL SINGLE-FAMILY ZONE             |
| R12                    | RESIDENTIAL SINGLE-FAMILY ZONE             |
| CC                     | COMMERCIAL CENTRAL ZONE                    |
| CH                     | COMMERCIAL HIGHWAY ZONE                    |
| I                      | INSTITUTIONAL ZONE                         |
| PR                     | PARKS AND RECREATION ZONE                  |
| RD                     | RESTRICTED DEVELOPMENT ZONE                |
| W                      | WINNEPEG BEACH PROVINCIAL PARK ZONE LIMITS |
| T                      | TOWN LIMITS                                |
| Assessment Roll Number | 1716500                                    |



APPENDIX "A"  
ESTABLISHING ZONING MAP 1  
OF THE TOWN OF WINNIPEG BEACH  
ZONING BY-LAW NO. 0-0000

Date - July, 2012



**Department of Local Government  
Community and Regional Planning Branch**