

# TOWN OF MANITOU



## ZONING BY-LAW

**TOWN OF MANITOU  
BY-LAW 6-2004**

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

WHEREAS, Section 39(1) of the Planning Act, Chapter 39, S.M., 1998, provides that a Zoning By-law may be enacted by the Council of a municipality;

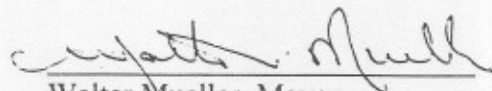
AND WHEREAS, pursuant to Section 24(1) of the said Planning Act, the Board of the Pembina-Manitou Planning District has adopted a Development Plan;


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

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

1. The Manitou Zoning By-law No. 17/91 and all amendments thereto is hereby rescinded.
2. The zoning provisions and regulations, attached hereto and forming part of this By-law, is hereby adopted.
3. This By-law shall be known as "The Manitou Zoning By-law".


DONE AND PASSED in Council duly assembled this 9<sup>th</sup> day of September, 2004.

  
Walter Mueller, Mayor

  
Angie Klassen, C.A.O.

Read a first time this 15<sup>th</sup> day of July, 2004.  
Read a second time this 19<sup>th</sup> day of August, 2004.  
Read a third time this 9<sup>th</sup> day of September, 2004.

I, Angie Klassen, do hereby certify  
the above to be a true and correct copy.

  
Angie Klassen  
Chief Administrative Officer

TOWN OF MANITOU

ZONING BY-LAW

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# **PART 1 - DEFINITIONS**

## **RULES OF CONSTRUCTION**

- 1.(1) The following rules of construction apply to the text of this By-law.
  - (a) Words, phrases and terms defined herein shall be given the defined meaning.
  - (b) Words, phrases and terms not defined herein but defined in the Act and the Building, Electrical or Plumbing By-laws of the Town of Manitou shall be construed as defined in such Act and By-laws.
  - (c) Words, phrases and terms neither defined herein nor in the Building, Electrical or Plumbing By-laws of the Town of Manitou shall be given their usual and customary meaning except where, in the opinion of Council, the context clearly indicates a different meaning.
  - (d) The phrase "used for" includes "arranged for", "designed for", or "occupied for".
  - (e) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and", "or" or "either-or", the conjunction shall be interpreted as follows:
    - (i) "and" indicates that all the connected items, conditions, provisions or events shall apply in any combination.
    - (ii) "or" indicates that the connected items, conditions, provisions or events may apply singly or in combination.
    - (iii) "either-or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
  - (f) The word "includes" shall not limit a term to the specified examples, but is intended to extend the meaning of all instances or circumstances of like kind or character.

## **DEFINITIONS**

2. The following definitions apply to this By-law:

**"Accessory"** when it is used in this By-law, shall have the same meaning as accessory use.

**"Accessory building"** means a subordinate building located on the same zoning site as the principal building or use, the use of which is incidental and accessory to that of the principal building or use:

- (a) "Accessory building, attached" means an accessory building which is attached to this principal building and in determining the required yards, the attached accessory building shall be treated as being part of the main building.
- (b) "Accessory building, detached" means an accessory building which is not attached to the principal building and in determining the required yards, the requirements for accessory use, buildings and structures as shown in the Use and Site Requirements shall be used.
- (c) "Accessory building, semi-detached" means an accessory building which is attached to the principal building by a structure such as, but not limited to, a breezeway. The required yards for a semi-detached accessory building shall be determined in the same manner as in paragraph (a) above.

**"Accessory use, building or structure"** means a building, structure or use which:

- (a) is subordinate to, incidental to and serves the principal building, structure or use;
- (b) is subordinate in area, extent or purpose to the principal building, structure or use served;
- (c) contributes to the comfort, convenience or necessity of occupants of the principal building, structure or use served; and
- (d) is located on the same zoning site as the principal building, structure or use served.

**"Act, the"** means The Planning Act, being CHAPTER P80 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.

**"Agricultural activities"** means a use of land for agricultural purposes including farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and animal and poultry husbandry, with the exception of a livestock production operation, and the necessary accessory uses for packing, storing or treating the produce provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

**"Agricultural Product Storage"** means the temporary storage of any agriculture product for future use, delivery or processing (does not include farm accessory bins).

**"Agriculture, Specialized"** means the use of land for apiculture, floriculture, horticulture, including market gardening, orchards and tree farming, and similar agricultural activities.

**"Alter or 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.

**"Alteration, incidental"** means:

- (a) Changes or replacements in the non-structural parts of a building or structure, including but not limited to the following:
  - (i) an addition on the exterior of a building, such as an open porch;
  - (ii) alteration of interior partitions in all types of buildings; or
  - (iii) replacement of, or changes in, the capacity of utility pipes, ducts or conducts.
- (b) Changes or replacements in the structural parts of a building or structure, including but not limited to the following:
  - (i) adding or enlarging windows or doors in exterior walls;
  - (ii) replacement of building facades; or
  - (iii) strengthening the load bearing capacity, in not more than ten percent (10%) of the total floor area, to permit accommodation of a specialized unit of machinery or equipment.

**"Alteration, structural"** means the construction or reconstruction of supporting elements of a building or other structure.

**"Animal Units or A.U."**, means an amount of animal waste or waste equivalent, as set out in TABLE 4-3 of PART 4 of this By-law.

**"Area, the"** means all that land within the boundaries defined in PART 2 of this By-law.

**"Automobile body shop"** means a building wherein the repair and painting of automobiles takes place.

**"Automobile service station"** means a building or portion thereof and land used for supplying fuel, oil and minor accessories for motor vehicles at retail direct to the customer, and for making repairs, maintenance and storage.

**"Automobile or trailer sales area"** means an open area, used for the display, sale or rental of new or used automobiles or trailers, and where repairs are made they shall be done within a completely enclosed building, except minor incidental repairs of automobiles or trailers to be displayed, sold or rented on the premises.

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

**"Basement"** means a portion of a building between a floor and ceiling that is located partly underground, but with more than half of the floor to ceiling height thereof above the average grade of the adjoining ground.

**"Bed and Breakfast"** means a building or portion thereof where lodging or lodging and meals are provided for compensation for person(s) exclusive of the proprietor and family.

**"Building"** means a building as defined in the Act.

**"Building, main or principal"** means a building in which is conducted the principal use of the site on which it is situated.

**"Camping and tenting grounds"** means a parcel of land planned and improved to accommodate travel trailers, camping trailers, pick-up coaches, motorized homes, tents, tent trailers or other camping accommodations used for travel, recreational and vacation uses.

**"Carport"** means an attached building open on two sides for the shelter of privately owned automobiles.

**"Cellar"** means a portion of a building between a floor and a ceiling that is located wholly underground or partly underground, but with more than half of the floor to ceiling height below the average grade of the adjoining ground.

**"Child care services"** means the provision of care for remuneration or reward to a child apart from his or her parents or guardians.

**"Community hall"** means a meeting place for community activities, public organizations, private non-profit clubs or recreational groups.

**"Conditional use"** means the conditional use of land or building as defined in the Act and as provided for in Section 5 of PART 2, ADMINISTRATION.

**"Contractor's Establishment"** means land and/or buildings intended for the storage of equipment and materials and the performance of work related to the provision of contracting businesses such as building, plumbing, electrical and landscaping.

**"Council"** means the Council of the Town of Manitou.

**"Development Officer"** means the officer appointed by the Council in accordance with the provisions of the Act.

**"Development Plan"** means the Pembina-Manitou Development Plan adopted by By-law No. 1-2003 and amendments thereto.



**"Drive-in establishment"** means an establishment with facilities for attracting and servicing prospective customers travelling in motor vehicles, which are driven onto the site where the customer may or may not receive service in the vehicle.

**"Dwelling"** means a building or portion thereof designed for residential occupancy.

**"Dwelling, farmstead"** means any dwelling which is or has been accessory to a farm operation and is on a parcel which includes or has included associated agricultural buildings, normally in a single cluster enclosed by a shelterbelt.

**"Dwelling, multiple-family"** means a building containing three (3) or more dwelling units, each unit designed for and used by one (1) family.

**"Dwelling, single-family"** means a detached building designed for and used by one (1) family.

**"Dwelling, two-family"** means a detached or semi-detached building designed for and used by not more than two (2) families, each having exclusive occupancy of a dwelling unit.

**"Dwelling unit"** means one (1) or more rooms in a building designed for one (1) or more persons as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.

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

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

**"Family"** means one or more persons related by blood or marriage or common-law marriage, or a group of not more than three (3) persons who may not be related by blood or marriage, living together as a single housekeeping unit.

"Family" also includes domestic servants.

A housekeeping unit referred to above shall be deemed to exist if all members thereof have access to all parts of the dwelling unit.

**"Farm buildings or structures"** means any buildings or structures existing or erected on land used principally for agricultural activities but not including dwellings.

**"Garage, private or carport"** means an accessory building or portion of a principal building, if attached, used by the occupants of the premises upon which it is located for the parking or temporary storage of private passenger motor vehicles any may also include the incidental storage of other personal property.

**"Grain storage structure"** means any structure which is designed to store any type of grain, but does not include the typical farm granary.

**"Heavy Manufacturing"** means processing and manufacturing uses which cannot be classified as light industrial uses as defined herein.

**"Home occupation"** means a use which is carried on in a dwelling unit or its accessory building and which is clearly incidental or accessory to the use of the dwelling.

**"Hotel"** means a building or part thereof wherein accommodation is provided for transient lodgers, in any individual room or apartment, with or without cooking facilities. Permitted accessory uses include, but are not limited to, restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

**"Kennel"** means any premises on which more than two (2) animals are boarded, bred, trained or cared for, in return for remuneration or are kept for the purpose of sale. A kennel shall not include a veterinary clinic, animal hospital or animal pound.

**"Lane"** means a street not over thirty-three (33) feet in width.

**"Light Manufacturing"** 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 not production of heat or glare perceptible from any site line of the site on which the use is located. As a rule, in the agricultural zone, industries in this category should be secondary to the agricultural use, if not, they should not be of such a size that they create traffic problems or impact negatively on the surrounding area.

**"Mobile home"** means a portable dwelling which is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has at any time such wheels attached, or is jacked up or skirted and which conforms to the structural standards of The Building and Mobile Homes Act, Chapter B93, S.M. 1977 and amendments thereto.

**"Motel"** means a building or part thereof, not over two (2) storeys in height wherein sleeping accommodation is provided for transient lodgers and in which there is an exit from each room or suite of rooms directly to the outdoors with access to grade level. Permitted accessory uses include, but are not limited, to restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

**"Non-conformity"** means one, or a combination of one or more, of the following:

- (a) A site or an area of land;
- (b) A building or structure;
- (c) A use of a building or structure;
- (d) A use of land; or

(e) A sign;

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

**"Non-conforming uses"** means any lawful use of a building, structure or land, or portion thereof, which does not conform to any 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 hereto.

**"Non-conforming building or structure"** means any lawful building or structure which does not comply with one or more of the applicable site regulations on the effective date of this By-law or amendments hereto.

**"Non-conforming site or parcel"** means any lawful site or parcel of land which does not comply with the site area, site width or site depth on the effective date of this By-law, or amendments hereto, and was on record in the Land Titles Office and in separate ownership prior to the effective date of this By-law, or amendments hereto, and does not form part of a larger contiguous holding in the same ownership.

**"Non-conforming sign"** means any lawful sign which does not comply with one or more of the applicable site regulations on the effective date of this By-law or amendments hereto.

**"Normal high water mark"** means the line where vegetation ceases between a body of water and a riparian area or where the character of vegetation or soil changes.

**"Owner"** means an owner as defined in the Act.

**"Parcel of land"** means a parcel as defined in the Act.

**"Permitted use"** means the use of land or a building or structure provided in this Zoning By-law for which a development permit shall be issued upon an application having been made, if the use meets all the requirements of this By-law.

**"Premises"** means an area of land with or without buildings.

**"Public utility"** means any system, works, plant, equipment or services which furnishes services and facilities available at approved rates to the public, including but not limited to:

- (a) Communication, by way of telephone, telegraph, wireless or television;
- (b) Public transportation, by bus or other vehicle;
- (c) Production, transmission, delivery or furnishing of water, gas or electricity to the public at large; or
- (d) Collection of sewage, garbage or other waste.

**"Public utility building"** means a building used by a public utility.

**"Public Works Yard"** means a site primarily used for the maintenance, repair and storage of equipment, vehicles and other goods used by a public utility or government agency in the delivery of its service and may include accessory administrative offices.

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

**"Residential Care Facility"** means the use of a building for the purpose of providing lodging, meals, care and supervision or transitional services to persons not related by blood, marriage or adoption to the operator nor to each other.

**"Retail Business/Service"** means the use of a building, structure or site in which goods and/or services are sold directly to the public.

**"Senior citizen home"** means a multiple unit dwelling or a building containing individual rooms where elderly people live independent of personal care.

**"Sign"** means any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol or trademark), banner, pennant or any other figure of similar character which:

- (a) is a structure or any part thereof, or is attached to, painted on or in any other manner represented on or in a building or other structure;
- (b) is used to identify, direct attention to, or advertise; and
- (c) is visible from outside a building but shall not include show windows as such.

**"Sign, advertising"** means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zoning site where the sign is maintained, including a billboard sign.

**"Site"** means a zoning site as defined herein unless the context indicates otherwise.

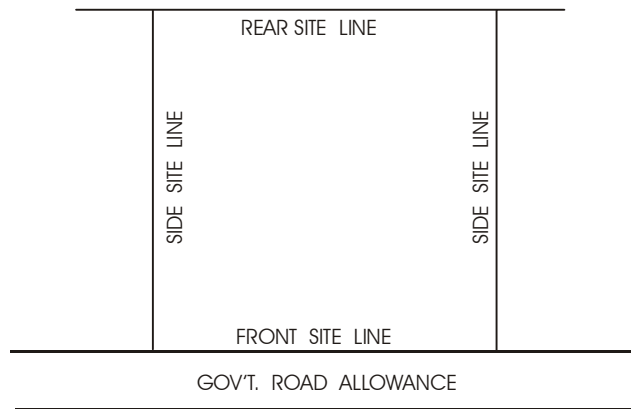
**"Site area"** means the computed area contained within the site lines.

**"Site, corner"** means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

**"Site frontage"** means all that portion of a zoning site fronting on a street and measured between side site lines.

**"Site lines"** means as follows:

- (a) "Front site line" means that boundary of a site which is along an existing or designated street. For a corner site the Development Officer may determine the front site line.
- (b) "Rear site line" means that boundary of a site which is most nearly parallel to the front site line and in the case of a site in which the side site line intersect, such as a triangular site, a line ten (10) feet in length within the site, parallel to and at the maximum distance from the front site line.
- (c) "Side site line" means any boundary of a site which is not a front or rear site line.
- (d) Where an irregular shaped site cannot have its site lines defined by the foregoing definitions, the front, rear and side lines shall be determined by the Development Officer.
- (e) The following sketch illustrates the foregoing definitions of site lines:



**"Site Regulations"** means some or all of the following:

- (a) The area of the zoning site upon which a building is located, and the number of dwelling units or rooms within such building in relation to the area of the zoning site;
- (b) The location of exterior walls of buildings in relation to site lines, to other walls of the same building, to legally required windows, or to other buildings;

- (c) All open areas relating to buildings or structures and their relationship thereto; and
- (d) The size (including height of buildings and floor areas) of buildings or structures.

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

**"Site zoning"** means an area of land which:

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

**"Spread"** means the act or process of distributing something on or over a surface.

**"Stockpile"** means the placement or storage in a specific location, in an unnatural manner, so as to create a gradually accumulated reserve of something.

**"Street"** means a street as defined in the Act.

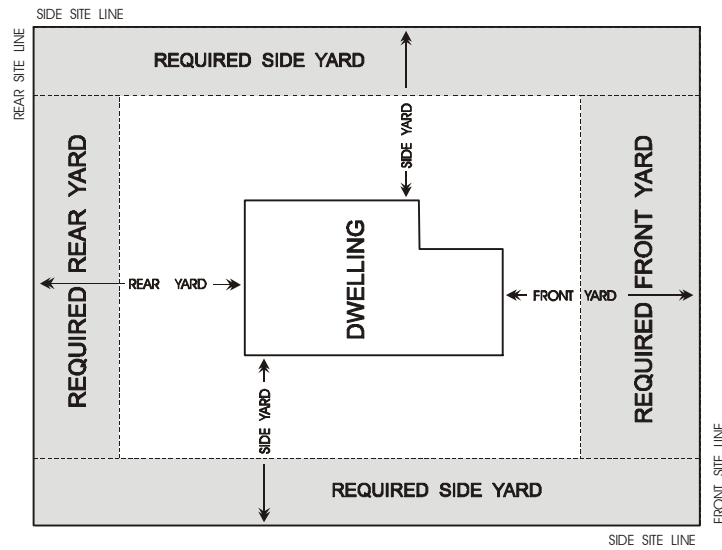
**"Structure"** means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground and includes buildings, walls, fences, signs, billboards, poster panels, light standards and similar items.

**"Use"** means:

- (a) Any purpose for which a building or structure or land may be designed, arranged, intended, maintained or occupied, or
- (b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or structure or on land.

**"Yard"** means an open area, on the same zoning site with a building or structure which yard is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein:

- (a) "Yard, required" means a yard extending along a site line to a depth or width (measured from the site line) specified in the yard requirement for the zone in which such zoning site is located.
- (b) "Yard, front" means a yard extending along the full length of the front site line between the side site lines.
- (c) "Yard, rear" means a yard extending along the full length of the rear site line between the side site lines.
- (d) "Yard, side" means a yard extending along the side site line from the front yard to the rear yard.
- (e) The following sketch illustrates the foregoing definitions of yards:



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## **PART 2 - ADMINISTRATION**

### **SCOPE OF THE BY-LAW**

#### **TITLE**

3. (1) This by-law shall be known as "The Manitou Zoning By-law".

#### **THE AREA**

3. (2) The Area to which this zoning by-law shall apply shall be the entire Town of Manitou.

#### **INTENT AND PURPOSE**

3. (3) The regulations and provisions established by this by-law are deemed necessary in order to:

- (a) implement the objectives and policies of the Pembina-Manitou Development Plan;
- (b) to define and limit the powers and duties of the Council and the Development Officer; and
- (c) to regulate the following:
  - (i) all building and structures erected hereafter;
  - (ii) all uses of buildings, structures and land established hereafter;
  - (iii) all structural alterations or relocations of existing buildings and structures occurring hereafter;
  - (iv) all enlargements of or additions to existing buildings, structures or uses; and
  - (v) the change of use of land, buildings or structures.

#### **RESPONSIBILITIES OF COUNCIL**

3. (4) Council shall be the authority responsible for the enactment of this by-law and subject to the provisions of The Act is responsible for:

- (a) the enactment, repeal and amendment of this by-law;
- (b) administering and enforcing the provisions of this by-law and the provisions of the Act, where applicable;
- (c) considering the adoption of amendments to or the repeal of this by-law;

- (d) consider and issue variation orders;
- (e) approving or rejecting conditional use applications; and
- (f) establishing a schedule of fees as provided for in Section 20 of this PART.

## **AMENDMENTS**

### **PROCEDURE**

- 4. (1) Subject to the procedure required under Sections 40 to 47 of The Act, an amendment may be initiated by a resolution of intention by the Council or by application of one or more owners of the property or their agents within the area proposed to be changed. An application to amend the zoning by-law and all required information and fees as determined by Council and in accordance with Section 20 of this PART, shall be made to the Council.

### **DECISION BY COUNCIL**

- 4. (2) After giving the by-law amendment first reading Council shall give notice and hold a public meeting according to Section 42 of The Act, at which time it shall review all of the facts presented, and any representation made. It shall make its findings and determination in writing and shall transmit a copy thereof to the applicant. If Council approves the application, it shall proceed with the adoption of the amendment in accordance with the provisions of The Act.

### **OBJECTIONS**

- 4. (3) Subject to the procedures required under Subsection 43(1)(b) of The Act, anyone objecting to any amendment which subsequently has been given second reading by Council may file a further objection with the Municipal Board and the Municipal Board shall hold a hearing according to the provision of The Act.

### **DEVELOPMENT AGREEMENTS**

- 4. (4) Where an application is made for the amendment of this by-law, the Council may require the owner to enter into an agreement pursuant to Section 46 of The Act. The development agreement may be registered in the Land Titles Office in the form of a caveat and shall be discharged when the requirements and conditions of the agreement have been met.

## **CONDITIONAL USES**

### **INTENT**

5. (1) The development and execution of this by-law is based upon the division of The Area into zones, within which zones the use of land, buildings and structures in relation to the land are substantially compatible. It is recognized, however, that there are certain uses deemed conditional uses which, because of their unique characteristics, cannot properly be classified in any particular zone or zones without consideration, in each case, of the impact of those uses upon neighbouring land and of the public need for the particular use at the particular location.

### **APPLICATION**

5. (2) An application for a conditional use shall be processed and approved or rejected in accordance with the provisions of Section 53 of The Act.

### **FILING AN APPLICATION**

5. (3) The application shall be filed with the Council and shall be accompanied by a site plan and other data as the Council may prescribe and such fees as determined by Council.

### **EXPIRY OF APPROVAL**

5. (4) The approval of Council in accordance with the provisions of The Act shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the decision. The conditional use order can be renewed, prior to the expiry date, for an additional period of twelve (12) months.

### **EXISTING CONDITIONAL USE**

5. (5) Where a use is classified as a conditional use under this by-law or amendments hereto and legally exists as a permitted or conditional use at the date of the adoption of this by-law or amendments hereto, it shall be considered as an existing conditional use.

### **CHANGES TO AN EXISTING CONDITIONAL USE**

5. (6) Any change in a conditional use shall be subject to the provisions of this Section and the appropriate provisions of The Act.

### **REVOKING A CONDITIONAL USE PERMIT**

5. (7) Council may revoke an authorized conditional use permit for any violation of any conditions imposed by it.

## **VARIATIONS**

### **VARIATIONS**

6. (1) Any person may apply for a variation order, in accordance with the provisions of Section 55 of The Act.
6. (2) An application for a variation order and all required information and fees shall be made to Council or the Development Officer.
6. (3) An application for a variation order shall be processed and approved or rejected in accordance with the provisions of The Act.
6. (4) The Development Officer may, in accordance with the provisions of Section 56 of The Act, grant or refuse, at his/her discretion, a minor variation not to exceed ten (10) percent of the requirements of this by-law governing a front, side, rear or any other yard.

## **TEMPORARY BUILDINGS, STRUCTURES AND USES**

### **TEMPORARY BUILDINGS, STRUCTURES AND USES**

7. (1) Temporary buildings, structures and uses for construction materials or equipment, both incidental and necessary to construction in the same zoning site may be permitted on a temporary basis subject to the issuance of a development permit.
7. (2) 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.
7. (3) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than six (6) months and may not be renewed for more than two (2) successive periods at the same location.
7. (4) In all cases, temporary buildings and structures:
  - (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, security or other staff; and
  - (c) shall not be detrimental to the public health, safety, convenience and general welfare.
7. (5) The following buildings, structures and uses may be permitted to located on a site on a temporary basis without obtaining a development permit:

- (a) temporary signs;
- (b) temporary buildings structures and uses associated with fairs, events, games, exhibitions, public markets, sales in public places, transient traders and similar provided the necessary licences are obtained as required;
- (c) the placement of temporary structures accessory to a dwelling or mobile home such as playground and sports equipment; and
- (d) temporary use of a residential site for purposes of a garage or yard sale

## **DEVELOPMENT OFFICER**

### **DUTIES OF THE DEVELOPMENT OFFICER**

8. (1) The Council shall appoint a development officer who, on behalf of the Town of Manitou:
- (a) shall issue a development permit where the development of land, buildings or structures conforms to the adopted Development Plan, and the requirements of this by-law and amendments thereto, subject to the provisions of subsection 8(2) below;
  - (b) may enter any buildings or premises at all reasonable hours in the performance of his/her duties with respect to this by-law;
  - (c) may issue development permits for the temporary use of building, structures, or land pursuant to the provisions of this by-law;
  - (d) may issue zoning memoranda or such other documents necessary for the administration and enforcement of this by-law;
  - (e) shall allow or refuse such minor variations to the requirements of this by-law as authorized by Section 6(4) of this PART and in accordance with the provisions of Section 56 of The Act.
  - (f) shall refer with his/her recommendations, to Council all applications for development permits involving:
    - (g) (i) amendments to this by-law;
    - (ii) new conditional uses and changes to conditional uses as per Subsection 5. (3) of this PART;
    - (iii) variations from zone requirements in excess of that authorized by Subsection 6. (4) of this PART;
    - (iv) matters requiring the specific approval of Council pursuant to this by-law; and
    - (v) any other items which may require Council's attention;

### **DEFER APPROVAL OF PERMITS**

8. (2) At the request of Council, the Development Officer shall defer approving an application for a development permit:
- (a) as provided for in Subsection 58(3) of The Act;
  - (b) which would result in a violation of this by-law or any by-law of the Town of Manitou; or
  - (c) when any fees are due and owing to the Town of Manitou under this by-law.

## **DUTIES OF THE OWNER**

### **DUTIES OF THE OWNER**

9. (1) Neither the granting of a development permit nor the approval of the drawings and specifications nor the inspection made by the Development Officer shall in any way relieve the owner of the responsibility of complying with the requirements of this by-law or of any relevant by-laws of the Town of Manitou.
9. (2) Every owner shall:
- (a) in accordance with Section 85 of The Act, permit the Development Officer to enter any building or premises at any reasonable time for the purpose of administering or enforcing this by-law and shall not molest, obstruct or interfere with the Development Officer in the discharge of his duties under this by-law;
  - (b) after the development application has been approved and the permit issued, obtain the written approval of the Development Officer before doing the 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.

## **PERMITS**

### **PERMITS REQUIRED**

10. (1) The owner or his/her agent shall obtain all necessary permits as required by Council and other government agencies.

### **DEVELOPMENT PERMIT**

10. (2) An application for a development permit is required for the following:

- (a) the erection or construction or placement of any permanent building, structure, dwelling, or mobile home, except fences or light standards;
- (b) the addition, extension, structural alteration or conversion of any building or structure;
- (c) the relocation or removal or demolition of any building or structure;
- (d) the use of vacant land, buildings or structures; and
- (e) the change in use of land, buildings, or structure.

### **DEVELOPMENT PERMIT NOT REQUIRED**

10. (3) The following development shall not require a development permit provided such development complies with all applicable provisions of this by-law and any other applicable by-law of the Municipality:

- (a) the carrying out of work or maintenance or repair to any building or structure, provided that such works do not include structural alterations or major renovations;
- (b) the erection, construction or the maintenance of gates, fences, walls or other means of enclosures less than 6 feet in height;
- (c) the temporary uses of a site or the erection or construction of temporary buildings or structures excepted under Section 7 of this PART;
- (d) the construction or maintenance of that part of a public works placed in or upon a public works easement;
- (e) the carrying out by the Town of Manitou any operation for the maintenance or improvement of a public works, including the inspection, repair or renewal thereof;
- (f) the erection, placement, enlargement, structural alteration, relocation or use of any building or structure, excluding satellite dishes, not exceeding 120 square feet that is normally incidental or accessory to a dwelling as the principal building or use;
- (g) general landscaping and the planting or removal of trees and hedges intended as a shelterbelt or buffer, except where said landscaping results in a change in the average grade of the site by six (6) inches or more in height;
- (h) the construction or erection of certain non-illuminated signs; and



## **DEVELOPMENT PERMIT REQUIREMENTS**

10. (4) In addition to the requirements of any by-law of the Town of Manitou or any other provincial regulations, all applications for a development permit shall be in a form prescribed by Council and no person shall erect, locate, relocate, use, or occupy any building, land or structure contrary to any development permit or the material furnished in the support of the application.

## **BUILDING PERMITS REQUIRED**

10. (5) In addition to a development permit, the owner or his/her agent shall obtain any building permits required by the Town of Manitou Building by-law prior to any construction.

## **EXISTING BUILDING PERMITS**

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

## **BUILDING TO BE MOVED**

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

## **NON-CONFORMITIES**

### **NON-CONFORMING USES, BUILDINGS OR STRUCTURES**

11. (1) A non-conforming use and a non-conforming building or structure shall be regulated in accordance with and subject to the provisions of Section 48-52 of The Act, unless otherwise provided for herein.

### **EXISTING NON-CONFORMING BUILDINGS**

11. (2) All buildings and structures lawfully existing at the effective date of the adoption of this zoning by-law are deemed to conform to the site regulations and parking and loading requirements of the zone in which the buildings and structures are situated. Any expansion, addition, relocation or reconstruction of the said buildings and structures shall conform to the site regulations and parking and loading requirements of the zone in which they are located unless varied by a variation order.

### **REPAIR OR REBUILDING**

11. (3) Pursuant to the provisions of Subsection 50(5) of The Act, where a building or structure that

does not conform to the provisions of the zoning by-law, is damaged or destroyed to an extent of fifty (50) percent or more of the replacement value of the building above its foundation, said building or structure may be repaired or rebuilt, but only in conformance with this by-law or amendments.

### **INCIDENTAL ALTERATIONS**

11. (4) Incidental alterations as defined in this by-law may be made to a building containing a non-conforming use provided such building or use is not expanded contrary to Section 50 of The Act.

### **NON-CONFORMING PARCEL**

11. (5) No building or structure shall be erected on a non-conforming parcel of land unless:

- (a) the required yards are provided as set forth in the Use and Site Requirements of the zone in which the parcel of land is located; or
- (b) a variation order for such yard requirements is granted.

### **CHANGES**

11. (6) Council may permit the following changes to existing non-conforming buildings, structures, uses or parcels of land by variation order as per subsection 51(3) of The Act:

- (a) maintenance, reconstruction (if in compliance with subsection 11.(3)), structural alteration or addition to a building or structure provided that yard, site coverage and parking requirements of the subject zone are complied with;
- (b) erection or location of a permitted or conditional building, structure or use on a non-conforming parcel;
- (c) erection or location of permitted accessory buildings, structures and uses in accordance with TABLE 6-1 of this by-law; and
- (d) enlargement or re-subdivision of a non-conforming parcel having the effect of reducing the existing non-conformity.

Where any of the above changes do not result in the elimination of the non-conformity, the subject building, structure, use or parcel shall retain its non-conforming status as per subsection 11. (1) above.

### **CERTIFICATE AND FEES**

11. (7) Council shall determine any fees paid to the Development Officer for the issuance of a non-conforming certificate in accordance with the provisions of Section 48 of The Act.

## **INTERPRETATION AND APPLICATION**

### **MINIMUM REQUIREMENTS**

12. (1) In their interpretation and application, the provisions of this by-law shall be held to be the minimum requirements to satisfy the intent and purpose as set forth herein.

### **RELATION TO OTHER BY-LAWS AND REGULATIONS**

12. (2) Whenever provisions of any by-law of the Town of Manitou or any other requirements of the Provincial or Federal Governments impose overlapping regulations on the use of land or buildings or site regulations or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest requirement shall govern.

### **PREVIOUS VIOLATIONS**

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

### **SITE REDUCED**

12. (4) Wherever a requirement of site area, width, frontage, depth of required yard is reduced below the minimum requirements of this by-law by virtue of a highway, road allowance, drain, or right-of-way, such site shall be deemed to conform to the requirements of this by-law.

## **OTHER PROVISIONS**

### **PLANNING ADVISORY COMMITTEE**

13. Planning advisory committees may be established in accordance with the provisions of Subsection 90(1) of The Act.

### **PUBLIC UTILITIES AND SERVICES**

14. Nothing in this by-law shall be so interpreted as to interfere with the construction,

maintenance and operation to the facilities of any public utility, as defined by this by-law or public service such as police and fire protection, provided that the requirements of such public utility or public service is of a standard compatible with the adjacent area and that any building or structure erected in any zone complies with the yard and area requirements applicable to the zone.

## **PUBLIC MONUMENTS AND STATUARY**

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

## **SAND, GRAVEL OR MINERAL EXTRACTION OPERATIONS**

16. Establishment of new or expansion of existing sand, gravel or mineral operations are subject to a Development Agreement with Council.

## **BASEMENT DWELLING UNIT**

17. A basement dwelling unit shall comply with the provisions of this by-law, the Buildings and Mobile Homes Act, Chapter B 93, R.S.M. 1987 and any other by-law or Act having jurisdiction.

## **ENFORCEMENT**

18. The enforcement of this by-law, or any resolution or Order enacted by the Council under the Act or any regulation made thereunder shall be in accordance with the provisions of the Act.

## **DEVELOPMENT AGREEMENT WITH COUNCIL**

### **NEED FOR DEVELOPMENT AGREEMENT**

19. (1) Where an application is made for a zoning amendment or for subdivision approval and any of the following activities are necessary:
  - (a) construction of a public street to give access to the proposed development;
  - (b) the installation of utilities or other public works to serve the proposed development;
  - (c) the provision of associated features or facilities such as those outlined in Section 46(1) of The Act; or
  - (d) the provision of a dedication or a general levy, if required;

Council may require that the applicant enter into a development agreement prior to final approval.

## **REGISTRATION**

19. (2) The development agreement pursuant to subsection (1) may be registered in the Land Titles Office in the form of a caveat against the certificate of title for the land that is the subject of the development agreement.

## **DISCHARGE**

19. (3) Council shall discharge a caveat registered pursuant to subsection (2) when the requirements and conditions of the agreement have been met.

## **FEE SCHEDULE**

### **AMENDMENT FEES**

20. (1) An application for an amendment to this by-law shall be accompanied by:

- (a) an application fee
- (b) an undertaking by the applicant to pay to the Municipality such disbursements incurred by the Municipality in processing the application; and
- (c) a deposit of an amount determined by Council to be applied towards the total disbursements to be incurred.

### **OTHER FEES**

20. (2) The Council pursuant to the requirements of The Act shall establish fees for variation orders, conditional use orders, development permits, non-conforming certificates and zoning memorandums.

## **PART 3 - LAND USE AND DEVELOPMENT PROVISIONS**

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# **PART 3 - LAND USE AND DEVELOPMENT PROVISIONS**

## **INTENT AND PURPOSE**

21. The provisions of this PART are intended to apply to all zones within the Town of Manitou except wherein stated.

## **GENERAL SITE PROVISIONS**

### **ZONING SITE**

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

### **BUILDING GRADE**

22. (2) No building or structure shall be erected without first consulting with the Development Officer/Building Inspector as to grade for the building or structure to be erected, nor shall the average grade of any site be raised or lowered by six (6) inches or more without the approval of the Development Officer/Building Inspector in accordance with Section 8 of PART 2 of this by-law. When allowing the raising or lowering of grade by six (6) inches or more, the Development Officer/Building Inspector shall take into consideration available flood level information, street elevation, installation of services, elevation of adjacent sites, drainage, appearance and other pertinent factors.

### **BUILDINGS PER SITE**

22. (3) There shall be only one main building or one main use on a zoning site. For example, a residential zoning site shall contain only one (1) single-family dwelling or one (1) two-family dwelling and their accessory buildings, structures and uses.

### **SUBDIVIDING LAND**

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

## **SITE REQUIREMENTS**

22. (5) Except as otherwise provided herein, the owner shall maintain the minimum site area, site width, site depth, yards and other open spaces required for any use in any zone. Furthermore, the minimum site area, site width, site depth, yards and open space allocated to a use as required by this by-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the minimum site area, site width, site depth, yards or other open space requirements for any other use.

### **VIOLATION OF PROVISIONS**

22. (6) No building or structure shall be added to, altered, enlarged, or reconstructed, and no site shall be reduced in area or yard requirements if such addition, reconstruction, enlargement, reduction or alteration will cause violation of any provisions of this by-law.

### **PUBLIC WORKS**

22. (7) A site area, site width, or required yard reduced below the minimum requirements of this by-law by virtue of a public works shall be deemed to conform to the requirements of this by-law provided the necessary variations are obtained.

### **MUNICIPAL SERVICES**

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

### **BUILDING RELOCATION**

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

### **MULTIPLE USES**

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

### **DEVELOPMENT RESTRICTED**



## **UNSUITABLE FOR DEVELOPMENT**

23. (1) Notwithstanding the provisions contained in this by-law, the Council may prohibit or restrict the development of an area of land for a use permitted in 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, or otherwise hazardous or unsuitable for the proposed development and use by virtue of its soil or topography.

## **NOXIOUS OR OFFENSIVE USES**

23. (2) Notwithstanding anything herein contained, no use shall be permitted in any zone which may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise unless the use is permitted in the subject zone or satisfactory measures are undertaken to mitigate or eliminate such effects.

## **FUTURE ROAD ALLOWANCE**

23. (3) 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 should comply with the requirements of the by-law as if the said future road allowance was already in existence.

## **PUBLIC SERVICES**

### **PUBLIC MONUMENTS**

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

### **PUBLIC WORKS**

24. (2) Nothing in this by-law shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any public works, as defined by this by-law, or public service such as police and fire protection provided that the requirements of such public works or public services is of a standard compatible with the adjacent area and that any building or structure erected in any zone complies with the yard and area requirements applicable to the zone.

## **PART 4 - GUIDE TO ZONES & ZONING MAPS**

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# **PART 4 - GUIDE TO ZONES & ZONING MAPS**

## **ZONES**

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

	<u>Symbol</u>	<u>Zone</u>
RESIDENTIAL	"RG"	General Residential Zone
COMMERCIAL	"CG" "CH"	Commercial General Zone Commercial Highway Zone
INDUSTRIAL	"MG"	Industrial General Zone
OTHERS	"I" "OR" "AR"	Institutional Zone Open Space/Recreational Zone Restricted Agriculture Zone

## **ZONING MAPS**

### **PARTS OF BY-LAW**

26. (1) The location and the limits of the zones listed in Section 25 above are shown upon a Zoning Map attached hereto and marked SCHEDULE "A" to this By-law. Said Zoning Map forms part of this By-law. All notations, references and other information shown thereon, together with any amendments made by amending by-laws from time to time and shown thereon, together with any amendments to limits in the case of any street, lane or public works right-of-way closing, as provided in this Section, shall be as much a part of this By-law as if the matters and information set forth by the said Zoning Map were fully described herein.

### **DIMENSIONS**

26. (2) All dimensions of the Zoning Map are in feet.

### **REGISTERED PLANS**

26. (3) All plan references on the Zoning Map pertain to plans filed in the Morden Land Titles Office.

### **ABBREVIATIONS**

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

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

#### **INTERPRETATION OF ZONE LIMITS**

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

- (a) Heavy broken lines represent the zone limits. Where the zone limit is broken by the name of a street, it shall be construed that the limit continues through the name of the street;
- 26 (5) (b) Notwithstanding that streets, lanes, walkways, public works rights-of-way or other means of communication may be within zone limits, the regulations contained in this

By-law shall not be deemed to be applicable to said streets, lanes, walkways, public works rights-of-way or other means of communication;

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

## **INTERPRETATION OF ZONE REQUIREMENTS**

### **INTERPRETATION**

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

### **USES**

27. (2) "USE AND SITE REQUIREMENT" Sections in PART 5 of this By-law, list all uses that

are:

(a) "P" - Permitted; or

(b) "C" - Conditional;

in respective zones. All listed uses shall be interpreted in accordance with PART 1 - DEFINITIONS; shall be dealt with in accordance with procedures outlined in PART 2 - ADMINISTRATION and shall be subject to the provisions contained in PART 3 - LAND USE AND DEVELOPMENT PROVISIONS and PART 6 - SPECIAL USES AND PROVISIONS.

27. (3) No land shall be used or occupied and no building or structure shall be erected, altered, used, relocated or occupied hereafter for any use in any zone in which such land, building or structure is located other than a use listed in the subject zone "USE AND SITE REQUIREMENT" Section.

#### **USES NOT LISTED**

27. (4) Uses of land, buildings, or structures not listed in the "USE AND SITE REQUIREMENT" Section may be allowed if:

(a) the use was lawfully established prior to the effective date of this By-law in which case the use shall be dealt with as a non-conforming use, structure or building in accordance with Section 11 of PART 2 - ADMINISTRATION; or

(b) the use, the opinion of Council, falls into a general use category established in the zone. Such uses shall be permitted uses where the general use category is "Permitted" and conditional uses where the general use category is "Conditional" in that zone.

#### **SITE REQUIREMENTS**

27. (5) Site and other requirements shall be as set forth in the "USE AND SITE REQUIREMENT" Sections in PART 5. The requirements set forth therein shall apply to all uses, structures or buildings.

#### **MEASUREMENTS**

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

## **PART 5 - LAND USE ZONES**

	<u>Section</u>
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COMMERCIAL AND INDUSTRIAL ZONES	29
INSTITUTIONAL, OPEN SPACE/RECREATIONAL AND AGRICULTURAL ZONES	30

## **PART 5 - LAND USE ZONES**

### **RESIDENTIAL ZONES**

#### **INTENT AND PURPOSE**

28. (1) The following Residential Zone is hereby established in order to carry out the intent and purpose as described below:

"RG" General Residential Zone – This zone provides for residential areas which will usually consist of single family housing but may also include duplexes, row housing and other types of high density residential uses. It may also include other uses such as religious establishments and parks and recreation facilities that are compatible with the general character of this zone.



**USE AND SITE REQUIREMENTS**

28. (2) The following use and site requirements shall apply in the **"RG" Residential General Zone:**

**TABLE 5-1  
"RG" GENERAL RESIDENTIAL  
USE AND SITE REQUIREMENTS**

	Minimum Requirements					Parking Group No. (Table 6-2)
	Site Area (Sq. Ft.)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)	
<b>PERMITTED USES:</b>						
Accessory Uses, Buildings and Structures (See PART 6, Sec. 31)	N/A	N/A	25	5	5	N/A
Single Family Dwellings	6000	50	25	5	5	1
Two Family Dwellings	8000	75	25	5	20	1
Parks, Playgrounds and Public Reserves	3000	25	25	10	20	20
Public Works	3000	25	25	10	20	N/A
Temporary Uses, Buildings and Structures (See PART 2, Sec. 7)	N/A	N/A	25	5	5	20
<b>CONDITIONAL USES:</b>						
Bed and Breakfast	6000	50	25	5	5	1/4
Community Day Care	5000	50	25	10	20	7
Community Halls	5000	50	25	10	20	7
Mobile Home Parks	40,000	200	25	10	20	1
Mobile Home Subdivisions	5000	50	25	10	20	1
Multiple Family Dwellings	10,000	75	25	10	20	1
Religious Establishments	12,000	75	25	10	20	10
Residential Care Facilities and Senior Citizen Homes	20,000	75	25	10	20	5/3
Police and Fire Stations	12,000	75	25	10	20	16
Medical Clinics	12,000	75	25	10	20	13

In addition to the requirements listed in Table 5-1, the following provisions shall also apply:

- (i) maximum allowable height for all principal buildings and structures shall be 30 feet or 3 stories in the case of a multi-family residential building;
- (ii) maximum allowable height for all accessory buildings and structures shall be 15 feet;
- (iii) minimum dwelling unit area shall be 600 square feet or 400 square feet in the case of a multi-family residential dwelling unit;
- (iv) individual sites containing a dwelling unit within a Mobile Home Park shall conform with the site requirements set out for a Mobile Home Subdivision;
- (v) maximum site coverage for buildings in this zone shall be at the discretion of Council, however no residential building shall cover more than 50% of the site area or 60% of the site area in the case of multi-family residential building and no accessory building or structure shall cover more than 10% of the site area; and
- (vi) when located on a corner site, the minimum required side yard on the street side of the site shall be 15 feet for all principal and accessory buildings and structures.

## **COMMERCIAL AND INDUSTRIAL ZONES**

### **INTENT AND PURPOSE**

29. (1) The following Commercial and Industrial Zones are hereby established in order to carry out the intent and purpose as described below:

"CG" Commercial General Zone – This zone provides for general commercial uses intended to serve most of the retail and service needs of Manitou and the surrounding area.

"CH" Commercial Highway Zone – This zone provides for those businesses requiring large site areas for retail and personal services adjacent to major transportation routes and/or those businesses serving the needs of the travelling public.

"MG" Industrial General Zone – This zone provides for light manufacturing, processing, distribution, transportation and warehouse uses which present minimum conflict with adjacent uses. Certain heavy industrial uses may be considered as conditional uses.

**USE AND SITE REQUIREMENTS**

29. (2) (a) The following use and site requirements shall apply in the "CG" Commercial General Zone:

**TABLE 5-2  
"CG" COMMERCIAL GENERAL  
USE AND SITE REQUIREMENTS**

	Minimum Requirements					Parking Group No. (Table 6-2)
	Site Area (Sq. Ft.)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)	
<b>PERMITTED USES:</b>						
Accessory Buildings, Structures and Uses (See PART 6, Sec. 31)	N/A	N/A	0	0	5	N/A
Hotels and Motels	20,000	100	25	5	20	4 + 16
Assembly Uses including Community Halls, Libraries, Museums and similar	5000	50	25	5	5	7
Business and Government Offices and Financial Services	5000	50	0	0	5	8
Retail Businesses and Services	5000	50	0	0	5	20
Eating and Drinking Establishments	10,000	75	0	0	20	10
Off-Street Parking Areas	N/A	N/A	10	5	5	N/A
Medical Clinics	12,000	75	25	10	20	13
Parks, Playgrounds and Public Reserves	3000	25	25	10	20	20
Public Works	3000	25	25	10	20	N/A
Temporary Uses, Buildings and Structures (See PART 2, Sec. 7)	N/A	N/A	25	5	5	20

**Table 5-2 (Continued)**

	Minimum Requirements					Parking Group No. (Table 6-2)
	Site Area (Sq. Ft.)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)	
<b>CONDITIONAL USES:</b>						
Community Day Care	5000	50	25	10	20	7
Machine and Auto Body Shops	10,000	75	25	10	20	14
Recreational Uses, including Clubs, Cinemas and Amusement Centres	5000	50	25	5	20	7/10
Automobile Businesses including Sales and Services, Showrooms, Service Stations and Car Washes	10,000	75	25	5	20	6/14
Building Supply Sales and Contractor Establishments	10,000	75	25	5	20	6/14
Wholesale Businesses	10,000	75	25	10	20	6
Warehousing excluding Auto Wrecking and Junk Yards	5000	50	25	10	20	20
Multiple Family Dwellings with or without associated commercial uses	10,000	75	25	10	20	1
Public Works Yards	6000	50	25	10	20	20
Police and Fire Stations	10,000	75	25	10	20	16 + 9

In addition to the requirements listed in Table 5-2, the following provisions shall also apply:

- (i) maximum allowable height for all principal buildings and structures shall be 30 feet or 3 stories in the case of a multi-family residential building;
- (ii) maximum allowable height for all accessory buildings and structures shall be 15 feet;
- (iii) minimum dwelling unit area shall be 400 square feet;
- (iv) maximum site coverage for buildings in this zone shall be at the discretion of Council, however no residential building shall cover more than 60% of the site area and no accessory building or structure shall cover more than 10% of the site area; and
- (v) when located on a corner site, the minimum required side yard on the street side of the site shall be 15 feet for all principal and accessory buildings and structures.

29. (2) (b) The following use and site requirements shall apply in the "CH" Commercial Highway Zone:

**TABLE 5-3  
"CH" COMMERCIAL HIGHWAY  
USE AND SITE REQUIREMENTS**

	Minimum Requirements					Parking Group No. (Table 6-2)
	Site Area (Sq. Ft.)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)	
<b>PERMITTED USES:</b>						
Accessory Buildings, Structures and Uses (See PART 6, Sec. 31)	N/A	N/A	25	5	5	N/A
Hotels and Motels	20,000	100	25	5	20	4
Farm Implement and Supply Sales and Service	80,000	200	50	20	20	6
Garden Supply Sales, Greenhouses and Nurseries	20,000	100	25	10	20	8
Auction Marts	10,000	75	25	10	20	20
Mobile Home and Travel Trailer Sales and Service	40,000	100	25	20	20	6
Automobile Businesses including Service Stations and Car Washes	10,000	75	75	5	20	14
Bus Terminals	10,000	75	25	5	20	8
Building Supply Sales and Contractors Establishments (completely enclosed)	10,000	75	25	5	20	6/16
Wholesale Businesses	10,000	75	25	5	20	6
Public Works	3000	25	25	10	20	N/A
Public Works Yards	6000	50	25	10	20	20
Temporary Buildings, Structures and Uses (See PART 2, Sec. 7)	N/A	N/A	25	5	5	20

**Table 5-3 (Continued)**

	<b>Minimum Requirements</b>					Parking Group No. (Table 6-2)
	Site Area (Sq. Ft.)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)	
<b>CONDITIONAL USES:</b>						
Livestock Processing	20,000	100	25	10	20	16
Machine and Auto Body Shops	10,000	75	25	10	20	14
Drive-in Establishments	10,000	75	25	10	20	20
Truck Terminals	80,000	200	50	20	20	16
Warehousing excluding Junk Yards and Auto Wrecking	5000	50	25	10	20	20
Light Industry	10,000	75	25	10	20	16
Feed and Seed Sales, Storage and Distribution	80,000	200	50	20	20	16
Building Supply Sales and Contractors Establishments (not completely enclosed)	10,000	75	25	5	20	6/16

In addition to the requirements listed in Table 5-3, the following provisions shall also apply:

- (i) maximum allowable height for all principal buildings and structures shall be 30 feet;
- (ii) maximum allowable height for all accessory buildings and structures shall be 15 feet;
- (iii) maximum site coverage for buildings in this zone shall be at the discretion of Council, however no accessory building or structure shall cover more than 10% of the site area; and
- (iv) when located on a corner site, the minimum required side yard on the street side of the site shall be 60 feet for all principal and accessory buildings and structures.

29. (2) (c) The following use and site requirements shall apply in the "MG" Industrial General Zone:

**TABLE 5-4  
"MG" INDUSTRIAL GENERAL  
USE AND SITE REQUIREMENTS**

	Minimum Requirements					Parking Group No. (Table 6-2)
	Site Area (Sq. Ft.)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)	
<b>PERMITTED USES:</b>						
Accessory Buildings, Structures and Uses (See PART 6, Sec. 31)	N/A	N/A	25	5	5	N/A
Garden Supply Sales, Greenhouses and Nurseries	20,000	100	25	10	20	8
Animal Hospitals and Vet Clinics	10,000	75	25	10	20	13
Feed, Seed, Grain and Vegetable Sales, Storage and Distribution	80,000	200	50	20	20	16
Building Supply Sales and Contractors Establishments	10,000	75	25	10	20	6/16
Warehousing	5000	50	25	10	20	20
Truck Terminals and Freight Stations	80,000	200	50	50	20	16
Public Works	3000	25	25	10	20	N/A
Public Works Yards	6000	50	25	10	20	20
Other Light Industry	10,000	75	25	10	20	16
Temporary Buildings, Structures and Uses (See Part 2, Sec. 7)	N/A	N/A	25	5	5	20
<b>CONDITIONAL USES:</b>						
Animal Kennels	10,000	75	25	10	20	9
Agricultural Product Manufacturing and Processing	20,000	100	25	10	20	16
Bulk Fuel Storage and Sales	80,000	200	50	20	20	20
Livestock Processing	20,000	100	25	10	20	16
Auction Marts	10,000	75	25	10	20	20
Concrete and Cement Batching and Asphalt Plants	N/A	N/A	100	100	100	20
Other Heavy Industry including Scrap Metal and Junk Yards and Automobile Wrecking	80,000	200	50	20	20	20



In addition to the requirements listed in Table 5-4, the following provisions shall also apply:

- (i) maximum allowable height for all principal buildings and structures shall be 30 feet;
- (ii) maximum allowable height for all accessory buildings and structures shall be 15 feet;
- (iii) maximum site coverage for buildings in this zone shall be at the discretion of Council, however no accessory building or structure shall cover more than 10% of the site area; and
- (iv) when located on a corner site, the minimum required side yard on the street side of the site shall be 15 feet for all principal and accessory buildings and structures.

## **INSTITUTIONAL, OPEN SPACE/RECREATIONAL AND AGRICULTURAL ZONES**

### **INTENT AND PURPOSE**

30. (1) The following Commercial and Industrial Zones are hereby established in order to carry out the intent and purpose as described below:

"I" Institutional Zone – This zone is intended to accommodate concentrations of government, educational, health care and other institutional uses on relatively large tracts of land.

"OR" Open Space/Recreation Zone – This zone provides for public and private recreational uses such as arenas, sports fields, golf courses, skating rinks and similar facilities and open spaces.

"AR" Agricultural Restricted Zone – This zone provides for agricultural uses on a restricted basis in areas adjacent to the developed portions of Manitou in manner which avoids land use conflicts and preserves those lands designated for Town expansion.

30. (2) (a) The following use and site requirements shall apply in the **"I" Institutional Zone:**

**TABLE 5-5  
"I" INSTITUTIONAL  
USE AND SITE REQUIREMENTS**

	Minimum Requirements					Parking Group No. (Table 6-2)
	Site Area (Sq. Ft.)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)	
<b>PERMITTED USES:</b>						
Accessory Buildings, Structures and Uses (See PART 6, Sec. 31)	N/A	N/A	25	5	5	N/A
Hospitals including Clinics, Dormitories and Residences for Staff	80,000	200	50	20	20	20
Religious Establishments and associated Residential Schools	12,000	75	25	10	20	10/16
Schools, Nursery Schools and Community Day Care	20,000	75	25	10	20	16/8
Residential Care Facilities, Senior Citizen Homes and Similar	20,000	75	25	10	20	5/3
Group Homes	10,000	75	25	10	20	5
Parks, Playgrounds and Public Reserves including Outdoor Recreation Facilities	N/A	25	25	10	20	20
Public Works	3000	25	25	10	20	N/A
Temporary Buildings, Structures and Uses (See PART 2, Sec. 7)	N/A	N/A	25	5	5	20

In addition to the requirements listed in Table 5-5, the following provisions shall also apply:

- (i) maximum allowable height for all principal buildings and structures shall be 35 feet;
- (ii) maximum allowable height for all accessory buildings and structures shall be 15 feet;
- (iii) maximum site coverage for buildings in this zone shall be at the discretion of Council, however no accessory building or structure shall cover more than 10% of the site area; and
- (iv) when located on a corner site, the minimum required side yard on the street side of the site shall be 15 feet for all principal and accessory buildings and structures.

30. (2) (b) The following use and site requirements shall apply in the "OR" Open Space/Recreational Zone:

**TABLE 5-6  
"OR" OPEN SPACE/RECREATIONAL  
USE AND SITE REQUIREMENTS**

	Minimum Requirements					Parking Group No. (Table 6-2)
	Site Area (Sq. Ft.)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)	
<b>PERMITTED USES:</b>						
Accessory Buildings, Structures and Uses (See PART 6, Sec. 31)	N/A	N/A	25	5	5	N/A
Assembly Uses including Community Halls, Libraries and Museums	5000	50	25	5	20	7
Recreation Complexes and Arenas	80,000	200	50	20	20	20
Curling Rinks	40,000	200	25	10	20	15
Agricultural Exhibition Grounds and Buildings	80,000	200	50	20	20	20
Public Swimming Pools	40,000	200	50	20	20	12
Athletic Fields and Courts	40,000	200	25	10	20	20
Golf Courses and Driving Ranges	80,000	200	50	20	20	20
Parks, Playgrounds and Public Reserves	N/A	N/A	25	5	20	20
Public Works	3000	25	25	10	20	N/A
Temporary Buildings, Structures and Uses (See PART 2, Sec. 7)	N/A	N/A	25	5	5	20
<b>CONDITIONAL USES:</b>						
Recreation Clubs	10,000	75	25	10	20	7
Camping and Tenting Grounds	40,000	200	25	10	20	20

In addition to the requirements listed in Table 5-6, the following provisions shall also apply:

- (i) maximum allowable height for all principal buildings and structures shall be 35 feet;
- (ii) maximum allowable height for all accessory buildings and structures shall be 15 feet;
- (iii) maximum site coverage for buildings in this zone shall be at the discretion of Council, however no accessory building or structure shall cover more than 10% of the site area; and
- (iv) when located on a corner site, the minimum required side yard on the street side of the site shall be 60 feet for all principal and accessory buildings and structures.

30. (2) (c) The following use and site requirements shall apply in the "AR" Agricultural Restricted Zone:

**TABLE 5-7**  
**"AR" AGRICULTURAL RESTRICTED**  
**USE AND SITE REQUIREMENTS**

	Minimum Requirements					Parking Group No. (Table 6-2)
	Site Area (Acres)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)	
<b>PERMITTED USES:</b>						
Accessory Buildings, Structures and Uses (See PART 6, Sec. 31)	N/A	N/A	125	25	25	N/A
Agricultural Activities	20	400	125	25	25	20
Agricultural Exhibition Grounds and Buildings	2	200	50	25	25	20
Cemeteries	1	150	50	10	20	20
Farmstead Dwellings	2	200	125	25	25	1
Parks, Playgrounds and Public Reserves	N/A	N/A	25	5	20	20
Public Works	N/A	N/A	25	10	20	N/A
Temporary Buildings, Structures and Uses (See PART 2, Sec. 7)	N/A	N/A	25	5	5	20
<b>CONDITIONAL USES:</b>						
Specialized Agriculture including Nurseries and Greenhouses	2	200	50	25	25	20
Animal Hospitals, Kennels and Veterinary Clinics	1	150	50	10	20	13
Bulk Fuel Sales and Storage	2	200	50	25	25	20
Grain and Vegetable Storage	1	150	50	10	25	16
Livestock Operations producing up to 50 Animal Units (see additional requirements in Sec. 30 (3) to 30 (5))	20	400	125	25	25	N/A
Race Tracks	N/A	N/A	100	100	100	20
Sewage Treatment Plants and Lagoons	N/A	N/A	200	100	150	20
Public Works Yards	1	150	50	10	20	20
Sand and Gravel Operations	1	150	50	25	25	20
Riding Academies and Stables	1	150	50	10	20	20

In addition to the requirements listed in Table 5-7, the following provisions shall also apply:

- (i) maximum allowable height for all principal buildings and structures shall be 35 feet;
- (ii) maximum allowable height for all accessory buildings and structures shall be 15 feet;
- (iii) minimum dwelling unit area shall be 600 square feet;
- (iv) maximum site coverage for buildings in this zone shall be at the discretion of Council, however no residential building shall cover more than 50% of the site area and no accessory building or structure shall cover more than 10% of the site area; and
- (v) when located on a corner site, the minimum required side yard on the street side of the site shall be 15 feet for all principal and accessory buildings and structures.

### **LIVESTOCK OPERATION SITING CRITERIA**

30. (3) Livestock operations located within the municipal boundary of the Town of Manitou are considered conditional uses and shall conform with the following siting criteria:

- (a) no manure storage facility shall be located within 328' (100M) of any property line of the land affected by a livestock operation;
- (b) no livestock confinement area shall be located within 328' (100M) of any property line of the land affected by a livestock operation; and
- (c) no livestock confinement area shall be located within 328' (100M) of any water course, body of water, or well.

N.B. The requirements of 30.(3) are Manitoba Regulations and therefore cannot be varied.

### **LIVESTOCK OPERATION MANURE STORAGE**

30. (4) In no case, shall the manure from any livestock production in the agricultural zones be:

- (a) stored within 328' (100M) of a watercourse, body of water, or well;
- (b) stored within 328' (100M) of the property line of the operator;

N.B. The requirements of 30.(4) is a Manitoba Regulations and therefore cannot be varied.

Compliance with the requirements of subsections 30(3) and 30(4) above does not relieve the operator from compliance with complementary or additional requirements which may be required under Manitoba Regulations.

#### **MUTUAL SEPARATION OF LIVESTOCK OPERATIONS AND OTHER USES**

30. (5) A mutual separation distance shall be maintained between livestock operations and any single dwelling or group of dwellings and other uses that are not associated with the livestock operation in the Town of Manitou. The dwellings of the operator shall be excluded from this requirement. The mutual separation distance shall be as follows:
- (a) up to 50 AU requires 820' (250M) separation



## **PART 6 - SPECIAL USES AND PROVISIONS**

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## **PART 6 - SPECIAL USES AND PROVISIONS**

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

#### **GENERAL**

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

#### **LOCATION AND USE**

31.(2) Accessory buildings and structures, except as otherwise regulated in this By-law, shall be subject to the following regulations:

- (a) Where the accessory building or structure is attached to a main building or structure, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building or structure;
- (b) Detached accessory buildings or structures shall not be located closer than ten (10) feet to any main building or structure;
- (c) No accessory building or structure shall be erected prior to the erection of the main building or structure except where it is necessary for the storage of the tools and materials for use during construction of the main building or structure or is essential to the construction of the main building or structure.

#### **TYPES PERMITTED**

31.(3) Accessory buildings, structures and uses shall be limited to those listed on TABLE 6-1 ACCESSORY USE TABLE, except where, in the opinion of Council, a similar accessory building, structure or use would be compatible with the character and use of the subject zone.

**TABLE 6-1  
ACCESSORY USE TABLE**

Legend:                    P - PERMITTED  
                                  - - NOT PERMITTED

USE, BUILDING OR STRUCTURE	ZONE					
	RG	ALL C	MG	I	OR	AR
<b>A. PERMITTED WHEN INCIDENTAL OR ACCESSORY TO A DWELLING OR MOBILE HOME OR DWELLING UNIT.</b>						
1. Children's playhouse, private greenhouse, summerhouse or conservatory, private swimming pool, open or enclosed (See Subsection 31(4)).	P	P	-	-	-	P
2. Home Occupations (See Subsection 31(5))	P	P	-	-	-	P
3. Permanent Outdoor Barbeques and similar cooking facilities	P	P	-	-	-	P
4. Private garage, carport, covered patio, toolhouse, shed or similar building for storage of domestic equipment and supplies	P	P	-	-	-	P
5. Gardens and incidental outdoor storage or materials associated with a residential use.	P	P	-	-	-	P
6. Miscellaneous domestic structures such as playground and sports equipment, laundry poles and platforms, flagpoles and birdhouses, pads for mechanical or electrical equipment and similar uses.	P	P	-	-	-	P
<b>B. PERMITTED WHEN INCIDENTAL OR ACCESSORY TO ALL USES, EXCEPT AS OTHERWISE NOTED.</b>						
1. Shelterbelts, fences, hedges, lighting fixtures and similar landscape architectural features	P	P	P	P	P	P

USE, BUILDING OR STRUCTURE	ZONE					
	RG	ALL C	MG	I	OR	AR
2. Refuse/Garbage Storage Areas and Structures	P	P	P	P	P	P
3. On-Site Signs (See Subsection 31(6))	P	P	P	P	P	P
4. Off-Street Parking and Loading Areas	P	P	P	P	P	P
5. Private reception equipment such as satellite dishes, television and radio antenna, aerials and similar	P	P	P	P	P	P
6. Storage compounds, storage of goods used in or produced by activities on site unless excluded by other provisions herein	-	P	P	P	P	P
7. Open Space, including athletic fields, park areas, play areas and similar	P	P	P	P	P	P
<b>C. PERMITTED WHEN INCIDENTAL OR ACCESSORY TO SPECIFIC USES OR IN CERTAIN ZONES AS NOTED.</b>						
1. Where municipal services are not available or feasible, private sewage disposal and water supply systems, subject to the approval of Council	-	P	P	-	P	P
2. Any building or structure, excluding dwellings and mobile homes, necessary for the operation, maintenance and administration of a permitted or conditional use	-	-	-	P	P	P
3. Production, processing, cleaning, servicing, altering, testing, repair or storage of goods normally incidental to an operation conducted by the owners	-	P	P	-	-	P

USE, BUILDING OR STRUCTURE	ZONE					
	RG	ALL C	MG	I	OR	AR
4. Retail Business/Service and Other Permitted/Conditional Commercial Uses when incidental to the main commercial or industrial use	-	P	P	-	-	-
5. Administrative and Business Offices	-	P	P	P	P	P
6. Fuel Pumps and associated structures when incidental to a Service Station	-	P	P	-	-	-
7. Sales and service areas associated with a Retail Business/Service	-	P	P	P	P	P
8. Off-Site Signs (See Subsection 31.(6)) subject to the approval of Council	-	P	-	-	P	P
9. Except when a dwelling is the main use, a single-family dwelling, or dwelling unit for the owner/operator or for an institutional/industrial site watchman or caretaker, if necessary	-	p(a)	P	P	-	P

- (a) In "CH" Commercial Highway zones only. An accessory dwelling unit for the owner/operator is permitted in "CC" Commercial Central Zone when contained within the same building as the main use provided that:
- i) no more than fifty (50) percent of the total building floor area is occupied by the dwelling unit; and
  - ii) the dwelling unit is not located in the front half of the main floor area facing the street.

## **PRIVATE SWIMMING POOLS AND HOT TUBS**

31. (4) (a) This Section applies to private and semi-private swimming pools, hot tubs and similar structures when accessory to a residential use.
- (b) Outdoor pools and hot tubs shall comply with yard requirements for accessory buildings, structures and uses as set forth in the relevant Use and Site Requirements section. Notwithstanding the above requirements no outdoor pool or hot tub shall be located closer than five (5) feet to any side or rear site line.
- (c) All outdoor pools and hot tubs shall be completely enclosed with a fence or other suitable barrier constructed or erected in accordance with the following:
- (i) it shall have a minimum height of six (6) feet including gates which shall be self-closing and equipped with a lockable latch to prevent unauthorized entry;
  - (ii) there shall be no openings other than an entry to a building or a gate and it shall be constructed so as to prevent a child from crawling under either the fence or gate;
  - (iii) where other than chain link is used, the outside surface of the enclosure shall be relatively smooth so as not to provide foot or toe holds; and
  - (iv) the enclosure surrounding an outdoor pool shall be maintained in good repair.
- (d) Notwithstanding the provisions of Subsection 32(2)(b) of PART 6 open decks and open stairways associated with outdoor pools or hot tubs may project to any side or rear site line.
- (e) Semi-private pools, when not located on a single-family dwelling site nor used solely by the occupants of the dwelling or their guests, are subject to the regulations governing swimming pools under The Public Health Act.
- (f) Nothing in this Subsection shall relieve any such structure from complying with spatial, structural, electrical, plumbing, health and safety or operational requirements contained in regulations under The Building and Mobile Homes Act, Public Health Act or other applicable statutes.

## **HOME OCCUPATION**

31. (5) (a) A home occupation may be permitted as an accessory use to a residential use provided that:
- (i) It is compatible with the residential character of the neighbourhood, such as the following uses:

- (A) office or studio of an artist, musician, clergyman, salesman, professional, agent, tradesman or contractor or person engaged in home crafts and hobbies;
  - 31.(5) (a) (i)
    - (B) private tutoring or lessons;
    - (C) home day care;
    - (D) public stenographer;
    - (E) telephone mail order or answering service;
    - (F) hairdressers and stylists; and
    - (G) other such uses deemed by Council to meet the intent of this Subsection;
  - (ii) It is carried on in a dwelling unit or mobile home or its accessory building solely by the members of the family residing there without the employment of other persons;
  - (iii) In the case of retail sales or distribution, it offers articles for sale which are limited to those produced therein or articles that are produced elsewhere but are pre-packaged and held only on a temporary basis for distribution to customers.
  - (iv) There is no exterior display, no exterior storage of materials, containers, or finished or unfinished products, and no other exterior indication that the building is being used for any other purpose other than that of a dwelling, except for an identification sign;
  - (v) The premises is not used for manufacturing, welding or other light industrial use, and the home occupation carried on therein shall not produce noise, vibration, smoke, dust, odour, litter, light or heat, other than that normally associated with a dwelling, nor shall it create or cause any fire hazard, electrical interference or traffic congestion on the street;
  - (vi) The site provides for the off-street parking of all vehicles associated with the dwelling and the home occupation; and
  - (vii) No more than 300 square feet or twenty-five percent (25%) of the gross floor area, whichever is the lesser, shall be devoted to home occupations in any dwelling unit, mobile home or accessory building.
- (b) If a home occupation creates a situation where, in the opinion of Council:
- (i) materials and commodities are delivered to or from the residence which are of such bulk or quantity as to require regular or frequent delivery by commercial vehicle or trailer; or
  - (ii) customers' or clients' vehicles are parked in such a manner or of such frequency as may be considered incompatible in the subject zone; or
  - (iii) it contravenes any of the other requirements outlined in Subsection 31.(5)(a) above;

it shall be considered evidence that the home occupation has become a primary business and such business shall cease in the subject zone and be encouraged to relocate to an appropriate Commercial Zone.

## **SIGN REGULATIONS**

31. (6) (a) The regulations herein are designed to establish a minimum control of signs as accessory structures. Such control is deemed essential to promote the health, safety, and general welfare by reducing hazards to pedestrian and vehicular traffic, and by preventing unsightly and detrimental development having a blighting influence upon residential, commercial, industrial and other uses.
- (b) The following provisions shall apply to all signs erected or maintained within the Town, except wherein otherwise stated:
- (i) No sign or sign structure shall be erected at any location where it may interfere with or obstruct the view of any street, intersection or railroad grade crossing, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign display;
  - (ii) No sign or sign structure shall be erected or maintained on, over or above any land or right-of-way belonging to the Town unless such right is established by agreement with the Town;
  - (iii) In areas adjacent to residential zone, freestanding signs shall not obstruct the light to or view from a window of a habitable room;
  - (iv) The placing of signs within the control lines and circles of a Provincial Trunk Highway shall require a permit from the Highway Traffic Board;
  - (v) Flashing signs are not permitted within Residential Zones nor within one hundred (100) feet of the boundaries of residential zones; and
  - (vi) All signs and sign structures shall be kept in good repair and in a proper state of preservation. Signs which have become obsolete because of discontinuance of the operation of activity or are not maintained in good condition or repair shall be repaired, removed or relocated within thirty (30) days following notice by the Development Officer.

## **YARDS**

### **GENERAL REQUIREMENTS**

32. (1) Except as herein provided, the following provisions shall apply in all zones to ensure adequate yards and setbacks:
- (a) The yard requirements shall be as set forth in the USE AND SITE REQUIREMENTS of each zone;
  - (b) All yards and other open space required for any use shall be located on the same site as the use;



32. (1) (c) Where permitted in this By-law, a building containing more than one unit with common party walls, such as a semi-detached two-family dwelling, row housing or businesses shall be considered as one(1) building occupying one (1) site for the purpose of side yard regulations;
- (d) Minimum required yards contained in this By-law do not relieve the owner from compliance with Manitoba Transportation and Government Services or Manitoba Building Code requirements where said requirements demand greater setbacks; and
- (e) On a corner site, no fences, wall, hedge, shrubs or other landscape features shall be placed in such a manner as to produce a fence effect or visual barrier hazardous to vehicle and pedestrian traffic.

### **YARD EXCEPTIONS**

32. (2) (a) Where sites comprising forty (40) percent or more of the entire frontage of the block are developed with buildings, the average front yard depths established by such buildings shall establish the minimum front yard depths for the entire frontage of the block.
- (b) The following features and accessory buildings, structures and uses may be permitted to project into or located in the following yards:
- (i) May project into any required yard
- Agricultural crops
  - Landscape features (trees, shrubs, plants)
  - Public Works equipment
  - Lighting fixtures and other landscape architectural features
  - Signs
  - Unenclosed outdoor display of commodities and products normally sold on the site (all "C" and "MG" zones only)
  - Architectural features such as eaves, gutters, chimneys, bay windows awnings and fire escapes provided they project no closer than two (2) feet to any site line
  - Fences and hedges up to 4 feet height in any front yard and 6 foot height in any side or rear yard (height restrictions do not apply in "MG" "OR" and "AR" zones)
  - Parking and Loading Spaces
  - Recreation Areas
  - Uncovered Walks and Driveways
  - Guardrails for ramps
  - Ramps for Handicapped
  - Temporary Building, Structures & Uses

32. (2) (b) (ii) May project into required rear or side yard
- incidental storage of materials, refuse/garbage bins and structures
  - open unenclosed and uncovered stairs, balconies, porches or decks attached to the main building may project up to ten (10) feet into the required rear yard

## **MOBILE HOME PARKS**

33. All proposals to establish or expand a mobile home park shall require the approval of Council. Scaled and dimensioned plans of the mobile home park shall be submitted to Council for approval and shall show mobile home spaces, internal roads and walkways, buffers, storage and recreation areas, drainage, sewer and water services as required.

## **HEIGHT EXCEPTIONS**

34. The maximum height requirements contained in the USE AND SITE REQUIREMENTS of this By-law shall not apply to limit the height of:
- (a) chimneys and flues;
  - (b) elevators and bulkheads;
  - (c) flagpoles, communication towers, aerials and lines;
  - (d) roof-mounted satellite dishes;
  - (e) steeples and spires;
  - (f) water storage tanks, electrical apparatus or mechanical rooms, without habitable space, associates with the operation of a building or structure; and
  - (g) grain elevators and grain or other agricultural product handling structures.

## **PARABOLIC SATELLITE DISH ANTENNAE**

35. Satellite dish antennae and related equipment shall be subject to the following regulations:
- (a) Satellite dish antennae located at ground level or above ground on a free-standing structure shall be located to the rear of the rear wall of the main building or structure;
  - (b) Satellite dish antennae are permitted on the roof of either the main building or the roof of a suitable accessory building such as a garage;

35. (c) Except in the Industrial and Commercial Zones, satellite dish antennae and related equipment shall not contain any advertising signs or devices nor shall they be illuminated; and
- (d) Where a person can demonstrate to the satisfaction of Council that a satellite dish antennae complying with these regulations are unable to receive proper reception, Council may waive the above requirements.

## **PARKING**

### **PARKING AND LOADING**

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

### **GENERAL PROVISIONS FOR OFF-STREET PARKING**

36. (2) Off-street parking spaces shall be provided and maintained in accordance with the specific requirements of the particular zone where the use is located and the following provisions:
- (a) All accessory off-street parking spaces shall be located on the same zoning site as the use served, unless permitted by a variation order to locate elsewhere. When located on a different site, the parking lot site shall be located no further than 300 feet from the zoning site it serves. As a condition of variation, an agreement shall be entered into ensuring that the subject sites remain together for the purpose of satisfying parking requirements.
  - (b) The off-street parking spaces may be open to the sky or enclosed within a structure;
  - (c) The surface of an accessory off-street parking area and its access driveways shall be surfaced and designed in such a manner that there will be no free flow of water onto either asphalt, concrete or paving bricks, or suitably surfaced with gravel, crushed rock or other aggregate material;
  - (d) Lighting used to illuminate an accessory off-street parking area shall be arranged so that it does not illuminate directly onto the adjoining sites, streets or lanes;
  - (e) An accessory open off-street parking area associated with commercial, industrial, institutional, educational or major recreational uses shall be provided with bumper guards, wheel stops, masonry walls or ornamental fences in order to prevent a vehicle from encroaching onto public or private property. Said bumper guards, wheel stops, masonry walls or ornamental fences shall be maintained in good condition at all times.
36. (2) (f) When a building is enlarged or a use is extended or changed, the accessory off-street

parking spaces shall be provided for the enlargement, extension, or new use in accordance with the specific requirements of the particular zone in which the use is located;

- (g) The accessory off-street parking spaces provided for a use shall be solely for the parking of automobiles of employees, occupants, patrons or visitors of such use; and shall not be used for major motor vehicle repair work; and
- (h) Where a common parking area other than a driveway, abuts a "RG" Residential General Zone, the owner or developer of the parking area shall construct and maintain a solid fence or hedge not less than four (4) or more than six (6) feet in height along any portion of the parking area boundary which abuts the said "RG" Zone.

### **NUMBER OF PARKING SPACES REQUIRED**

36. (3) Accessory off-street parking for all uses shall be provided according to TABLE 6-2 "PARKING GROUP TABLE." The parking group for each use shall be identified on the Use and Site Tables in each zone. For the purpose of computing the off-street spaces, the following shall apply:

- (a) In cases where floor area is used for determining the required number of accessory off-street parking spaces, the total floor area shall not include any area used for parking or loading within the principal building or structure and or any area used for incidental service storage, mechanical equipment, heating systems and similar uses;
- (b) In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating, each two (2) feet of such seating facilities shall be counted as one(1) seat for the purpose of determining the accessory off-street parking;
- (c) In cases where a place of public assembly has both fixed seats and open assembly area, the requirements shall be computed separately for each type and added together;
- (d) In cases where movable seats or chairs are used in a place of public assembly, and a determination of seating capacity is required, said seating capacity shall be determined on a basis of one (1) seat for every seven (7) square feet of assembly area;
- (e) In the "CG" Commercial General Zone, the accessory off-street parking requirements, as provided for herein, for new or expanding permitted or conditional uses may be waived by Council provided a levy in lieu of required parking is paid to a Parking Reserve Fund;

36. (3)(f) When the computation of the number of accessory off-street parking spaces required by this By-law results in a requirement of a fractional parking space, any fraction less than one-half ( $1/2$ ) of a parking space may be disregarded, whereas a fraction of one-half ( $1/2$ ) or more of a parking space shall be counted as one (1) parking space;
- (g) Where the symbol "+" appears under the Parking Group No. in the Tables, it shall be interpreted to mean that both listed requirements shall be added together to arrive at the number of spaces required; and
- (h) Where the symbol "/" appears, as in "8/12", under the Parking Group No. in the Tables, it shall be interpreted to mean that, after calculation of each requirement, the greater of the requirements listed shall apply, except where it is indicated that one such number only applies to a specified use.

### **PARKING AREA DESIGN**

36. (4) The layout and design of accessory off-street parking areas shall be as follows:
- (a) The minimum dimensions for off-street accessory parking areas shall be in accordance with TABLE 6-3 "PARKING AREA DIMENSIONS";
- (b) Where access to a parking space is directly from a lane, the width of the lane adjacent to said parking space may be computed as part of the aisle width required for said parking space;
- (c) Each parking area shall have a vertical clearance of at least seven and a half (7.5) feet from floor to grade;
- (d) The angle of parking shall be measured between the centreline of the parking space and the centreline of the aisle. Where the angle of parking varies from that set forth in TABLE 6-3, the Development Officer shall determine which set of requirements shall apply.

## TABLE 6-2 PARKING GROUP TABLE

Parking Group as per Use <u>Table</u>	<u>Number of Parking Spaces Required</u>
1 .....	1 Space per dwelling unit
2 .....	1.5 Space per dwelling unit
3 .....	1 Space per 4 dwelling units
4 .....	1 Space per bed
5 .....	1 Space per 3 beds
6 .....	1 Space per 1000 sq.ft. of retail floor area
7 .....	1 Space per 200 sq.ft. of gross floor area
8 .....	1 Space per 500 sq.ft. of gross floor area
9 .....	1 Space per 800 sq.ft. of gross floor area
10 .....	1 Space per 4 seats for public use
11 .....	1 Space per 3 washing machines
12 .....	1 Space per 40 sq.ft. of water surface area
13 .....	4 Spaces per dentist, doctor or veterinarian
14 .....	3 Spaces per service bay
15 .....	5 Spaces per sheet of ice or alley
16 .....	1 Space per employee
17 .....	2 Spaces per classroom
18 .....	5 Spaces per classroom
19 .....	10 Spaces per classroom
20 .....	- To be determined by Council

**TABLE 6-3  
PARKING AREA DIMENSIONS**

Angle of Parking (degrees)	MINIMUM REQUIREMENTS				
	Width of Stall (feet)	Width of Aisle (feet)	Depth Perpendicular to Aisle (feet)	Width Parallel to Aisle (feet)	Area Per Car (sq. ft.)
30	9	12	15	17	363
45	9	12	18	12	292
60	9	20	20	10	292
90	9	24	20	9	274

**GENERAL PROVISIONS FOR OFF-STREET LOADING**

36. (5) All accessory off-street loading spaces shall be located within the same zoning site and shall be maintained in accordance with the following provisions:

- (a) Each off-street loading space shall have access to a public street or lane;
- (b) Each off-street loading space shall be not less than twelve (12) feet in width nor have less than twelve (12) feet overhead clearance;
- (c) The accessory off-street loading spaces provided for a use shall be solely for the loading and unloading of vehicles; and, except as provided in Subsection 36.(6) below, shall not be used to satisfy any accessory off-street parking requirements or portion thereof;
- (d) When a building or structure is enlarged, or a use is extended or changed, the accessory off-street loading spaces shall be provided for the enlargement, extension or new use; and
- (e) When the computation of the number of accessory off-street loading spaces required by this By-law results in a requirement of a fractional loading spaces, any fraction less than one-half (1/2) of a loading space may be disregarded, whereas a fraction of one-half (1/2) or more of a loading space shall be counted as one (1) loading space.

**LOADING REQUIREMENTS**

36. (6) Accessory off-street loading spaces shall be provided as follows:

- (a) No separate off-street loading space is required for any building having a gross floor area of less than ten thousand (10,000) square feet, however one of the required off-street parking spaces shall also serve as an off-street loading space;

36. (6) (b) Commercial and Industrial Uses which occupy a floor area larger than ten thousand (10,000) square feet provided one (1) loading space for each twenty thousand (20,000) square feet of gross floor area or part thereof;
- (c) Institutional and public uses including hospitals, assembly halls, clubs, lodges, government, schools and office buildings which occupy a floor area larger than ten thousand (10,000) square feet shall provide one (1) loading space for each thirty thousand (30,000) square feet of gross floor area or part thereof.

**ENTRANCES AND EXITS**

36. (7) The following regulations shall apply to all off-street public parking areas, automobile service

stations, drive-in establishments, multiple-family residential, shopping areas and other such commercial uses requiring the provision of vehicular entrances and exits to the site:

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

Minimum width of an entrance or exit	15 feet
Minimum width of a combined entrance and exit	25 feet
Maximum width of an entrance or exit	25 feet
Maximum width of a combined entrance and exit	35 feet
Minimum distance between any part of an entrance, exit or combined entrance and exit, and the intersection of street site lines or the intersection of a street site line and a side site line on a public lane	15 feet

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



## **ALTERNATE FORMS OF DEVELOPMENT**

### **INTENT**

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

### **CONDOMINIUMS**

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

#### **New Condominium Developments**

37. (2) (a) In bare land unit condominium developments:
- (i) each "bare land unit" as defined in The Condominium Act, which is delineated by horizontal land boundaries, shall be considered a "site" as defined herein for the purposes of determining site area and width, yards and other requirements;
  - (ii) those "common elements" as defined in the said Act, which will be ordinarily used for the passage of vehicles or pedestrians including roads, road allowances, streets and lanes but not including pedestrian walkways or off-street vehicle parking areas, shall be considered:
    - (A) a "street" as defined herein where such thoroughfare is over thirty-three (33) feet in width ; and
    - (B) a "lane" as defined herein where such thoroughfare is not over thirty-three (33) feet in width; and
  - (iii) the provisions of the Use Table and Site Requirement Table for the zone in which the development is to be located and all other regulations and requirements of this By-law shall apply.
37. (2) (b) In condominium developments where the individual dwelling units within a building

form the condominium units, the development shall be considered as a multiple-family dwelling. That is, the individual condominium units within the building shall be considered as dwelling units within a multi-family dwelling (apartment block or townhouse) for the purposes of this By-law, and the building containing the condominium units shall be considered as a multi-family dwelling for the purposes of site, yard, height, etc. requirements.

### **Condominiums as Planned Unit Developments**

37. (2) (c) Condominium Development which propose a mixture of different land uses, or which do not conform to the requirements of this By-law may be deemed by Council, a Planned Unit Development and shall be subject to Subsection 37.(3) below.

### **PLANNED UNIT DEVELOPMENTS**

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

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

Planned Unit Developments are conditional uses shall be subject to the following requirements:

- (a) The Use Table and Site Requirement Table of each specific Zone shall not directly apply to Planned Unit Developments. The design, however, shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards of amenity, open spaces, building separation, parking and other requirements and provisions of this By-law;
37. (3) (b) An application for the establishment of a Planned Unit Development shall be accompanied by the following information:

- (i) those requirements normally required for the issuance of a development permit as outlined in PART 2; and
  - (ii) such additional information as Council may consider necessary for the review of the proposal.
- (c) A residential Planned Unit Development may contain two or more principal buildings subject to the following criteria:
- (i) the minimum site area for a Planned Unit Development shall be one (1) acre;
  - (ii) side, front and rear yards equal to the requirements of the zone in which the Planned Unit Development is located, shall be maintained;
  - (iii) in no case shall buildings be closer to each other than the sum of the required yards for adjoining walls; and
  - (iv) the density of development shall not be increased by greater than ten (10) percent of the normal density permitted in that zone.

## **MULTIPLE USES**

37. (4) This Subsection provides for more than one main use, building or structure on a single site where it is reasonable to conduct such additional uses on the same site without requiring subdivision of the subject parcel. The multiple use provisions herein shall be applied to situations where, in the opinion of Council, the development is not of a magnitude to necessitate a Planned Unit Development. (See Subsection 37.(3).)

There may be more than one main use, building or structure on a single site, except in "RG" zones, provided that:

- (a) the second or subsequent use, building or structure is a permitted or conditional use listed in the Use Table and Site Requirement Table of the subject zone;
- (b) where the second or subsequent use, building or structure:
  - (i) is listed as a conditional use in the subject zone; or
  - (ii) involves construction or erection of an additional main building;

the conditional use provisions under Section 5 of PART 2 of this By-law shall apply; and

37. (4) (c) all provisions of this By-law relating to each main use are met.

Where a proposed second or subsequent use on a zoning site is accessory or incidental to the main use, such as an incidental commercial use contained within the same building, it shall be regulated under Section 31 of PART 6, Accessory Buildings, Structures and Uses.

## **SUBDIVISION OF EXISTING ATTACHED DWELLINGS**

37. (5) For the purpose of changing from a tenancy to an ownership situation, a site with two-family attached dwelling or row type dwelling located thereon may be subdivided into two or more sites provided that:
- (a) any new side site line shall, where possible, be a straight line between the front and rear site lines, located in such a manner that the party wall of two adjacent units shall form part of the new side site line;
  - (b) each site created shall have frontage on a street other than a lane;
  - (c) each site created shall provide not less than one (1) on-site parking space having access directly to either a public lane or street;
  - (d) the permitted use for each site created shall be for one attached single-family dwelling unit only;
  - (e) all applicable provisions of the Town of Manitou Building By-law shall be complied with; and
  - (f) notwithstanding the minimum requirements of TABLE 5-1, any new site created pursuant to this Subsection shall have a minimum site area of 4,000 square feet and a minimum frontage of 35 feet. No side yard is required along a party wall.

## **SPECIAL RESTRICTIONS – AIRPORTS**

### **HEIGHT RESTRICTIONS**

38. (1) No building or structure constructed around the airport shall exceed the following height restrictions:
- (a) no building or structure along the edge of a runway shall exceed a height of one (1) foot vertical for every seven (7) feet measured horizontally from the edge of the runway strip;
  - (b) no building or structure located in the take-off or approach paths to a runway shall exceed a height of one (1) foot vertical for every 40 (forty) feet measured horizontally from the ends of the runway strip and diverging 10% from the extension of the edges of the runway strip.

### **DEFINITIONS**

38. (2) For the purpose of this section, the following definitions shall apply:

- (a) **Runway:** means a defined rectangular area on a land aerodrome prepared for the landing and take-off of aircraft along it's length.
- (b) **Runway Strip:** means a rectangular area extending one hundred (100) feet on either side of the centreline of the runway and two hundred (200) feet beyond the ends of the runway.

## **APPENDIX A**

# TOWN OF MANITOU

## ZONING

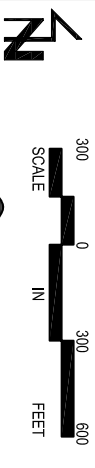
### SCHEDULE "A" To By-Law 6-2004

Legend:

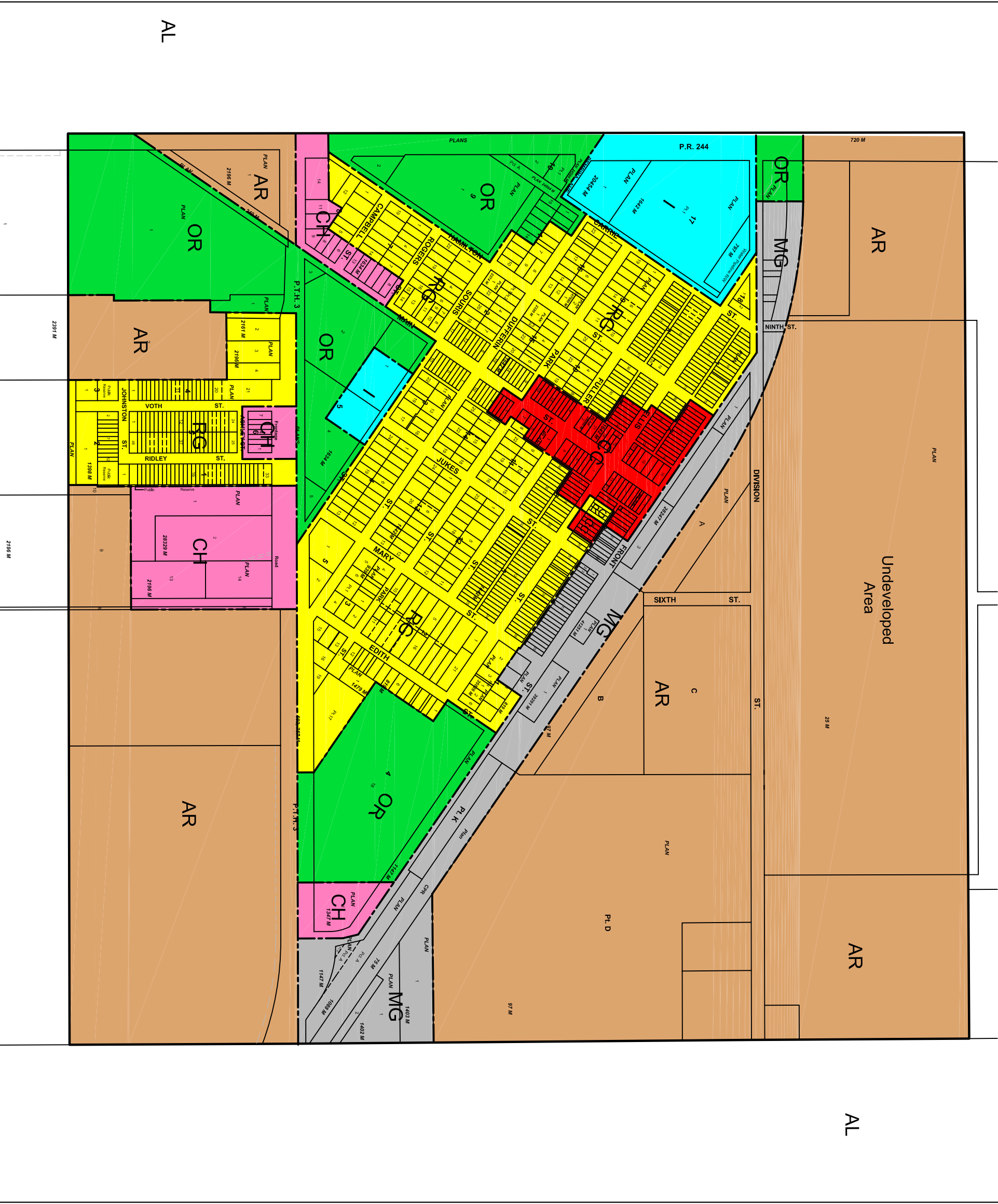
- AR Restricted Agriculture Zone
- OR Open Space / Recreation Zone
- I Institutional Zone
- RG General Residential Zone
- CC Central Commercial Zone
- CH Highway Commercial Zone
- MG General Industrial Zone

- Zone Limit
- - - - - Town Limit

### Pt. Sec's. 19 & 30-3-8W.



DATE: June 2004  
DRAWING No. 337-58-100 (Reduction)  
REVISED To: Nov-08



## **APPENDIX B**



## Metric Conversions

<u>Feet</u>	<u>Metres</u>
10.0	3.0
25.0	7.6
50.0	15.2
100.0	30.5
125.0	38.1
150.0	45.7
200.0	61.0
350.0	106.7
1000.0	305.0

<u>Acres</u>	<u>Hectares</u>
0.25	0.1
0.5	0.2
1.0	0.4
2.0	0.8
10.0	4.0
150.0	60.0