

# Town of Lac du Bonnet



## **BY-LAW 13/20**

### **TOWN OF LAC DU BONNET ZONING BY-LAW**

## HOW TO USE THIS ZONING BY-LAW

This Zoning By-law regulates the use, size, height and location of buildings on properties within the Town of Lac du Bonnet. There is a simple four-step process to determine the uses and structures that are permitted on a specific piece of property.

### Step One

#### What zone is your property located in?

- Use the **Zoning Maps** in Schedule A to determine the zoning for your property.
- Reference **Part 4: Zoning Districts** for a description of the intent of that particular zone.
- Look in the Development Plan and any Secondary Plan that applies to your property to confirm your proposal fits with the applicable policies in those documents.

### Step Two

#### What uses are permitted in your zone?

- Find the **Use and Bulk Table** for your zone in **Part 4: Zoning Districts**.
- Uses marked with the letter [P] are permitted uses and may be developed once you have received a development permit.
- Uses marked with the letter [C] are conditional uses that may or may not be acceptable in a zone depending on the particular circumstances of a proposed development. Conditional uses require a public hearing process and may have extra conditions imposed on the use to make it acceptable for the location.
- Uses marked with a [\*] have use-specific requirements that are provided in **Part 5: Use-Specific Standards**.
- A permitted or conditional use that is underlined [P] or [C] is only allowed as a secondary use to the principal use.

### Step Three

#### How and where can you develop properties in your zone?

- Find the **Use and Bulk Table** for your zone in **Part 4: Zoning Districts**.
- The Use and Bulk Table provides information on allowable height of buildings and structures, required yards, and other spatial requirements for a property.
- To understand the specific details of these requirements, you will need to reference **Part 3: General Rules and Regulations**, and **Part 2: Interpretation**.

### Step Four

#### What kind of permits do you need?

- In most cases, you will need a development permit before you start any change in land use or any development (including construction of a building) on a property.
- Check **Part 6: Administration** to see if your planned development is exempt from needing a development permit. If so, you may proceed with development, as long as it meets the other requirements in this zoning by-law and other applicable by-laws.
- If you need a development permit, fill out a development permit application.
- You are responsible for finding out any other provincial or federal regulations applying to your development, as well as any other required local permits, such as building permits, occupancy permits, plumbing permits, electrical permits, demolition permits, etc.

**The Town of Lac du Bonnet**  
**BY-LAW No. 13/20**

**BEING** a By-Law of the Town of Lac du Bonnet to regulate the use and development of land and to repeal By-Law 53/06, 58/06, 60/07, 67/07, 86/08, 97/09, 122/11, 132/12, 144/13, 19/16, 09/18 and any other amendments thereto.

**WHEREAS**, Section 68 of *The Planning Act* requires a municipality to adopt a zoning by-law that is generally consistent with the Development Plan By-Law in effect in the municipality;

**AND WHEREAS**, *The Planning Act* provides that the Council of a Municipality shall enact a Zoning By-law upon the adoption of a Development Plan By-Law in effect in the Municipality;

**NOW THEREFORE**, the Council of the Town of Lac du Bonnet, in meeting duly assembled, enacts as follows:

1. The Zoning By-law No. 13/20 attached hereto is hereby adopted
2. The By-Law shall be known as the Town of Lac du Bonnet Zoning By-Law
3. The Zoning By-Law No. 53-06 is repealed
4. This By-Law shall take force and effect on the date of third reading of this by-law

**DONE** and **PASSED** in Council duly assembled at the Town of Lac du Bonnet, Manitoba, this 11<sup>th</sup> day of March, A.D. 2020.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

Read a first time this 8<sup>th</sup> day of January, A.D. 2020.

Read a second time this 10<sup>th</sup> day of March, A.D. 2020.

Read a third time this 11<sup>th</sup> day of March, A.D. 2020.

# TABLE OF CONTENTS

<b>Part 1: Applicability and Scope</b> .....	<b>8</b>
1.1 Title .....	8
1.2 Scope .....	8
1.3 Intent and Purpose .....	8
1.4 Use and Development of Land and Buildings Must Comply .....	8
1.5 Restrictions in Other By-laws or Federal and Provincial Laws .....	8
1.6 Does Not Promote Nuisance .....	8
<b>Part 2: Interpretation</b> .....	<b>9</b>
2.1 Rules of Construction .....	9
2.2 Minimum and Maximum Requirements .....	9
2.3 Illustrations and Tables.....	9
2.4 Units of Measurement .....	10
2.5 Map Interpretation.....	10
2.6 Abbreviations .....	11
2.7 Effective Date .....	11
2.8 General Definitions.....	11
2.8 Signage Definitions.....	32
<b>Part 3: General rules and Regulations</b> .....	<b>36</b>
3.1 Regulation of Uses.....	36
3.2 Multiple Uses or Provisions.....	36
3.3 Secondary Uses and Structures.....	36
3.4 Accessory Buildings and Structures.....	36
3.5 Area and Yard Requirements .....	37
3.6 Exception to Front Yard Requirements .....	37
3.7 Projections into Required Yards .....	38
3.8 Height Exceptions.....	38
3.9 Air Conditioning Units, Pool Equipment and Compressors.....	38
3.10 Swimming Pools and Hot Tubs .....	39
3.11 Portable Garages .....	39
3.12 Shipping Containers (Sea Cans) .....	39
3.13 Accessory Dwellings .....	39
3.14 Private Communications Facilities.....	40
3.15 On-Site/Rooftop Wind Energy Generating Systems.....	40

3.16	Height Restrictions in Vicinity of the Lac du Bonnet Airport.....	40
3.17	Demolition and Removal of Buildings or Structures.....	41
3.18	Temporary Buildings, Structures and Uses .....	41
3.19	Subdivision of Attached Dwellings and Buildings.....	41
3.20	Future Road Allowance Deemed Existing.....	41
3.21	Road Access .....	42
3.22	Outdoor Lighting.....	42
3.23	Fences.....	42
3.24	Screening of Outside Storage Required .....	43
3.25	Landscaping .....	43
3.26	Lot Grading .....	44
3.27	Public Reserve Land.....	44
3.28	Riparian and Wetland Areas.....	44
3.29	Exceptions to Riparian Setbacks.....	44
3.30	Flood Risk Areas.....	45
3.31	Development Restricted.....	45
3.32	Noxious or offensive Uses .....	45
3.33	Accessibility Standards .....	45
3.34	Parking Spaces Required .....	45
3.35	Parking Requirements for Multiple Uses .....	46
3.36	Development Standards for Parking Areas .....	46
3.37	Barrier-Free Parking Spaces .....	49
3.38	Loading Requirements.....	49
3.39	Entrances and Exits for Automobile Service Stations, Public Parking Areas, Drive-Through Facilities, and Vehicle Sales.....	50
3.40	General Sign Regulations.....	50
3.41	Signs Not Requiring a Permit.....	51
3.42	Mobile Signs .....	52
<b>Part 4:</b>	<b>Zoning Districts .....</b>	<b>57</b>
4.1	Districts Established.....	57
4.2	Zoning District Boundaries .....	57
4.3	Permitted and Conditional Uses.....	57
4.4	Bulk Regulations .....	57
	<u>RLD – Residential Low Density Zone .....</u>	<u>58</u>
	<u>RMD – Residential Medium Density Zone.....</u>	<u>59</u>

_____ RHD – Residential High Density Zone.....	60
_____ RMHP – Residential Mobile Home Park Zone .....	61
_____ CC – Central Commercial Zone.....	62
4.5 Commercial Core Overlay .....	63
_____ CG – General Commercial Zone .....	65
_____ OS – Open Space Zone .....	67
_____ IR – Institutional and Recreational Zone .....	68
_____ AL – Agricultural Limited Zone .....	69
<b>Part 5: Use-Specific Standards .....</b>	<b>70</b>
5.1 Animal Keeping .....	70
5.2 Apiaries.....	70
5.3 Bed and Breakfast Facilities .....	70
5.4 Home-Based Businesses .....	71
5.5 Home Industries .....	71
5.6 Mobile Home Parks & Mobile Homes .....	72
5.7 Planned Unit Developments.....	74
5.8 Secondary Suites .....	75
5.9 Drive-Through Facilities .....	76
5.10 Travel Trailer Parks and Camping and Tenting Grounds: .....	76
<b>Part 6: Administration .....</b>	<b>78</b>
6.1 Administration and Enforcement.....	78
6.2 Development Permits and Other Permits .....	78
6.3 When Development Permits are Required .....	78
6.4 When Development Permits are Not Required .....	78
6.5 Applications for Development Permits .....	78
6.6 Existing Development Permits .....	79
6.7 Development Permit Expiry .....	79
6.8 The Development Officer .....	79
6.9 Responsibilities of Council.....	80
6.10 Application for Amendments, Variances and Conditional Uses.....	80
6.11 Expiry of Approval .....	80
6.12 Subdivisions .....	80
6.13 Development Agreement .....	80
6.14 Duties of the Owner .....	80
6.15 Existing Uses, Buildings and Structures .....	81

6.16 Previous Violations .....81  
6.17 Non-Conformities .....81  
6.18 Public Works and Services .....82  
6.19 Connecting to Municipal Services .....82  
6.20 Fee Schedule.....83  
6.21 Building To Be Moved.....83

**Schedule A: Zoning By-law Map**

# PART 1: APPLICABILITY AND SCOPE

## 1.1 Title

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

## 1.2 Scope

This by-law applies to all lands in the Town of Lac du Bonnet as indicated on the Zoning Maps of this by-law.

## 1.3 Intent and Purpose

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

- (a) Implement the objectives and policies of the Development Plan in effect, as it applies to the Town of Lac du Bonnet;
- (b) Define and limit the powers and duties of the Council, the Development Officer; and
- (c) Regulate the following:
  - (i) The construction, erection, alteration, enlargement or placing of buildings and structures;
  - (ii) The establishment, alteration, or enlargement of uses of land, buildings and structures; and
  - (iii) All other forms of development not included above.

## 1.4 Use and Development of Land and Buildings Must Comply

Within the Town of Lac du Bonnet, no land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed, except in accordance with this by-law.

## 1.5 Restrictions in Other By-laws or Federal and Provincial Laws

Whenever a provision of another by-law or a law or regulation of the provincial or federal government contains a restriction governing the same subject matter contained in this by-law, or imposes inconsistent regulations with respect to uses, buildings, or structures, the most restrictive or highest standard shall prevail.

The Town of Lac du Bonnet may require proof of compliance with federal or provincial regulations prior to issuance of the applicable permit or certificate.

## 1.6 Does Not Promote Nuisance

Nothing in this by-law or in a development permit, approval of a conditional use, variance order or other approval issued under this by-law shall be construed as authorization for the carrying out of any activity which is a nuisance due to noise, odour, emission, vibration or other cause.

## PART 2: INTERPRETATION

### 2.1 Rules of Construction

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

- (a) Words, phrases and terms are as defined within this by-law;
- (b) Words, phrases and terms not defined within this by-law shall be as defined in *The Planning Act, The Municipal Act, The Buildings and Mobile Homes Act, The Manitoba Building Code*, the Building By-laws of the Town of Lac du Bonnet, and other appropriate provincial acts and regulations;
- (c) Words, phrases and terms neither defined in this by-law nor in an applicable Building By-law or other appropriate provincial acts and regulations shall be given their usual and customary meaning, except where Council determines the context clearly indicates a different meaning;
- (d) 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 but not in combination; and
  - (iii) “either-or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (e) The word “includes” or “including” shall not limit a term to the specified examples, but is intended to extend the meaning to all instances or circumstances of like kind or character; and
- (f) The phrase “used for” includes “arranged for,” “designed for,” “maintained for” or “occupied for.”

### 2.2 Minimum and Maximum Requirements

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

### 2.3 Illustrations and Tables

- (a) Drawings and illustrations form part of this by-law and are provided to assist in interpreting and understanding the by-law. Where any conflict or inconsistency arises between a drawing or illustration and the text of the by-law, the text shall govern.
- (b) Tables form part of this by-law and provide regulatory standards, either to supplement the text or in place of text. Table headings, including column headings, row headings, and groupings of columns and rows, form part of this by-law and have legal effect. Table

notes, located below the tables, indicate special situations that affect the application of standards to specific zoning districts and are also part of this by-law. Where any conflict or inconsistency arises between a table and the text of the by-law, the text shall govern.

## **2.4 Units of Measurement**

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

## **2.5 Map Interpretation**

- (a) In the interpretation of the boundaries of the zones as shown on the Zoning Maps, the following rules shall apply:
- (i) Heavy lines represent Town and zone boundaries. Where the zone boundary is broken by the name of a street it shall be construed that the boundary continues through the name of the street;
  - (ii) Notwithstanding that streets, lanes, and public utility rights-of-way may be within the zone boundaries, the regulations contained in this by-law shall not be deemed to be applicable to said streets, lanes and public utility rights-of-way;
  - (iii) Boundaries indicated as following the centrelines of streets, highways or lanes shall be construed as following such centrelines;
  - (iv) Boundaries indicated as following lot, site or property holding lines on a registered plan shall be construed as following such lot, site or property holding lines;
  - (v) Boundaries indicated as following the limits of an incorporated municipality shall be construed as following the limits of said municipality;
  - (vi) Boundaries indicated as following the centrelines of railway lines or railway rights-of-way or public utility rights-of-way shall be construed to be midway between the main tracks or the centre of the rights-of-way, as the case may be;
  - (vii) If a street, lane or Government Road Allowance shown on the Zoning Maps is lawfully closed, the land formerly comprising the street or lane or Government Road Allowance shall be included within the zone of the adjoining land; however, if the said street or lane or Government Road Allowance was a zoning boundary between two or more different zones, the new zoning boundary shall be the former centreline of the closed street or lane or Government Road Allowance, except where the closed road is being transferred to an adjoining owner, in which case the boundary shall follow the limit of the consolidated property; and
  - (viii) Where the zoning of a single site or lot is split into more than one zoning district, each portion of the site or lot shall be developed and used in accordance with the provisions of the applicable zoning district;
- (b) All plan references on the Zoning Maps pertain to registered plans filed in the Winnipeg Land Titles Office.

## 2.6 Abbreviations

The abbreviations noted within the text or on the Zoning Map mean the following:

- (a) "Blk." means Block;
- (b) "Pcl." means Parcel;
- (c) "Pt." means Part;
- (d) "Rge." means Range;
- (e) "Sec." means Section;
- (f) "Twp." means Township;
- (g) "E.P.M." or "E" means East of the Principal Meridian;
- (h) "P.R." means Provincial Road;
- (i) "P.T.H." means Provincial Trunk Highway;
- (j) "dist." means distance;
- (k) "incl." means including;
- (l) "max" means maximum;
- (m) "min" means minimum;
- (n) "sq.ft." means square feet;
- (o) "sq.m." means square metres;
- (p) "m" means linear meters;
- (q) "ft" means linear feet; and
- (r) "in" means inches when following a number.

## 2.7 Effective Date

This by-law shall be in full force and effect when the Council of the Town of Lac du Bonnet has given it Third Reading.

## 2.8 General Definitions

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

**ACCESSIBILITY** means the ability of persons with mobility issues to enter and use facilities without having to avoid significant obstacles that are not inherent in the design of the facility.

**ACCESSORY** means a use, building or structure that is naturally and normally incidental, subordinate in purpose or area, or both, and exclusively devoted to the use, building, or structure to which it is accessory. A use shown as a conditional use in the Use and Bulk Tables cannot be accessory to a use shown as a permitted use for the same zone.

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

**ADULT ENTERTAINMENT AND RETAIL** means an adults-only establishment where the principal business activity relates to erotic entertainment and/or the sale of pornographic videos, magazines or books.

**AGRICULTURAL OPERATION:** means an agricultural, aquacultural, horticultural or silvicultural operation that is conducted in order to produce agricultural products on a commercial basis, and includes:

- (a) land tillage,
- (b) crop production, including hay and forages,
- (c) horticulture, including vegetables, fruit, mushrooms, sod, trees, shrubs and greenhouse crops,
- (d) the operation of agricultural machinery and equipment,
- (e) processing farm products for farm gate distribution,
- (f) fertilizer, manure, soil amendments and pesticide application, including ground and aerial application,

and shall include accessory uses for packing, storing or treating the produce.

**AGRICULTURAL PROCESSING FACILITY** means one or more facilities or operations that transform, package, sort or grade livestock products, agricultural commodities, or plant or plant products, excluding forest products, into goods that are used for intermediate or final consumption, including goods for non-food use.

**ALTER or ALTERATION** means a change or modification to an existing building, structure or use which, unless otherwise provided for herein, that does not increase the exterior dimensions with respect to height and area. Such changes or modifications include, but are not limited to the following:

- (a) Non-bearing interior partitions in all types of buildings;
- (b) adding or enlarging windows or doors in exterior walls;
- (c) replacement of building facades;
- (d) 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;  
or
- (e) replacement of, or changes in, the capacity of utility pipes, ducts or conduits.

**ANIMAL BREEDING AND BOARDING ESTABLISHMENT** means a development used for the breeding, boarding or training of small animals normally considered as household pets on a daily or overnight basis, in return for remuneration or for the purpose of sale. Typical uses are kennels and pet shelters. This use does not include veterinary clinics, animal hospitals or pet day cares.

**ANIMAL KEEPING** means a use where livestock or other animals (excluding pets) less than ten (10) *animal units* (cumulative across species) are sheltered, bred, raised, or sold. This includes, but is not limited to, stables.

**ANIMAL HOSPITAL AND VETERINARY SERVICE** means a development used for the care and treatment of small animals where the veterinary services primarily involve out-patient care and minor medical procedures. All animals shall be kept in an enclosed building. This use class includes pet clinics and veterinary offices.

**ANIMAL UNIT (AU)** means the number of animals of a particular category of livestock that will excrete 73 kilograms of total nitrogen in a twelve (12) month period.

**APIARY** means any place where bees are kept.

**AUCTIONEERING ESTABLISHMENT** means a development specifically intended for the auctioning of goods and equipment, including the temporary storage of such goods and equipment. This use class does not include flea markets or livestock auction marts.

**AUTOMOBILE BODY SHOP** means a building wherein the repair and painting of automobiles takes place. Typical uses include autobody and paint shops.

**AUTOMOBILE, RECREATIONAL VEHICLE OR FARM IMPLEMENT SALES/RENTALS** means an open area, used for the display, retail sale or rental of new or used automobiles, motorcycles, snowmobiles, trailers, recreation vehicles, boats or farm implements, together with incidental maintenance services and sale of parts. Typical uses include automobile dealerships, car rental agencies and recreational vehicle dealerships.

**AUTOMOBILE AND VEHICULAR SERVICE** means a building or portion thereof and land used for the sale of gasoline and other petroleum products, the servicing and/or mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles, and/or the sale, installation or servicing of related accessories and parts. Automobile and Vehicular Service uses may include Eating and Drinking Establishments. Typical uses include fuel stations, car washes, truck stops and tire shops. This use does include establishments dealing primarily in used parts, including salvage operations.

**AWNING, CANOPY or MARQUEE** means any roof-like structure providing shelter or shade over an entranceway or window.

**BASEMENT or CELLAR** means a portion of a building between a floor and a ceiling that is located partly underground.

**BED AND BREAKFAST** means a home-based business operated within a principal dwelling where short-term sleeping accommodation, with or without light meals, is provided to members of the travelling public for remuneration.

**BOARDING, LODGING OR ROOMING HOUSE** means a building or portion thereof where multiple tenants rent separate bedrooms and where other areas are shared with other occupants (such as kitchens and bathrooms). Bedrooms are typically locked from the outside and each occupant

has their own rental arrangement with the landlord (who may or may not be an occupant of the house).

**BOATHOUSE** means a building or portion thereof used by the occupants of the premises primarily for the mooring or storage of private motorboats or other personal watercraft but does not include living accommodations.

**BROADCASTING SERVICE** means the distribution of audio or video content to a dispersed audience via any electronic media. Typical uses include radio stations and television studios and associated communications facilities.

**BUFFER** means an area of land that is intended to provide a means of separating two types of development that are generally incompatible. Typically buffers consist of tree-planted areas which provide a visual barrier between two types of development, and which also serve as a measure of controlling the movement of other nuisances, such as dust.

**BUILDING** has the meaning provided in *The Planning Act*, except that it does not include a well, pipeline, excavation, cut, fill or transmission line.

**BUILDING, PRINCIPAL** means a structure on a zoning site used to accommodate the main use.

**BULK** means the following:

- (a) The size, including height of building and floor area, of buildings or structures;
- (b) The site area.

**BULK STORAGE** means the storage of chemicals, petroleum products or other flammable liquids in above-ground containers for subsequent resale to distributors, retail dealers or outlets.

**BUSINESS SUPPORT SERVICE** means a development used to provide support services to businesses which are characterized by one or more of the following features: the use of mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or custodial services; the provision of office security; and the sale, rental, repair or servicing of office equipment, furniture, computers, cellular phones, and machines. Typical Uses include printing establishments, film processing establishments, janitorial firms and office equipment sales and repair establishments.

**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 on a temporary basis.

**CANNABIS LICENCE, RETAIL** means a licence issued under the Liquor, Gaming and Cannabis Control Act.

**CANNABIS RETAIL STORE** means the premises specified in a retail cannabis licence where the retail sale of cannabis is authorized.

**CANNABIS STANDARD PROCESSING** means the large-scale manufacturing, packaging and labelling of cannabis products designed for sale to consumers, and the intra-industry sale of these products, including to provincially/territorially authorized distributors, as well as associated activities.

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

**CEMETERY** means land used or intended to be used for the burial of the dead, and may include columbaria, crematoria, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

**CHILD CARE SERVICE** means the provision of care for remuneration or reward to a child apart from his or her parents or guardians for a period in any one day not exceeding fourteen (14) hours, but not including overnight accommodation. This use includes home-based day cares and provincially licensed childcare centres, nursery schools and play schools.

**CLUB, PRIVATE, NON-PROFIT AND RECREATIONAL** means a non-profit corporation chartered by *The Canadian Business Corporation Act* or *The Manitoba Corporation Act*, or an association consisting of persons who are bona fide members paying annual dues, which owns or leases a building or portion thereof; and the use of such premises being restricted to members and their guests for fraternal, recreational, sport and similar activities.

**COACH HOUSE** means a type of secondary suite situated above a detached garage, which is accessory to the principal use of the property. The principal use of the property must be a permanent, single-unit detached dwelling. A coach house has an entrance separate from the entrance to the garage.

**COMMERCIAL RENTAL UNIT** means a single commercial space available on the market as a self-sufficient, independent unit, equipped, zoned and intended to be used for commercial purposes.

**COMMON ELEMENT** means all property within a condominium plan except the condominium units.

**COMMUNITY CENTRE** means a building or structure that provides facilities for public indoor recreational activities and other community facilities such as meeting rooms or a library for use by the general public.

**CONDITIONAL USE** means a usage of land or a building that may be permitted under a zoning by-law subject to approval of a conditional use order. Conditional uses are uses that may have unique or varying operating characteristics, may have potential operational or other impacts on adjacent properties, or may have unusual site development demands.

**CONDOMINIUM** means a condominium as established under the provision of *The Condominium Act*.

**CONDOMINIUM, BARE LAND** means a condominium plan with one (1) or more units, and where the boundaries of each unit are defined in relation to the land, instead of to a structure or

improvement on the land. A building that is constructed on a bare land unit is considered part of the unit. A "bare land unit" shall be considered a "site" as defined in Part 2 of this by-law.

For the purposes of this by-law those "common elements" in a bare land unit condominium plan, which are ordinarily used for the passage of vehicles or pedestrians, including roads, road allowances, streets, lanes, bridges, but not including walkways intended solely for pedestrian use nor areas for parking of vehicles, shall be considered:

- (a) a "street" as defined herein where such thoroughfare is over 33 feet (10.06 m) in width, and
- (b) a "lane" as defined herein where such thoroughfare is not over 33 feet (10.06 m) in width.

For the purposes of determining front, rear and side yards and site lines for each respective site as shown on a plan, the common element shall be considered a "street" as defined in this zoning by-law.

**CONTRACTOR'S YARD** means a yard of any building trade or contractor where equipment and material is stored or where a contractor performs shop or assembly work.

**CONVENIENCE STORE** means a retail establishment which deals primarily in goods required by the inhabitants of a residential area to meet their day-to-day needs.

**COTTAGE** means a single-unit dwelling constructed and used as a secondary or temporary place of residence for seasonal vacations and recreational purposes and not as the principal residence of the owner or occupant thereof.

**COUNCIL** means the elected members of the Lac du Bonnet Town Council.

**COURT** means an open unoccupied space, other than a required yard, on the same zoning site with a building and bounded on two (2) or more sides by such buildings.

**CUSTOM MANUFACTURING ESTABLISHMENTS** means development used for small scale on-site production of goods by hand manufacturing. Typical uses include furniture, jewelry, toy, clothing/shoe and musical instrument manufacturing, gunsmiths, carpentry and upholstery shops, and pottery and sculpture studios.

**DENSITY** means the total number of dwelling units divided by the total area of land to be developed, expressed in gross acres.

**DERELICT VEHICLE** means a vehicle that is not in operating condition and is not registered for the current year under The Highway Traffic Act. It is kept in the open and may be abandoned or is used for salvaging or selling parts.

**DESIGNATED OFFICER** means the Chief Administrative Officer or person so designated by the Chief Administrative Officer.

**DESIGN FLOOD** means a flood magnitude on a water body or waterway that has a 0.5% chance of happening on any given year (otherwise referred to as a 1:200 year flood event), or the flood of record, whichever is greater.

**DEVELOPMENT** means the construction of a building or the installation of services and utilities on, over or under land, a change in the use or intensity of use of a building or land, the removal of soil or vegetation from land, the deposit or stockpiling of material on land, and the excavation of land.

**DEVELOPMENT OFFICER** means the officer appointed by the Municipality in accordance with the provisions of the *Act*.

**DEVELOPMENT PLAN** means the applicable Development Plan adopted by by-law and amendments thereto that is in effect, as applied to the Town of Lac du Bonnet.

**DOUBLE-FRONTING SITE** means a site which abuts two public roadways, which are parallel or nearly parallel in the vicinity of the site.

**DRIVE-THROUGH FACILITY** means any use designed or operated to allow patrons, while outside on the premises in motor vehicles, to order, request, exchange, donate, or receive goods, wares, merchandise, products, foods, beverages or services, including but not limited to a drive-through restaurant, coffee shop or Automated Teller Machine (ATM)/bank.

**DUPLEX** means a two-unit dwelling, vertically connected with one unit above the other. It does not include a secondary suite.

**DWELLING UNIT** means one or more rooms used or intended to be used as a single housekeeping unit with cooking, sleeping and sanitary facilities.

**DWELLING, MULTI-UNIT** means a building, located on a single site, containing three (3) or more dwelling units. Typical multi-unit dwelling types include, but are not limited to: row houses, townhouses, or apartment buildings.

**DWELLING, SINGLE-UNIT** means a detached building, located on a single site, containing one dwelling unit.

**DWELLING, TWO-UNIT** means a building, located on a single site, containing two dwelling units. Typical two-unit dwellings include duplexes and semi-detached buildings/side-by-sides.

**EATING AND DRINKING ESTABLISHMENT** means the sale to the public of prepared foods and/or beverages, for consumption within the premises or off the site. Typical uses include licensed drinking establishments, restaurants, cafés, delicatessens, tea rooms, banquet catering, lunchrooms and take-out restaurants. This use class does not include drive-through facilities, refreshment stands, or mobile vending units.

**EDUCATION SERVICE** means a development which is privately or publicly supported or subsidized involving public assembly for educational, training or instructing purposes, and includes administration offices required for the provision of such services on either the same site or elsewhere on the same zoning site. This use class includes public and private schools, community colleges, technical and vocational schools and associated administrative offices and dormitories, which may also be established as accessory uses.

**EMERGENCY SERVICE** means a development which is required for the public protection of persons and property from injury, harm, or damage together with the incidental storage of emergency equipment. Typical uses in this class include police stations, fire stations and ancillary training facilities.

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

**EQUESTRIAN ESTABLISHMENT** means a facility used for the training of horses and the operation of a horse-riding academy or horse-riding stables.

**EROSION** means land that, within a fifty (50) year period, may be eroded away or become unstable due to the action of water contained in an adjacent water body.

**EXTENDED MEDICAL TREATMENT SERVICE** means a development providing room, board and surgical or other medical treatment for the sick, injured or infirm including outpatient services and accessory staff residences. Typical uses include hospitals, sanatoriums, nursing homes, personal care homes, convalescent homes and auxiliary hospitals.

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

**FACTORY BUILT HOUSE** means a manufactured dwelling, whether modular (built in two or more sections) or unitary construction, which complies with the National Building Code and which is built off-site by a manufacturer having CAN/CSA-A277 "Procedure for Certification of Factory Built Houses" accreditation, but does not include mobile homes.

**FARM BUILDINGS or STRUCTURES** means any buildings or structures existing or erected on land used primarily for agricultural activities, but not including dwellings.

**FITNESS CENTRE** means a building or portion of a building where the principal purpose is participation in exercise and/or leisure-time activities. Typical uses include health clubs, weightlifting establishments, martial arts studios, fitness studios, dance studios, yoga studios and associated fitness and wellness uses.

**FLOOD LEVEL** means the 1:200 year flood level, the level of a known flood exceeding the 1:200 year flood, or a level as determined to be appropriate by Council in consultation with the provincial authority having jurisdiction.

**FLOOD PROTECTION LEVEL** means the corresponding design flood level plus 2 feet (0.6 m).

**FLOOR AREA** means the sum of the gross horizontal areas of the several floors of all buildings and structures on the zoning site, measured from the exterior faces of the exterior walls or from the centreline of party walls. In particular, the floor area of a building or buildings shall include:

- (a) Basements when used for residential, commercial or industrial purposes, but not including spaces used for storage or the housing of mechanical or central heating

- equipment, and accessory off-street parking spaces;
- (b) Floor space used for mechanical equipment (with structural headroom of 6 feet (1.83 m) or more) except equipment, open or enclosed, located on the roof;
  - (c) Elevator shafts and stairwells at each storey except shaft and stair bulkheads and exterior unroofed steps or stairs; and
  - (d) Penthouses, mezzanines, attics where there is structural headroom of 7 feet (2.13 m) or more.

**FRONTAGE** means all that portion of a zoning site fronting on a public road and measured between side site lines.

**FUNERAL SERVICE** means a development used for the preparation of the dead for burial or cremation and the holding of funeral services. This use class includes funeral homes, undertaking establishments and includes cremation and interment services.

**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 and may also include the incidental storage of other personal property.

**GARDEN CENTRE, FARMERS' MARKET AND PRODUCE STAND** mean the outside display and sale of garden equipment and supplies, plants, seeds, vegetable and fruit produce, food items produced by vendors, and similar items.

**GARDEN SUITE** means a single-storey secondary suite, contained in a separate building, positioned at grade and to the rear of an existing principal use on a single zoning site. The principal use must be a permanent, single-unit detached dwelling.

**GAS BAR** means a development used for the retail sale of gasoline, other petroleum products and incidental auto accessories. This use class does not include service stations.

**GENERAL CONTRACTOR SERVICE** means a development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site outdoor storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal contractor services use only.

**GENERAL STORAGE** means a development used exclusively for temporary indoor or outdoor storage of goods, materials and merchandise. This use class does not include vehicle storage compounds, automobile wrecking yards, salvage yards, scrap metal yards or the storage of hazardous goods or waste.

**GOVERNMENT SERVICE** means a development providing municipal, provincial or federal government services directly to the public. Typical uses include government offices, taxation offices, courthouses, postal distribution offices, employment offices and social services offices.

**GRADE** means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the municipality.

**GREENHOUSE, PLANT AND TREE NURSERY** means a development used primarily for the raising, storage and sale of bedding, household and ornamental plants.

**GROUP HOME** means a residence that is licensed or funded under an Act of the Parliament of Canada or the Province of Manitoba for the accommodation of five (5) or less persons, exclusive of staff or receiving family, living under supervision in a single housekeeping unit and who by reason of their emotional, mental, social or physical condition, or legal status, require a group living arrangement for their well-being.

**HEALTH SERVICE** means a development used for the provision of physical and mental health services on an out-patient basis. Services may be preventative, diagnostic, treatment, therapeutic, rehabilitative or counselling in nature. Typical uses include medical and dental offices, health clinics, and counselling services.

**HEIGHT** means the vertical distance measured from grade to the highest point of the roof structure if a flat roof, to the deck of a mansard roof, and to the mean height level between eaves and ridge for a gable, hip or gambrel roof. The highest point of a roof excludes chimneys, television and radio antennae, and mechanical equipment such as air conditioning and ventilation.

**HERITAGE RESOURCE** means a heritage site, a heritage object, and any work or assembly of works of natural or human endeavour that is of value for its archaeological, paleontological, prehistoric, historic, cultural, natural, scientific or aesthetic features, and may be in a form of sites or objects or a combination of them.

**HOME-BASED BUSINESS** means an occupation or activity that is secondary to the principal use of the premises as a dwelling and that does not alter the exterior of the property, generate undue traffic congestion or affect the residential character of the neighbourhood. Typical uses include a commercial or professional operation, business service, trade, practice, or office use.

**HOME INDUSTRY** means light industrial operations and small businesses that may be permitted as a secondary use on the same site as a principal use. The land use associated with a home industry is more intense than those associated with a home-based business and may include some external noise, odour, light, or traffic impacts as well as the external storage of products or materials.

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

**HOUSEHOLD REPAIR SERVICE** means a development used for the repair of goods, equipment and appliances normally found within the home. This use class includes radio, television and

appliance repair shops, furniture refinishing and upholstery shops.

**INCIDENTAL** means a building, feature or use established or erected in conjunction with or subsequent to the establishment or erection of a principal building, structure, or use approved under this by-law, and is incidental to, and located on the same zoning site as, a principal or accessory use, and that has fewer impacts than an accessory use.

**INDOOR AMUSEMENT ESTABLISHMENT** means a commercial development providing facilities within an enclosed building for entertainment and amusement activities and where patrons are predominately participants. Typical uses include indoor playgrounds, go-cart tracks, miniature golf, paintball and laser tag courses, bowling alleys, pool halls, arcades and similar uses.

**INDOOR PARTICIPANT RECREATION SERVICE** means a development providing facilities within an enclosed building for sports and active recreation and where patrons are predominately participants. Typical uses include athletic clubs; fitness clubs; curling, roller skating and hockey rinks; swimming pools; archery or shooting ranges; and racquet clubs.

**INFILL DEVELOPMENT** means the building of homes, businesses and public facilities on unused or underutilized lands within the existing built-up urban area, and which are currently serviced with municipal services common to the applicable land zoning, including but not limited to: asphalt roads, street lights, electricity and municipal sewer and water systems.

**INFORMATION TECHNOLOGY USE** means the development, design, manufacture, packaging, storage or shipping of computer software, web hosting and data processing service and the design or research of computer, electronic and communication equipment. Uses such as server farms and like uses are included in this definition.

**LANE** means a street 33 feet (10.06 m) or less in width in public ownership that affords only a secondary means of access to an abutting property.

**LIGHT INDUSTRIAL USE** means processing and manufacturing uses, provided that they do not create unusual fire, explosion or safety hazards, noise in excess of average intensity of street and traffic noise in the area in question; they do not emit smoke, dust, dirt, toxic or offensive odours or gas; and there is no production of heat or glare perceptible from any adjacent residential property. Typical uses include automotive body repair and paint shops and commercial manufacturing establishments. This use class does not include milling plants, concrete and asphalt plants, foundries, chemical plants and extractive uses.

**LIMITED CONTRACTOR SERVICE** means a development used for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households, and the accessory sale of goods normally associated with the contractor services. All materials must be kept within an enclosed building and there are to be no accessory manufacturing activities and no more than two service vehicles associated with this uses of this type.

**LIVESTOCK** means animals or poultry not kept exclusively as pets, excluding bees.

**LIVESTOCK OPERATION** means a permanent or semi-permanent facility of non-grazing area where ten (10) or more animal units of livestock are confined, fed or raised either indoors or

outdoors, but does not include:

- (a) An operation for the slaughter or processing of livestock;
- (b) An operation for the grading or packing of livestock or livestock products;
- (c) An operation for transporting livestock or livestock products;
- (d) A hatchery;
- (e) A livestock auction market; and
- (f) An operation for pasturing cattle.

**LOADING SPACE** means an off-street space on the same zoning site with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or material and which has access to a street or lane or other appropriate means of access.

**MARINA** means a public or commercial dock or basin providing secure moorings for motorboats and other watercraft and may include boating supply, repair and other facilities.

**MANUFACTURING USE** means a use of land that includes the assembly, fabrication, or processing of goods and materials that may have impacts in terms of noise, fumes, odours, or safety hazards outside of the structures in which the use takes place.

**MICRO-BREWERY/BREW PUB** means a brewery of small-scale production [producing not more than 2,000 hectolitres of beer at the premises per year] that is operated in conjunction with a licensed Eating or Drinking establishment through a brew pub endorsement from The Liquor, Gaming and Cannabis Authority of Manitoba. Beer may be produced, sold and consumed onsite, sold by retail sale for consumption off-site, or sold to the MLCC for sale at retail premises.

**MINERAL** means a non-living substance that is formed by natural processes and is found on or under the surface of the ground, irrespective of chemical or physical state and before or after extraction, and includes peat, peat moss, mine tailings and substances that are prescribed as minerals but does not include agricultural soil, oil, natural gas or any other gas, surface or ground water or other substance not prescribed to be a mineral pursuant to *The Mines and Minerals Act*.

**MOBILE HOME** means a dwelling designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, being on the site on wheels, jacks or similar supports, or on a permanent foundation, and having been built in accordance with CSA building regulations and *The Buildings and Mobile Homes Act*.

**MOBILE HOME PARK** means any premises which is designed for residential use and designed for the accommodation of two or more mobile homes as single-unit dwellings, whether or not a charge is made for such accommodation.

**MOBILE HOME SITE** means a zoning site within a residential mobile home park for the placement of a mobile home.

**MOBILE VENDING UNIT** means:

- (a) A motor vehicle or trailer that is used to sell, offer or provide goods or services from the vehicle or from within the vehicle while it is parked on a roadway or the shoulder of a roadway; or
- (b) A mobile food unit as defined in the Food and Food Handling Establishments Regulation, Manitoba Regulation 339/88R.

**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 a parcel of land, building, structure or use which lawfully existed prior to the effective date of this by-law or amendments thereto, but does not conform to the provisions contained within this by-law or amendments thereto.

**NOXIOUS or OFFENSIVE USE** means a use which, from its nature or operation, creates a nuisance or is offensive by the creation of noise, vibration, or glare or by reason of the emission of heat, gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage matter, refuse matter, waste or other material.

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

**OCCUPANCY PERMIT** means authorization issued in writing pursuant to the applicable zoning regulations, to occupy any building or part thereof in the municipality.

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

**OUTDOOR AMUSEMENT ESTABLISHMENT** means a commercial development providing facilities for entertainment and amusement activities which primarily takes place out of doors and where patrons are primarily participants. Typical uses include amusement parks, go-cart tracks, racetracks, moto-cross and all-terrain vehicle tracks, miniature golf, paintball courses, outdoor concert facilities and similar uses.

**OUTDOOR PARTICIPANT RECREATION SERVICE** means a development providing facilities which are available to the public at large for sports and active recreation conducted outdoors. Typical uses include golf courses, driving ranges, shooting ranges, ski hills, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, skateboard parks, riding stables and trails.

**OWNER** means a person who is the owner of a freehold estate in the property, and includes:

- (a) A person who is an owner with another person as joint tenant or tenant in common of a freehold estate;
- (b) A person who is registered under *The Condominium Act* as the owner, as defined in that Act, of a unit under that Act; and
- (c) A real owner, as defined in subsection 1(1) of *The Municipal Assessment Act*.

**PARCEL OF LAND** means the aggregate of all land described in any manner in a certificate of title.

**PARKING AREA** means an open area of land (other than a street or lane), or an area within a structure used for the off-street parking of vehicles.

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

**PARKING SPACE** means a space on a parking area or zoning site for the temporary parking or storage of a vehicle.

**PARKING, STRUCTURE** means a structure or building where motor vehicles may be stored for purposes of temporary, daily, or overnight off-street parking as a principal use. The facility may be above, below, or partially below ground and includes parking garages and parking decks.

**PARKING, SURFACE LOT** means an unenclosed area where motor vehicles may be stored for purposes of temporary, daily or overnight off-street parking as a principal use.

**PARTY WALL** means a wall jointly owned and jointly used by two (2) parties under easement agreement or by right in law, and erected at or upon a line separating two (2) parcels of land each of which is, or is capable of being, a separate real-estate entity.

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

**PERMITTED USE** means the use of land, building or structure provided in this zoning by-law for which a development permit shall be issued upon the application having been made, if the use meets all the requirements of this by-law.

**PERSONAL SERVICE SHOP** means a building or part of a building in which persons are employed in furnishing services and otherwise administering to personal needs and the repair and maintenance of personal effects, including establishments such as barber shops, beauty salons, tattoo or piercing shops, shoe repair shops, tailor and dressmaking shops, pet grooming (not including kennels or pet day cares), dry cleaning establishments and laundromats.

**PET DAY CARE** means an indoor, enclosed premise in which up to five (5) pets are boarded or cared for at a time, on a daily basis, in return for remuneration.

**PLACE OF ASSEMBLY** means a public or privately-owned auditorium, hall or similar facility developed for the purpose of accommodating groups of persons for meetings, exhibitions, shows, trade fairs, public meetings, banquets, conferences and similar activities.

**PLACE OF WORSHIP** means a building (ex: church, chapel, mosque, temple, synagogue, convent and monastery) primarily used for religious purposes. Accessory uses can include associated schools, day-care facilities, parish halls, cemeteries and like uses.

**PLANNED UNIT DEVELOPMENT** means a land development project planned as an entity in accordance with a unitary site plan that permits flexibility in the siting of buildings, mixture of housing types and land uses, useable open spaces and can include the preservation of significant natural features.

**PORTABLE GARAGE** means a temporary structure that may consist of a metal or steel frame, and may be covered by such material as canvas, plastic, polyethylene, various types of fabric or similar materials, and which is intended to store goods, materials or vehicles.

**PREMISES** means an area of land with or without buildings.

**PRINCIPAL BUILDING** means a structure on a site used to accommodate the principal use.

**PRINCIPAL USE** means the primary or predominant activity on any parcel of land or within any building or structure.

**PRIVATE COMMUNICATIONS FACILITIES** means outdoor equipment and structures required for the purposes of transmitting or receiving television, radio, microwave, radar, laser, or similar communications signals. These facilities may include, but are not limited to: antennae, aerials, receiving dishes, transmission beacons, masts and towers.

**PRIVATE DOCK** means a platform used for the mooring of one or more private motorboats or other personal watercraft.

**PRIVATE POOL** means an artificially constructed basin, lined with concrete, fiberglass, vinyl or like material, which is capable of containing a water depth greater than 24 inches (60 cm) and that is located on the property of a single-unit dwelling.

**PROFESSIONAL, FINANCIAL AND OFFICE SUPPORT SERVICE** means a development primarily used for the provision of professional, management, administrative, consulting and financial services. Typical uses include the offices of lawyers, accountants, engineers, and architects; office for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial uses.

**PUBLIC LIBRARY AND CULTURAL EXHIBIT** means a development for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use; or a development for the collection, preservation and public exhibition of works or objects of historical, scientific or artistic value. Typical uses include libraries, museums and art galleries.

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

**PUBLIC UTILITY** means any system, works, plant, pipeline, equipment, buildings or services and facilities available at approved rates to or for the use of the public, and includes all such carried on by or for the owner of a public utility or the municipality or the Province of Manitoba. Typical uses include water, gas and hydro facilities and services, waste disposal sites, sewage treatment plants and lagoons, garbage transfer stations, composting sites, water treatment plants, lift stations, waste recycling plants, waste transfer stations, communication facilities including telephone, wireless, television and like uses.

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

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

**RESEARCH INSTITUTION** means a facility established in accordance with government regulations and engaged in scientific research, product design, development and testing, and limited manufacturing necessary for the production of prototypes.

**RESIDENTIAL CARE FACILITY** means the use of any building or structure or part thereof, however named, which is advertised, announced or maintained for the express or implied purpose of providing lodging, meals, care and supervision or transitional services to more than five (5) persons. This Use Class includes seniors residences, assisted living facilities, supportive housing, rehabilitation homes and similar uses.

**RESORT, COMMERCIAL** means a commercial recreational establishment, which may consist of one or more buildings containing guest suites, single or multi-unit dwellings, recreational facilities and service facilities which are used on an intermittent and seasonal basis. Other facilities which may be part of the resort development include: a camping and tenting ground or travel trailer park, a motel, rental cabins, a retail store, an eating establishment, a marina, a golf course and other outdoor recreational game courts, areas and trails.

**RETAIL SALES AND SERVICES** mean developments used for the retail sale of groceries, baked goods, meats, beverages, household goods, furniture and appliances, hardware, printed matter, confectionary, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationary and similar goods from within an enclosed building. Associated services and repair including postal services, film processing, movie rentals and similar uses are included. This use class does not include adult-only entertainment or adult-only

retail establishments, or developments used for the sale of gasoline, cannabis, or heavy agricultural or industrial equipment.

**RIPARIAN AREA** means an area of land on the banks of or near a water body that, due to the influence of water, is capable of naturally supporting an ecosystem that is distinct from the ecosystem of the adjacent upland areas.

**SALVAGE OPERATION/YARD** means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to metals, paper, rags, rubber tires and bottles. This use class includes an automobile wrecking or dismantling yard and such uses established entirely within an enclosed site.

**SECONDARY** means a use or structure located on the same site as a principal use or structure, and which is not naturally and normally occurring as part of that principal use.

**SECONDARY SUITE** means a self-contained accessory dwelling located either within a permanent, single-unit detached dwelling or in an accessory building on a single zoning site. A secondary suite contains a single housekeeping unit and has its own separate access, cooking, sleeping and sanitary facilities which are separate from and not shared with those of the principal dwelling. Secondary suites include basement suites, garden suites and coach houses. This use does not include duplex housing, semi-detached housing, or apartment housing.

**SELF-SERVICE STORAGE FACILITY** means a building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

**SEMI-DETACHED** means two dwellings, arranged side-by-side, contained in a single building with a single foundation, connected by a shared common wall. This type of development is designed and constructed as two attached dwellings at initial construction. It does not include a secondary suite.

**SEPARATION DISTANCE** means a distance to be maintained between two buildings or structures, measured from the nearest points of any structure or areas in which the uses are carried on.

**SEPARATION SPACE** means open space around dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation and privacy.

**SHIPPING CONTAINER (SEA CAN)** means an intermodal freight container that is used for the transportation and storage of goods and materials and which are loaded onto trucks, trains or ships. For the purpose of this by-law, a shipping container does not have wheels and does not include a truck body, trailer or transport trailer.

**SHOPPING CENTRE/STRIP MALL** means a group of commercial establishments planned, developed and managed as an integrated unit. These can include, but are not limited to, groups of stores, services, associated facilities, eating establishments, warehouse sales and similar commercial uses utilizing common facilities such as parking, landscaping, signage and loading areas. Each business use must comply with Bulk Table requirements respecting permitted and conditional uses for the affected zone.

**SIGN** – see section 2.8 Signage Definitions.

**SITE** means:

- (a) A whole lot or block on a registered plan of subdivision; or
- (b) The aggregate of all contiguous land described in a certificate of title or in more than one certificate of title provided they are in the same ownership.

**SITE, CORNER** means a site situated at the intersection of two (2) streets.

**SITE, INTERIOR** means a site other than a corner site or a through site.

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

**SITE, THROUGH** means a site having a pair of opposite site lines along two (2) more-or-less parallel streets.

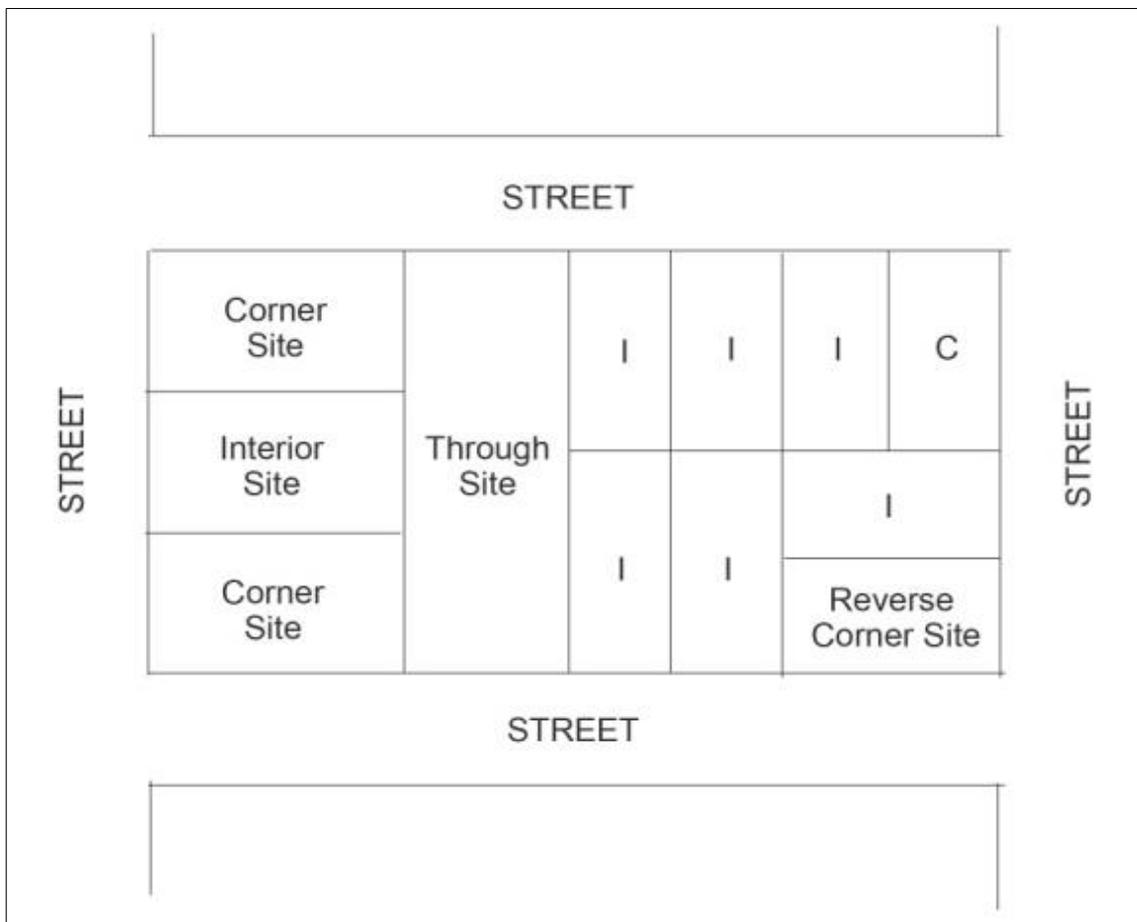


Figure 2-1: Sites (Corner (C), Interior (I), Through and Reverse Corner)

**SITE AREA** means the computed area contained within the site lines.

**SITE COVERAGE** means that part or percentage of the site occupied by buildings, including accessory buildings. Structures, which are below the finished site grade, such as water reservoirs, parking structures below grade and similar structures, shall not be included in site coverage.

**SITE DEPTH** means the horizontal distance between the centre points in the front and rear 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 or through site, the Development Officer may select the front site line except where an interior site abuts the corner site, then the front site line shall be that line which is the continuation of the front site line of the interior site.
- (b) **REAR SITE LINE** means that boundary of a site which is most nearly parallel to the front site line. Where an irregular shaped site cannot have its site lines defined by this definition, the rear site line shall be determined by the Development Officer.
- (c) **SIDE SITE LINE** means any boundary of a site which is not a front or rear site line.

**SITE WIDTH** means the horizontal distance between the side lines, measured at right angles to the site depth at a point midway between the front and rear site lines, or 40 feet (12.19 m) 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 provision of this by-law, has frontage on a street; and
- (b) in the case of a non-conforming site existing on the date of adoption of this by-law, 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.

**SPECIALIZED AGRICULTURE** means the use of land for apiculture, floriculture, horticulture including market gardening, orchards and tree farming, and similar agricultural activities on a commercial basis and may require a smaller land holding.

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

**STABLE** means a detached accessory building for the keeping of cattle or horses owned by the occupant of the premises.

**STACKING LANE** means an area of stacking spaces and driving lane, which are provided for

vehicles waiting for service, that is physically separate from other traffic and pedestrian circulation on the site and is located on private property.

**STOREY** means that portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling above it, but does not include a basement.

**STREET** means a public road, or highway having a minimum width of 33 feet (10.06 m) and intended for vehicular use. Parks, easements, rights-of-way, squares and walkways are not considered to be streets for purposes of interpreting this by-law.

**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.

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

**TOT LOT** means an area dedicated to public playground use for pre-school children.

**TOTAL TURBINE HEIGHT** means the height from finished grade to the highest vertical point of a wind turbine's rotor blades.

**TRAVEL TRAILER** (including motor homes, tent trailers, and similar recreational vehicles) means a self-propelled vehicle or vehicles without a motive power designed to be drawn by a motor vehicle to be used as a transient living accommodation, facility for travel, recreation, business, trade, vacation and construction work, which is designed for frequent moves, but not for long-term residential occupation. Travel trailers are capable of being licensed under *The Highway Traffic Act*.

**TRAVEL TRAILER PARK** means a camping area, whether or not a rental or other charge is made for the use thereof, which is maintained and used primarily for:

- (a) the accommodation of; and
- (b) the use for camping purposes, during the whole or part of the months of May to October, both inclusive, by:
  - (i) automobile tourists; and
  - (ii) other non-residents of the municipality in which the campground is situated;
  - (iii) and includes any buildings or other structures or facilities intended for, or to be used for, cooking, personal cleanliness, washing, health or sanitation, or any one or more or all of those purposes.

**TRUCKING OPERATION** means the use of land, buildings or structures for the purpose of storing, repairing, servicing or loading trucks, transportation trailers and/or buses. The use class includes automotive repair, eating and drinking areas, gas bar, retail sales and service stations as accessory uses.

**USE** means:

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

**VARIANCE** means an administrative exception to the by-law's land use regulations, generally in order to remedy a deficiency which would prevent the property from complying with the zoning regulation.

**WAREHOUSE SALES** means a development used for the wholesale or retail sale of bulky goods from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. This use class includes developments where principal goods being sold are such bulky items as furniture, carpet, major appliances and building materials.

**WASTE MANAGEMENT FACILITY** means the land, structures, monitoring devices, and any other improvements on the land used for monitoring, treating, processing, storing, or disposing of solid waste, leachate or residuals from solid waste that is permitted or licensed by the Province of Manitoba.

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

**WAYSIDE PARK** means a parcel of land designed and improved as a day-use facility for the travelling public and may include picnicking, boat launch facilities and accessory buildings such as public washrooms.

**WIND ENERGY GENERATING SYSTEM** means any device or group of devices such as a wind charger, windmill or wind turbine that converts wind energy to electrical energy whether it is used for personal use or for generation of power for sale by an enterprise.

**WIND ENERGY GENERATING SYSTEM, COMMERCIAL** means a wind energy generating system designed and built to provide electricity for commercial sale and distribution to the electricity grid.

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

**WIND ENERGY GENERATING SYSTEM, ROOFTOP** means a roof mounted wind turbine(s) and associated equipment for converting wind energy to power.

**YARD** means an open area between the exterior wall of a building and the boundaries of the site on which it is located.

**YARD, CORNER SIDE** means a side yard which adjoins a street.

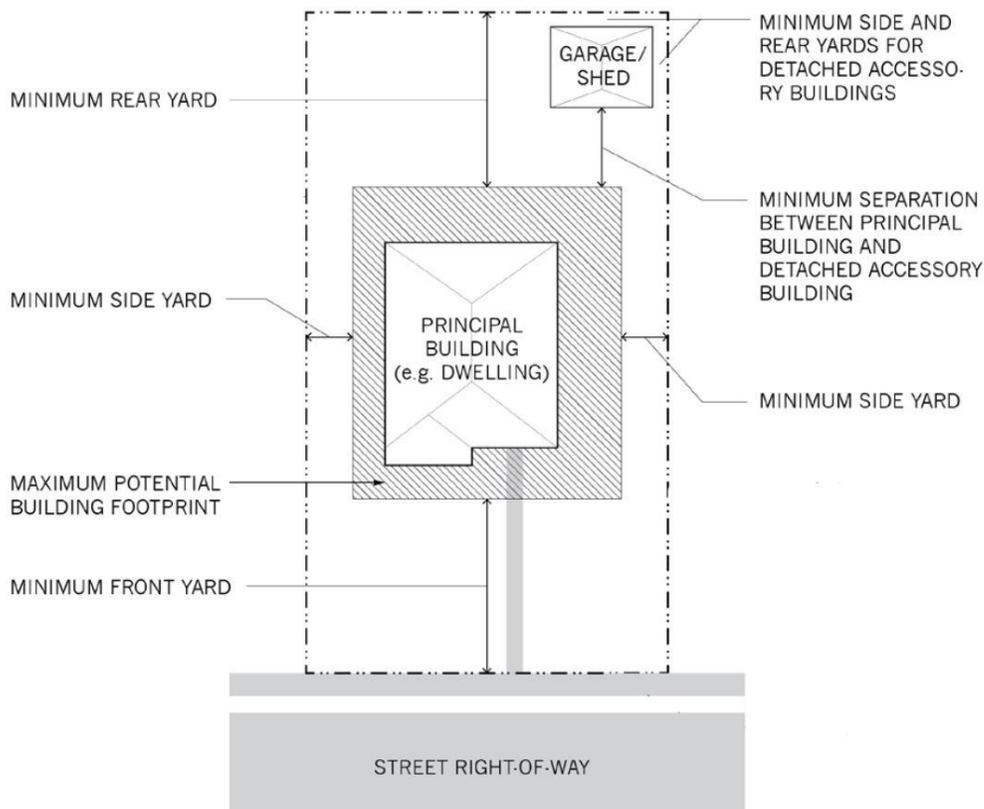
**YARD, FRONT** means a yard extending along the full length of the front site line between the side site lines.

**YARD, INTERIOR SIDE** means a side yard which is adjacent to another zoning site, or to a lane separating such side yard from another zoning site, or to the wall of a building adjacent to the wall of another building in a planned unit development.

**YARD, REAR** means a yard extending along the full length of the rear site line between the side site lines.

**YARD, REQUIRED** means a yard measured from a front, rear or side site line towards the interior of the site within which no building or any part of a building may be located, except as provided in this by-law.

**YARD, SIDE** means a yard extending along the side site line from the required front yard to the required rear yard.



2.8

**Signage Definitions** Figure 2-2: Yard requirements

**APEX** means the highest point of a sign as measured from the point on the ground where its structure is located, or, if no sign structure is present, from the point on the ground directly below the sign itself.

**CLEARANCE** means the height above the walkway, or other surface if specified, of the bottom edge of an element.

**SIGN** means any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including devise, 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, message, service or entertainment conducted, sold or offered elsewhere than the same zoning site where the sign is located. A billboard sign is an example of a permanent, freestanding advertising sign.

**SIGN, BUSINESS** means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same zoning site where the sign is located.

**SIGN, AWNING** means lettering applied directly on the valance or other vertical portion of an awning.

**SIGN, BULLETIN BOARD** means a sign of permanent character, but with movable letters, words or numerals indicating the names of persons associated with, or event conducted upon, or products or services offered upon the premises upon which a sign is maintained, e.g. school, church, community centre bulletin board and similar uses.

**SIGN, CONSTRUCTION** means a sign which identifies a construction project and information relative thereto.

**SIGN, DIGITAL** means a sign that uses electronic screens, light emitting diodes, or similar technology. Digital signs may include (but are not limited to) digital reader boards or digital static copy screens.

**SIGN, FASCIA OR WALL** means any sign attached against the surface of, or against or within a recess in the wall, a column or other perpendicular portion of a building in a position essentially parallel to said wall, column or other perpendicular position. A fascia sign shall also mean any sign attached to the walls of two or more buildings and spanning the spaces between the said buildings.

**SIGN, FLASHING** means an illuminated sign on which artificial light is not maintained constant in intensity and colour at all times when such sign is in use.

**SIGN, FREESTANDING** means a sign supported by a vertical column or columns placed in the ground with the sign surface area above ground level.

**SIGN, IDENTIFICATION** means a sign that identifies the business name, owner, resident or the street address and which sets forth no other advertisement.

**SIGN, ILLUMINATED** means a sign designed to give forth artificial light or reflect light from an artificial source.

**SIGN, MARQUEE** means a sign attached to a marquee, canopy or awning projecting from and supported by a building.

**SIGN, MOBILE** means a sign which is mounted on a trailer, stand, or other support structure which is designed in such a manner that the sign can be readily taken down or relocated, and which may include copy that can be changed through the use of removable characters, panels, or by electronic means.

**SIGN, OUTDOOR DISPLAY CASE** means a sign consisting of a lockable metal or wood framed cabinet with a transparent window or windows, mounted onto a building wall or freestanding support. It allows the contents, such as menus or maps, to be maintained and kept current.

**SIGN, PROJECTING** means any sign other than a fascia sign, which is attached to a building and extends beyond the surface of that portion of the building to which it is attached.

**SIGN, ROOF** means any sign erected, constructed and maintained wholly upon the roof of a building with the principal support on the roof structure.

**SIGN, SIDEWALK** or **SANDWICH BOARD** means a moveable, freestanding sign that is typically double-sided, placed at the entrance to a business to attract pedestrians.

**SIGN SURFACE AREA** means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, including any frame or other material or colour forming an integral part of the display or used to differentiate such sign from the background against which it is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the surface area of the sign. As an exception, where two such faces are placed back to back and are at no point more than 2 feet (0.61 m) from one another, the sign surface area of the sign shall be taken as the surface areas of one face if the two faces are of equal area, or as the surface area of the larger face if the two faces are of unequal area.

**SIGN, TEMPORARY** means a sign which is not permanently anchored to a footing extending below grade or permanently affixed to, or painted on, a building and on which the copy has been painted or affixed in a permanent manner. The copy on the sign shall relate to an activity, use or event of a limited time duration not exceeding six months. Temporary signs include political campaign signs, real estate signs, construction identification signs, signs involving seasonal businesses, and signs advertising specific community events. For the purpose of this by-law, temporary signs shall not include mobile signs.

**SIGN, WINDOW** means a sign placed or painted on the interior of a shop front window or the window of a business door.

**SIGN, YARD** means a freestanding sign in a Front Yard, including a supporting post or posts.

**VALANCE** means the portion of an awning that hangs perpendicular to the sidewalk.

## PART 3: GENERAL RULES AND REGULATIONS

### 3.1 Regulation of Uses

No land, building or structure shall be used or occupied within the Town of Lac du Bonnet except for a use which:

- (a) Is listed in the Use and Bulk Tables in Part 4: Zoning Districts as:
  - (i) A Permitted Principal Use;
  - (ii) A Permitted Secondary Use;
  - (iii) A Conditional Principal Use, subject to approval as such;
  - (iv) A Conditional Secondary Use, subject to approval as such;
- (b) Is an Accessory Use;
- (c) Is a Temporary Use.

### 3.2 Multiple Uses or Provisions

Where land, a building, or a structure is used for more than one purpose, all provisions of this by-law relating to each use must be satisfied. Where more than one provision in this by-law is applicable, the higher or more stringent requirement shall apply unless specified otherwise.

### 3.3 Secondary Uses and Structures

No secondary use or structure shall be established except those in compliance with the following regulations:

- (a) no secondary use or structure shall be established prior to the establishment of the principal use of land, building or structure to which it is secondary;
- (b) the area of land or buildings used or occupied for secondary uses on a site shall not exceed the area of land or buildings respectively used or occupied by principal uses on the same site; and
- (c) no land, building, or structure shall be used or occupied for any secondary use after the principal use(s) and structure(s) to which it is secondary have been discontinued.

### 3.4 Accessory Buildings and Structures

No accessory building or structure shall be constructed or erected, except those in compliance with the following regulations:

- (a) Where the accessory building or structure is attached to a principal building or structure, it shall be subject to, and shall conform to, all regulations of this by-law applicable to the principal building or structure;
- (b) Where the accessory building or structure is detached from the principal building or structure, it shall be subject to, and shall conform to, all regulations of this by-law applicable to accessory buildings or structures;
- (c) No accessory building or structure shall be constructed on any zoning site prior to the time of construction of the principal building to which it is accessory except where it is allowed by written agreement from the Town of Lac du Bonnet; and

- (d) An accessory building or structure shall not be used as a dwelling, except where otherwise permitted in this by-law.

### **3.5 Area and Yard Requirements**

Except as provided elsewhere in this by-law, the following regulations shall apply in all zones to ensure adequate site and yard requirements:

- (a) Site and yard requirements shall be set forth in the Use and Bulk Table for each zone;
- (b) Where a use is established on a site and the existing site area or site width or required yard is reduced below the minimum requirements of this by-law by virtue of the development of a public work, street or public utility, the affected site area, site width and required yard shall be deemed to conform to the requirements of this by-law;
- (c) All yards and other open spaces required for any use shall be located on the same site as the use;
- (d) Where a site is occupied for a use permitted in a zone and has no building or structures thereon, the required yards for the zone within which it is located shall be provided and maintained;
- (e) For the purpose of side yard regulations, an attached dwelling with common party walls (such as a semi-detached, row house or multi-unit dwelling) shall be considered as one building occupying one site;
- (f) Yards provided for a building or structure, existing on the effective date of this zoning by-law or amendments thereto, shall not be reduced, if already less than the minimum requirements of this by-law;
- (g) A through site may be required to meet the front yard setback of the zone in which it is located on both property lines fronting onto a street, at the discretion of the Designated Officer;
- (h) It shall be a continuing obligation of the owner to maintain the minimum site area, site width, yards and other open spaces required in this by-law for any use as long as it remains in existence. Furthermore, the minimum site area, site width, yards and other open spaces allocated to a use as per requirements of 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, yard and other open space requirements for any other use on another site; and
- (i) No land shall hereafter be divided into sites, unless each site conforms to the requirements set forth in the Bulk Table of the zone in which the land is located.

### **3.6 Exception to Front Yard Requirements**

Where a new dwelling or principal building is proposed within a street block or a portion of a street block where at least forty (40) per cent of the lots have been developed with principal buildings, and the minimum front yard required by the Use and Bulk Table for the applicable zone is inconsistent with the majority of existing front yards for developed sites on the street block, the new dwelling or principal building shall be developed with a front yard consistent with the average of the existing front yards within that block or portion of the block.

In the case of a corner site, either the average of the yard for the two nearest properties on the same block or for all the properties facing the same street on the same block may be used for calculating the required yard.

### **3.7 Projections into Required Yards**

Every part of a required yard shall be open and unobstructed from the ground level to the sky, save for sidewalks, driveways and the features, buildings and structures provided for herein and elsewhere in this by-law:

- (a) Accessory buildings and structures which conform to the other requirements of this by-law;
- (b) Architectural features, such as chimneys, bay windows, alcoves, canopies and awnings, eaves and gutters may extend into a required yard a distance of not more than 3 feet (0.91m), provided the width of any side yard is not reduced to less than 3 feet (0.91m);
- (c) Open, unenclosed projections, whether vertical or horizontal, such as stairs, landings, and unenclosed decks or balconies, may extend into the required yards for not more than 50 per cent of the required yard depth, up to a maximum of 10 feet (1.83m), except for wheelchair ramps (or similar accessibility structures), which are not subject to the restrictions for required yards; and
- (d) Fences, hedges and landscape features are permitted in all required yards if maintained at a height of not more than 3.5 feet (1.07m) in the front yard and at a height of not more than 6 feet (1.83m) in the rear and side yards.

### **3.8 Height Exceptions**

In determining whether a development conforms to the maximum height identified in the Use and Bulk Table of any zone, the following features, when attached or affixed to the principal building or structure, shall not be considered for the purpose of height determination: *ornamental domes or spires, chimney stacks, steeples, belfries, monuments, elevator houses, roof stairway entrances, water or other tanks, ventilating equipment, skylights, fire walls, receiving or transmitting structures, masts, flag poles, clearance markers or the mechanical operations of the building*; provided that no roof structure shall be permitted for the purpose of providing usable floor space, and that it is setback sufficiently from any public road allowance to not impact the right-of-way in case of a fall. These height exceptions do not apply for the area adjacent to the Lac du Bonnet Airport, as described in section 3.16 *Height Restrictions in the Vicinity of the Lac du Bonnet Airport*.

### **3.9 Air Conditioning Units, Pool Equipment and Compressors**

Air conditioning units, pool equipment and/or compressors shall be allowed as accessory structures in all zones, subject to the following standards:

- (a) Shall be a minimum distance of 15 feet (4.57 m) to an openable window of a habitable room on an adjoining lot.
- (b) If located in a front yard, it must be screened with compact hedges or shrubs or other landscaping.

- (c) Should be no closer than 5 feet (1.52 m) to a side site line in all Residential Zones. In all other zones, it should be no closer than 10 feet (3.05 m) to a side site line.

### **3.10 Swimming Pools and Hot Tubs**

Swimming pools, hot tubs and similar structures capable of holding a water depth of greater than 2 feet (0.61 m), shall be allowed as an accessory use to a residential use, recreational or commercial development provided that:

- (a) They meet the siting requirements of accessory structures for the zone in which they are located;
- (b) The pool area is protected by a fence with lockable gates and a minimum height of 6 feet (1.83 m) to prevent unauthorized entry. The fence and gate must be constructed so as to prevent a child from climbing over or crawling underneath;
- (c) Hot tubs shall have a lockable cover; and
- (d) A Development Permit is issued under this by-law.

Nothing in this subsection shall relieve any such structure from complying with the requirements under the Building By-law or applicable provincial regulations including *The Buildings and Mobile Homes Act* and *The Public Health Act*.

### **3.11 Portable Garages**

The construction, erection or installation of a portable garage shall be prohibited within the Town of Lac du Bonnet.

### **3.12 Shipping Containers (Sea Cans)**

Notwithstanding the other regulations of this By-law, a shipping container may be allowed as a conditional accessory use in the General Commercial zone, subject to the following standards:

- (a) Shall only be used for accessory storage;
- (b) Shall only be located in the rear yard, provided that it complies with the site coverage, yard and setback requirements for accessory buildings in the General Commercial zone;
- (c) Shall be kept in a clean and well painted condition, subject to the inspection of the Development Officer;
- (d) The maximum number of shipping containers on any property shall be limited to one (1);
- (e) Notwithstanding the above, when actively used for the transportation of goods and materials, no maximum height shall apply; and
- (f) Notwithstanding the above, a shipping container may be permitted for temporary storage on construction sites in accordance with section 3.18 *Temporary Buildings, Structures and Uses*.

### **3.13 Accessory Dwellings**

An accessory dwelling unit may be allowed as a conditional accessory use in conjunction with a permitted or conditional principal use, subject to the following standards:

- (a) The principal use is a non-residential use;
- (b) The accessory dwelling is contained within the same building as the principal use;
- (c) No more than fifty (50) percent of the total building floor area is occupied by the dwelling unit;
- (d) The dwelling unit is not located in the front half of the main floor area facing the street; and
- (e) The dwelling unit is occupied by the owner/operator of the principal use, or a site watchperson or caretaker of the property.

### **3.14 Private Communications Facilities**

A private communications facility may be allowed as an accessory use in any zone, in accordance with the minimum yard requirements for accessory structures in the zone in which it is to be located or erected, with the following exceptions:

- (a) A private communications facility is not subject to the height requirements for accessory structures;
- (b) A private communications facility may be located in any rear or side yard;
- (c) A private communications facility shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from grade to the uppermost point of its extension; and
- (d) A private communications facility may be located on the roof of a building; however if it is located on the roof of a building in the RLD, RMD or AL zone, the weight (including all support apparatus) shall not exceed 75 pounds and the height shall not exceed 15 feet (4.5 m) above the height of the building upon which it is located.

### **3.15 On-Site/Rooftop Wind Energy Generating Systems**

An on-site/rooftop Wind Energy Generating Systems is allowed as a conditional accessory use in all zones, except the Open Space zone, subject to the following requirements:

- (a) it is set back at least 20 feet (6.0 m) from the front building line, or, in the case of corner lots, at least 15 feet (4.5 m) from the front and side lot line;
- (b) it is limited to a total turbine height of no more than 15 feet (4.5 m) above the rooftop; and
- (c) it is safely and securely attached to the rooftop in compliance with the National and Provincial Building Codes.

### **3.16 Height Restrictions in Vicinity of the Lac du Bonnet Airport**

No person may place, erect or construct a building, structure or object, or an addition to an existing building, structure or object that would exceed 150 ft (45.7 m) above ground level, within a 5 nautical mile (9.25 km) radius from the centre point (geometric centre of the landing area) of the Lac du Bonnet Airport. When reviewing applications for development proposed near the airport, consideration may also be given to Transport Canada's *Guidelines for Land Use in the Vicinity of Aerodromes*.

### **3.17 Demolition and Removal of Buildings or Structures**

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

### **3.18 Temporary Buildings, Structures and Uses**

Temporary buildings, structures or uses may be allowed on a non-permanent basis subject to the issuance of a development permit under the following conditions:

- (a) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by the Designated Officer; and
- (b) 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 six (6) months at the same location.

### **3.19 Subdivision of Attached Dwellings and Buildings**

A site with an attached dwelling or building may be split into two or more lots provided the following regulations are complied with:

- (a) Any new site line shall be a straight line between the front and rear site lines, located in such a manner that the party wall of two (2) adjacent units shall form part of the new site line. Where the new site line is unable to form a straight line due to the irregular shape of the lot, the location of that new site line shall be determined by the conditions of any subdivision approval and verified by a Manitoba Land Surveyor;
- (b) Each site created shall have frontage on a street other than a lane, except in the case of a bare land condominium unit development, where the common elements as defined in *The Condominium Act* that contain roads shall be deemed to be a street for the purpose of this section;
- (c) For the purposes of interpreting the requirements of the appropriate Zoning Districts, individual condominium units shall be deemed a site, including party wall developments as noted in above;
- (d) Notwithstanding the requirements of the Use and Bulk Table for the applicable zone, any new site created pursuant to this section shall have a minimum site area of 2,000 square feet (185.8 sq. m.) and a minimum frontage of 20 feet (6m). No side yard is required along a party wall;
- (e) For each residential site created pursuant to this section:
  - (i) The permitted use shall be for one (1) attached single-unit dwelling only; and
  - (ii) Not less than two (2) onsite parking spaces shall be provided in the side or rear yard, with access directly to a public lane or street. Where, due to space or access limitations, the required parking space cannot be located in the side or rear yard, the Designated Officer may approve parking in the front yard with or without additional conditions for said parking space.

### **3.20 Future Road Allowance Deemed Existing**

No building or structure shall be erected upon any land acquired by the Town of Lac du Bonnet or any federal or provincial government agency and which has been designated for a future road allowance. Any development adjacent to said road allowance shall comply with the requirements of this by-law as if the said future road allowance was already in existence.

### **3.21 Road Access**

No permanent building may be constructed or placed on a site which does not have direct legal access to a developed public road.

### **3.22 Outdoor Lighting**

Outdoor lighting is only allowed if the following standards are met:

- (a) Any outdoor lighting (other than those exempted in provision (c) below) must be located, arranged, or shielded so that no light is directed at any adjoining properties or interferes with the effectiveness of any traffic control device;
- (b) The maximum permitted height of a light fixture is 30 feet (9.14 m) on private property.
- (c) These standards do not apply to:
  - (i) Federally and provincially-regulated buildings and structures (including the lighting required for airports and towers);
  - (ii) Light sources used to illuminate architecture, landscape features, pedestrian pathways or public art; or
  - (iii) The temporary use of lighting (for seasonal decorations or carnivals, for example).

### **3.23 Fences**

Fences, hedges, trellises and privacy screening are permitted in all yards for aesthetic and privacy purposes, and can be placed up to the property line, subject to the following requirements:

- (a) The height of any fence, hedge, trellis or similar privacy screening, as measured from the highest part of the fence to the point where the fence post enters grade, shall not exceed the maximum height for the zone in which it is located, as identified in Table 3-1;
- (b) Where a fence is located on top of a retaining wall, the height to the fence shall include the height of the retaining wall, measured from the finished grade;
- (c) No fence shall be electrified or contain barbed wire, except as an accessory to a permitted industrial use in the General Commercial zone, where the top 2 feet (0.6 m) of the fence can be barbed wire for security purposes;
- (d) No fence shall contain scrap metal or industrial waste material;
- (e) No fence or wall shall be erected using non-permanent fence materials such as chicken wire or snow fencing;
- (f) Fences, if located in the front yard, shall not be made of chain link within Residential zones or the Central Commercial zone; and
- (g) Fences, if located adjacent to PTH 11, may require a permit from the department of Manitoba Infrastructure.

### 3.24 Screening of Outside Storage Required

In all Residential zones, the Central Commercial zone and on sites abutting a Residential zone, any permitted outdoor storage of equipment, materials, inventory or products shall be effectively screened from view in accordance with the following:

Table: 3-1 Fence Height Maximums									
Standard	RLD	RMD	RHD	CC	CG	IR	RMHP	AL	OS
Front Yard Maximum	3.5 ft (1.07 m)	3.5 ft (1.07 m)	3.5 ft (1.07 m)	3.5 ft (1.07 m)	3.5 ft (1.07 m)	10 ft (3 m)	3.5 ft (1.07 m)	10 ft (3 m)	-
Side and Rear Yard Maximum*	6.5 ft (1.98 m)	6.5 ft (1.98 m)	6.5 ft (1.98 m)	8 ft (2.44 m)	8 ft (2.44 m)	10 ft (3 m)	6.5 ft (1.98 m)	10 ft (3 M)	-
Table Notes:	*To ensure visibility clearance at intersections, no fence or privacy screening located on the street side of a corner site in a residential zone or zone directly adjacent to a residential zone, shall exceed the height of 3.5 feet (1.07 m), unless setback a distance of 15 feet (4.57 m), in which case the height shall not exceed 6 ft (1.83 m)								

- (a) Stored items should not be visible through the screening;
- (b) Stored items shall not exceed the height of the fence, enclosure or screening;
- (c) No outdoor storage is permitted in any required yard;
- (d) The owner must maintain all screening required by this by-law, keeping it in good repair and ensuring it does not encroach onto pedestrian walkways. If plantings are used for or to enhance screening, these must be maintained in healthy growing condition and replaced when the planting becomes diseased or dies.

### 3.25 Landscaping

The following landscaping requirements apply to all new developments involving multi-unit dwellings (except two-unit dwellings), or commercial, institutional, recreational or industrial uses:

- (a) A landscaping plan shall be submitted as part of any development application, unless the Designated Officer determines that compliance with provisions of this Section can be documented without the use of such a plan;
- (b) Where a landscaping plan is required, no landscaping work shall be commenced prior to approval of the landscaping plan by the Designated Officer;
- (c) A landscaping plan shall contain the following information for the site:
  - (i) A site plan drawn to scale, including dimensions and distances, a north arrow and a clear legend;
  - (ii) All physical features, existing or proposed, including vegetation, berm contours, walls, fences, outdoor furniture and fixtures, surface utilities and paving; and
  - (iii) All shrubs and trees, whether existing or proposed, labelled by their common name and size
- (d) Landscaping should be integrated with the building architectural style, parking and stormwater management areas proposed on the property;

- (e) Species must be hardy, drought- and salt-tolerant, and resistant to the stresses of compacted soils and weather exposure;
- (f) Snow storage areas must be located so that piled snow does not damage plant material;
- (g) Plant materials should not obstruct views. Dense plant material between 3 feet (0.91 m) and 8 feet (2.44 m) from the ground must be avoided in critical areas for pedestrian and vehicular safety. Plant materials cannot obstruct views to the street at access drives; and
- (h) The owner shall be responsible for landscaping and maintenance. Council may require landscaping be completed within two years after construction of the principal building or structure is completed.

### **3.26 Lot Grading**

No person shall proceed with any work that may alter or otherwise change the grading of a lot or property in any manner that may affect the existing or established storm water runoff from that or any adjacent property without first obtaining a development permit, in accordance with the Town of Lac du Bonnet Lot Grading and Drainage by-law.

### **3.27 Public Reserve Land**

No person shall issue or obtain a development permit on land designated as Manitoba Hydro Water Storage, Winnipeg River Power Reserve, Crown Land, Crown Reserve and/or Public Reserve unless a permit or other such authorization has been obtained from the owner / authority of said lands.

Public reserve land shall only be used for:

- (a) A public park or recreation area;
- (b) A natural area;
- (c) A planted buffer strip or part thereof separating incompatible land uses; or
- (d) Public works.

### **3.28 Riparian and Wetland Areas**

No development shall occur within 100 feet (30.5 m) from the ordinary high-water mark of a natural water body, waterway, wetland, or a third (or higher) order drain, except if the development is permitted as an exception under 3.29 below. No development shall occur within 50 feet (15.2 m) of a first or second order drain, or artificially created retention pond, except if the development is permitted as an exception under 3.29 below. No expansion of any existing use is permitted within the riparian area.

### **3.29 Exceptions to Riparian Setbacks**

Notwithstanding the restrictions in 3.28 above, development that creates minor disturbances to the natural vegetative cover of riparian areas (such as docks, boathouses, and pathways) and buildings or structures intended for flood or erosion control, may be allowed within the riparian wetland area, provided no more than twenty five (25) of the length of a lot's shoreline is affected.

### 3.30 Flood Risk Areas

Notwithstanding any other provision of this by-law, Council may:

- (a) Refuse to issue a building and/or development permit where the proposed building or structure, as determined by Council, is to be located within the floodway of a river, stream, drain or watercourse, and where Council has determined that placement of said structure would impede the flow of flood waters and/or create a hazard to life, limb or property;
- (b) Refuse a development permit for any drainage works to be undertaken on private lands where it has determined that such works would create an adverse effect on adjacent public or private lands or where adjacent drains are insufficient to accommodate the added runoff.

### 3.31 Development Restricted

- (a) No dwelling unit or other habitable building shall be constructed or located within 1,500 feet (457.2 m) of the site of any municipal sewage lagoon;
- (b) No dwelling unit or other habitable building shall be constructed or located within 1,320 feet (402.3 m) of the site of any active waste disposal grounds;
- (c) No dwelling unit or other habitable building shall be located within 100 feet (30.48 m) from the edge of a railway right-of-way that is in active use. Fences and/or berms shall be provided as per the Canadian Federation of Municipalities' *Guidelines for New Development in Proximity to Railway Operations*;
- (d) Notwithstanding the minimum yard requirements provided in the Use and Bulk Tables, buildings, structures and fences (excluding agricultural fencing) proposed within the controlled area adjacent to Provincial Trunk Highway 11 (PTH 11) will be subject to statutory requirements in accordance with *The Transportation Infrastructure Act*.

### 3.32 Noxious or offensive Uses

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

### 3.33 Accessibility Standards

New construction of multi-unit residential buildings, and commercial, recreational and institutional uses shall incorporate provisions for barrier-free pedestrian exits and walkways in accordance with the *Manitoba Building Code*.

### 3.34 Parking Spaces Required

All developments, including a change of use of an existing development, or when any existing development is, in the opinion of the Development Officer, substantially enlarged or increased in capacity, shall provide for off-street vehicular parking in accordance with Table 3-2.

**Table 3-2: Minimum Off-Street Parking Space Requirements**

Uses*	No. Parking Spaces Required	Use Specific Standard Reference
Single or Two-Unit Dwelling	2.0 / dwelling unit	
Multi-Unit Dwelling	1.5 / dwelling unit + additional 10% marked 'visitor parking'	
Secondary Suite	1.0 / dwelling unit	See 5.8 (h)
Mobile Home Dwelling	2.0 / dwelling unit	See (Table 5-1)
Bed and Breakfast	1.0 / guest room or sleeping unit	See 5.3 (g)
Residential Care Facility	1.0 / 2 dwelling units or sleeping units	
Home Industry	1.0 / employee	See 5.5 (f)
Hotel, Motel, Lodging	1.0 / guest room or sleeping unit	
Eating and Drinking Establishment	1.0 / 4 seats or 1.0 / 100 sq. ft. (9.29 sq.m.) of floor area, whichever is greater	
Retail	1.0 / 200 sq.ft. (18.6 sq.m.) of floor area	
All Other Commercial Uses	1.0 / 250 sq.ft. (23.2 sq.m.) of floor area	
Industrial Uses	1.0 / 1075 sq.ft (100 sq.m.) of floor area or 1.0 / 5 employees, whichever is greater	
Recreational, Cultural and Entertainment Assembly Uses	1.0 / 4 seating spaces or 10 ft (3.05 m) of bench space. Where there are no fixed seats, 1.0 / 100 sq.ft (9.29 sq.m.) of floor area devoted to the assembly room floor area.	
Education Service	1.5 / classroom, plus 1 / 100 sq.ft. (9.29 sq.m.) of floor area devoted to public use.	
Child Care Service, Centre	1.0 / every 2 employees, plus 1.0 / 4 children in care	
Government Service	1.0 / 550 sq.ft. (51.1 sq.m.) of floor area	
Extended Medical Treatment Service	1.0 / sleeping unit + additional 10% marked 'visitor parking'	
Public Docks	1.0 / boat slip	
*Where a proposed use is not listed above, the parking requirement shall be determined by the Development Officer.		

### 3.35 Parking Requirements for Multiple Uses

In the case of multiple uses on a single zoning site, the parking required in Table 3-2 for each individual use must be calculated and the total shall be deemed to be the required parking for the site.

Where an applicant can demonstrate to the satisfaction of the Development Officer that the complementary use of the parking facilities would warrant a reduction in the parking requirements, the Development Officer may vary the parking requirement on a site by up to twenty five (25) percent.

### 3.36 Development Standards for Parking Areas

The layout and design of required accessory off-street parking spaces and driveways shall be in accordance with Table 3-3 and the following requirements:

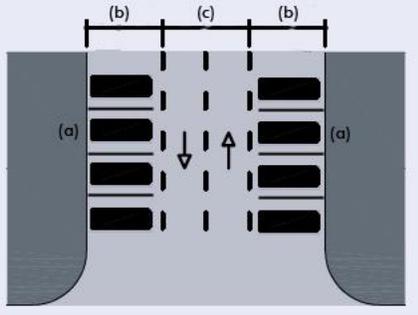
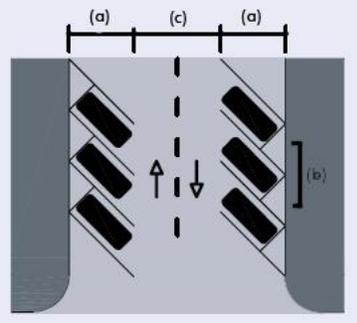
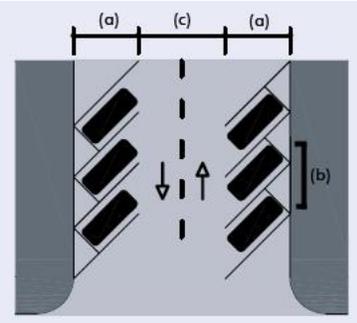
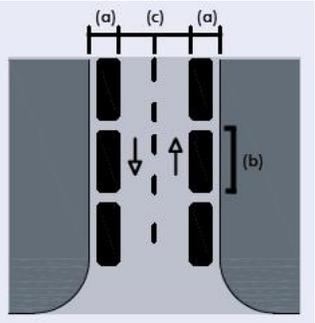
- (a) The length of each parking space shall be exclusive of access driveways, aisles, ramps and

columns, and office or work areas;

- (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) The angle of parking shall be measured between the centerline of the parking space and the centerline of the aisle;
- (d) The off-street parking area shall be provided with an access drive with a minimum width of 10 feet (3.05 m), to a street or lane;
- (e) Except as provided for in paragraph (b), an aisle or driveway shall not mean a street or lane;
- (f) Design of parking areas and access drives need to address safe pedestrian circulation routes, efficiency in the parking layout, accessibility, lighting, aesthetic appearance, service vehicle access, and snow removal;
- (g) Parking areas shall be provided with at least one (1) entrance and one (1) exit for vehicles, and driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle;
- (h) The parking area shall be drained and maintained with a stable surface which is treated so as to prevent the rising of dust or loose particles. It may be constructed of crushed stone, gravel, concrete, asphalt or other approved material;
- (i) Lighting for parking areas shall be shielded and directed so as to reflect away from any adjoining residential zone or property;
- (j) Where a parking area is situated along a site line which coincides with the boundary of a residential zone and is not separated there from by any street, lane or water course, a buffer of a design acceptable to the Development Officer shall be provided;
- (k) No sign shall be erected in parking areas except:
  - (i) Signs for the direction of traffic within the parking area, and
  - (ii) Directional signs of not more than 5 square feet (0.46 sq.m.) in area at each point of entrance and exit.

Such signs may bear the name of the business that the parking area is connected thereto.

**Table 3-3: Parking Stall and Aisle Specifications**

		Minimum Stall Dimensions		Minimum Aisle Width	
Angle	Configuration	Stall Width (a)	Stall Depth (b)	Two - Way (c)	One - Way (c)
90° (Head-In)		10 ft (3.0 m)	20 ft (6.1 m)	24 ft (7.3 m)	18 ft (5.5 m)
60° (Angled)		9 ft (2.75 m)	20 ft (6.1 m)	24 ft (7.3 m)	18 ft (5.5 m)
45° (Angled)		9 ft (2.75 m)	20 ft (6.1 m)	24 ft (7.3 m)	12 ft (3.7m)
0° (Parallel)		9 ft (2.75 m)	22 ft (6.7 m)	24 ft (7.3 m)	12 ft (3.7 m)

### 3.37 Barrier-Free Parking Spaces

Barrier-free parking spaces shall be provided according to the minimum number of spaces specified in Table 3-4 and the following requirements:

- (a) Each accessible parking space:
  - (i) must be at least 11.5 ft (3.5 m) wide;
  - (ii) must have a minimum length of 23 ft (7 m);
  - (iii) must be located within 200.0 ft (60.96 m) of major building entrances used by residents, employees, or the public; and
  - (iv) must include signage reserving the space for use by persons with mobility issues.
- (b) At least one (1) curb ramp must be located within 100.0 ft (30.48 m) of the auto parking space closest to each entrance to a principal or accessory building that is not a service entrance.

<b>Table 3-4: Accessible Parking Space Requirements</b>	
<b>Total Number of Parking Spaces Required</b>	<b>Minimum Number of Accessible Parking Spaces Required</b>
1-25	1
26-50	2
51-75	3
76-100	4
101+	4 plus 1 for every 50 additional spaces, to a maximum of 10 spaces

### 3.38 Loading Requirements

For all buildings and uses involving regular and frequent receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials, the owner or operator of the buildings or uses shall provide and maintain on the site adequate loading and unloading spaces as follows:

- (a) Each loading or unloading space shall be at least 30 feet (9.14 m) long, 12 feet (3.66 m) wide and have a vertical clearance of at least 14 feet (4.27 m);
- (b) Access to loading or unloading areas shall be by means of a driveway at least 20 feet (6.10 m) wide contained on the site in which the spaces are located and leading to a street or lane located within the zone in which the use is located;
- (c) Loading and unloading areas shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles;
- (d) Off-street loading spaces shall not be permitted in a required corner side yard; and
- (e) The number of loading spaces shall be provided in accordance with Table 3-5.

Table 3-5: Minimum Off-Street Loading Spaces	
Area of Building	Minimum Loading Space
Less than <b>5,000</b> square feet	One (1) space
Exceeding <b>5,000</b> square feet but not more than <b>15,000</b> square feet	Two (2) spaces
Exceeding <b>15,000</b> square feet	Three (3) spaces

### 3.39 Entrances and Exits for Automobile Service Stations, Public Parking Areas, Drive-Through Facilities, and Vehicle Sales

Automobile service stations, public parking areas, drive-through facilities, and all vehicle/equipment sales shall require at least one (1) entrance and one (1) exit for vehicles, driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle. Access to sites for the titled uses for vehicles shall be only by way of entrances and exits provided in accordance with Table 3-6.

Table 3-6: Entrance and Exit Requirements	
Minimum width of an entrance or exit	20 ft. (6.10 m)
Minimum width of a combined entrance and exit	25 ft. (7.62 m)
Maximum width of an entrance or exit	40 ft. (12.19 m)
Maximum width of a combined entrance and exit	60 ft. (18.29 m)
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	30 ft. (9.14 m)
Minimum distance between entrances and exits	30 ft. (9.14 m)

### 3.40 General Sign Regulations

The following provisions shall apply to all signs erected or maintained within the Town of Lac du Bonnet, except wherein otherwise stated:

- (a) Signs and sign structures may be allowed as accessory uses in accordance with the provisions of this by-law and with the Sign Requirements Table 3-7, subject to the issuance of a development permit (except as provided in *3.41 Signs not Requiring a Permit*);
- (b) All signs shall comply with the minimum yard requirements for accessory structures in the zone in which they are to be located or erected;
- (c) Advertising signs (*see section 2.8 Signage Definitions*) are conditional accessory uses and require Council approval. Advertising signs must be constructed in accordance with the Sign Requirements Table 3-7 and subject to the issuance of a Development Permit;

- (d) Approved advertising signs (as defined in section 2.8) shall not contain more than two (2) advertisements per facing;
- (e) 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;
- (f) No sign shall be erected in a parking area, with the exception of directional signs, as outlined in section 3.36 (k);
- (g) No rotating beam or beacon shall be used in connection with any sign display, nor shall any flashing illumination resembling an emergency light be used with any sign display;
- (h) No sign may contain flashing lights or digital images or be illuminated unless specifically allowed in the Sign Requirements Table 3-7;
- (i) Flashing or digital image signs are prohibited within 100 ft. (30 m) of a Residential Zone, a provincial road or a provincial trunk highway;
- (j) The placing of signs within the controlled area of PTH 11 shall require a permit from Manitoba Infrastructure;
- (k) All signs and 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 or activity or are not maintained in good condition or repair shall be repaired, removed or relocated within thirty (30) days following notice by the Designated Officer. Obsolete signs may be removed by the Municipality at the owner's expense following proper notice from the Town of Lac du Bonnet.

### **3.41 Signs Not Requiring a Permit**

The following signs shall not require a development permit. However, they must still comply with any applicable standards of this by-law:

- (a) Signs posted by duly constituted public authorities in the performance of their public duties, including signs such as traffic and parking signs, street signs, community billboards;
- (b) Flags or emblems of a political, civic, educational or religious organization;
- (c) Commemorative or memorial signs or tablets;
- (d) Temporary signs including:
  - (i) real estate signs, not exceeding 10 sq.ft. (1 sq.m.);
  - (ii) construction signs, not exceeding 25 sq.ft. (2.3 sq.m.);
  - (iii) election signs, garage sale signs and similar;
- (e) Sidewalk/sandwich boards not exceeding 5 sq.ft. in surface area (for a single side face);
- (f) Awning signs with signage originally incorporated in the design or awning material;
- (g) Window signs, unless such signs occupy more than thirty (30) percent of the window surface on any façade of the principal building, in which case they are treated as fascia signs;
- (h) Residential on-site identification signs or warning signs (such as "Private Property" signs and similar) not exceeding 4 sq.ft. (.37 sq.m.) each in surface area; and

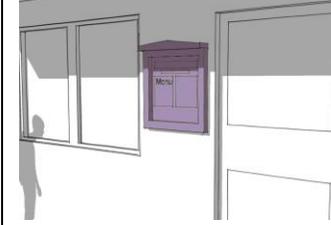
- (i) Signs required for direction and convenience of the public, including signs identifying restrooms or parking entrances, not exceeding 5 sq.ft. (0.46 sq.m.) in sign surface area.

### **3.42 Mobile Signs**

The following additional regulations apply to all mobile signs:

- (a) All mobile signs must display the name and contact information of the erector of the sign in clearly legible lettering located in such a place on the sign that it can be easily read;
- (b) The Town of Lac du Bonnet By-law Officer or appointee of the Town may remove, without notice, any mobile sign that:
  - (i) Occupies any portion of a highway, right-of-way or public place;
  - (ii) Is placed on a zoning site without permission from the property owner;
  - (iii) Is abandoned or where a permit has expired; and/or
  - (iv) Was not issued a development permit.
- (c) A fee of \$100.00 and the costs of removal shall be payable to the Town for recovery of the sign. Failing recovery within thirty (30) days of removal, the Town may dispose of the sign, retaining sufficient proceeds to pay the costs imposed by removal and disposal; and
- (d) Flashing, animated or scintillating features, rotating features, beacons, electronic message boards and video screens are not permitted on mobile signs.

**Table 3-7: Sign Requirements**

Sign Type*	Specifications	Allowed in Zones
 <p><b>Fascia (small)</b></p>	<p>Quantity: 1 per business or address            Surface Area: max. 4.0 sq.ft.            Width: n/a            Height: n/a            Depth: max 3.0 in            Clearance: n/a            Illumination permitted. In RLD zone, signs shall only be illuminated during business hours.</p>	<p>All zones</p>
 <p><b>Fascia (large)</b></p>	<p>Quantity: 1 per business            Surface Area: 1.5 sq.ft. per linear ft. of facade            Width: max. 90% width of facade            Height: n/a            Depth: max. 7.0 in            Clearance: min. 7.0 ft.            Illumination and flashing permitted in CC, CG and IR zones, following general regulations for signs.</p>	<p>CC, CG            IR            RMD, RHD            AL</p>
 <p><b>Outdoor Display Case</b></p>	<p>Quantity: 1 per business            Surface Area: max. 6.0 sq.ft.            Width: max. 3.5 ft            Height: max. 3.5 ft            Depth: max. 5.0 in            Clearance: min. 4.0 ft</p>	<p>CC, CG            IR</p>
 <p><b>Marquee</b></p>	<p>Quantity: 1 per business            Surface Area: n/a            Width: entrance plus 2 ft. per side            Height: n/a            Depth: min. 4.0 ft.; max. 10 ft.            Clearance: min. 8.0 ft.            Distance from Curb: min. 3.0 ft.            Illumination and flashing permitted, following general regulations for signs.</p>	<p>CC, CG            IR</p>

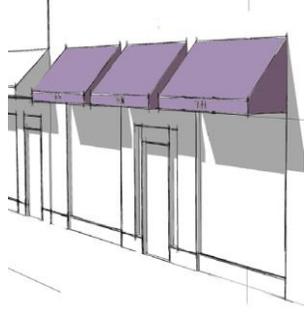
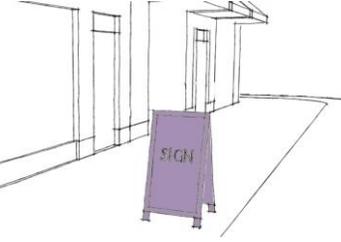
**Table 3-7: Sign Requirements**

Sign Type*	Specifications	Allowed in Zones
 <p><b>Projecting</b></p>	<p>Quantity: 1 per business</p> <p>Surface Area: max. 4.0 sq.ft.</p> <p>Width: max. 4.0 ft</p> <p>Height: n/a</p> <p>Depth: max. 4.0 ft</p> <p>Clearance: min. 8.0 ft</p> <p>Illumination and flashing permitted, following general regulations for signs.</p>	<p>CC, CG IR</p>
 <p><b>Freestanding (small)</b></p>	<p>Quantity: 1 per site</p> <p>Surface Area: single occupancy - max 100 sq.ft.; multiple occupancy - max 300 sq.ft.</p> <p>Width: max. 8.0 ft.</p> <p>Height: 8 ft. from grade</p> <p>Depth: max 12.0 in</p> <p>Clearance: n/a</p> <p>Illumination and flashing permitted in CC, CG and IR zones, following general regulations for signs.</p>	<p>CC, CG IR RMD, RHD AL OS</p>
 <p><b>Freestanding (large)</b></p>	<p>Quantity: 1 per site</p> <p>Surface Area: single occupancy – max. 100 sq.ft. multiple occupancy – max. 300 sq.ft.</p> <p>Width: max. 10 ft.</p> <p>Height: max. 25. ft. from grade</p> <p>Clearance: min. 6.0 ft.</p> <p>Illumination and flashing permitted in CC, CG and IR zones, following general regulations for signs</p> <p>Additional conditions: -Not permitted in a required yard abutting an RLD or RMD zone. -Min. setback from a property line must be 33 percent the height of the sign.</p>	<p>CC, CG AL IR RHD</p>
 <p><b>Roof</b></p>	<p>Quantity: 1 per site, on mansard style roof only</p> <p>Surface Area: max. 1 sq.ft. per linear foot of roof frontage</p> <p>Width: n/a</p> <p>Height: max. 10 ft.</p> <p>Clearance: n/a</p> <p>Illumination is permitted following general regulations for signs.</p> <p>Additional conditions: -A sign may be attached to the vertical sloping portions of the roof, not the horizontal portion. -Must not extend beyond the lower or upper edge of the roof.</p>	<p>CG</p>

**Table 3-7: Sign Requirements**

Sign Type*	Specifications	Allowed in Zones
 <p data-bbox="302 720 410 747"><b>Inflatable</b></p>	<p data-bbox="548 275 1122 302">Quantity: 1 per business; max. 2 per site at any time.</p> <p data-bbox="548 321 740 348">Surface Area: n/a</p> <p data-bbox="548 363 899 390">Height: max. 16.5 ft. from grade</p> <p data-bbox="548 401 1252 464">Duration: Allowed as a temporary sign displayed no more than 15 consecutive days within a 6-month period.</p> <p data-bbox="548 478 1227 506">Illumination permitted, following general regulations for signs.</p>	<p data-bbox="1284 310 1377 338">CC, CG,</p>
 <p data-bbox="310 1142 391 1169"><b>Mobile</b></p>	<p data-bbox="548 779 1114 806">Quantity: 1 per business; max. 2 per site at any time</p> <p data-bbox="548 825 1045 852">Surface Area: max. 48.0 sq.ft. for a single face</p> <p data-bbox="548 871 672 898">Width: n/a</p> <p data-bbox="548 917 748 945">Height: max 9.0 ft</p> <p data-bbox="548 963 672 991">Depth: n/a</p> <p data-bbox="548 1010 711 1037">Clearance: n/a</p> <p data-bbox="548 1056 1256 1157">Duration: Mobile signs that are advertising signs (as defined in section 2.8) may be displayed on the same site for not more than 45 consecutive days within a 6-month period.</p> <p data-bbox="548 1167 943 1194">Must not include any flashing lights.</p>	<p data-bbox="1284 810 1370 911">CC, CG AL IR</p>
 <p data-bbox="321 1593 396 1621"><b>Digital</b></p>	<p data-bbox="548 1241 764 1268">Quantity: 1 per site</p> <p data-bbox="548 1287 1024 1314">Surface Area: max. 75 sq.ft. for a single face</p> <p data-bbox="548 1333 672 1360">Width: n/a</p> <p data-bbox="548 1379 672 1407">Height: n/a</p> <p data-bbox="548 1425 672 1453">Depth: n/a</p> <p data-bbox="548 1472 711 1499">Clearance: n/a</p> <p data-bbox="548 1518 1240 1724">Additional conditions: -Not permitted in a required yard abutting an RLD, RMD or RHD zone. -Images must have a minimum hold time of 6 seconds . -Maximum luminance level of 300 cd/m<sup>2</sup> between sunset and sunrise.</p>	<p data-bbox="1284 1272 1370 1335">CC, CG IR</p>

**Table 3-7: Sign Requirements**

Sign Type*	Specifications	Allowed in Zones
 <p><b>Awning</b></p>	<p>Quantity: 1 per window                      Surface Area: n/a                      Width: max. equal to facade                      Depth: min. 4.0 ft.                      Clearance: min. 8.0 ft.                      Valance Height: max. 12.0 in                      Dist. from Curb: min 2.0 ft.                      Illumination permitted in CC and CG zones – back-lighting only.</p>	<p>CC, CG                      IR                      R3</p>
 <p><b>Sidewalk/Sandwich</b></p>	<p>Quantity: 1 per business                      Surface Area: max. 5.0 sq.ft. for a single face                      Width: max. 26 in                      Height: max. 42 in                      Depth: n/a                      Clearance: n/a</p> <p>Additional conditions:                      -Only to be placed out during business hours and not impede sidewalk traffic.</p>	<p>All zones</p>
 <p><b>Window</b></p>	<p>Quantity: 1 per window                      Surface Area: max. 30% of glass                      Width: n/a                      Height: n/a                      Depth: n/a                      Clearance: min. 3.0 ft</p> <p>Illumination permitted. In RLD zone, illumination shall be limited to business hours.</p>	<p>All zones</p>
 <p><b>Yard</b></p>	<p>Quantity: 1 per site                      Surface Area: max. 10 sq.ft for temporary signs;                      max. 4 sq.ft. for identification signs                      Width: n/a                      Height: max. 8 ft.                      Depth: n/a                      Clearance: n/a</p>	<p>All zones</p>

*\*The Development Officer may permit signs that are not listed in Table 3-7, as per the requirements for the specified sign type that most closely reflects the characteristics of the unspecified sign.*

# PART 4: ZONING DISTRICTS

## 4.1 Districts Established

The zoning districts, district names and abbreviations shown in Table 4-1, and the locations and boundaries of the zoning districts shown on the Zoning Map [Schedule A], are hereby established.

Table 4-1: Zoning Districts Established	
Abbreviation	Zoning District Name
RLD	Residential Low Density Zone
RMD	Residential Medium Density Zone
RHD	Residential High Density Zone
RMHP	Residential Mobile Home Park Zone
CC	Central Commercial Zone
CG	General Commercial Zone
OS	Open Space Zone
IR	Institutional and Recreational Zone
AL	Agricultural Limited Zone

## 4.2 Zoning District Boundaries

The zoning districts established above in Table 4-1 shall apply within the boundaries of the zones shown on the map in Schedule A, following the rules of interpretation outlined in Part 2 of this by-law, specifically provision 2.5 *Map Interpretation*.

## 4.3 Permitted and Conditional Uses

The permitted and conditional uses prescribed for parcels within each zoning district are those set out in the Use and Bulk Tables. In the Use and Bulk Tables:

- (a) Permitted uses are indicated with the letter [P];
- (b) Conditional uses are indicated with the letter [C];
- (c) An asterisk symbol (\*) indicates that a Use-Specific Standard applies; and
- (d) An underline (e.g. P, C) indicates that the use may only be established as a secondary use. Where no minimum or maximum site requirements are provided in the bulk table for the proposed secondary use, the requirements are as per the principal use.

## 4.4 Bulk Regulations

No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged, or placed, except in accordance with the bulk requirements described in the Use and Bulk Tables or elsewhere in this by-law.

## RLD – Residential Low Density Zone

**Intent:** This zone is intended to accommodate primarily one and two-unit dwellings, as well as complementary neighbourhood-scale uses. This zone provides for a variety of housing types and affordability levels to accommodate a range of incomes.

Table 4-2: Use and Bulk Table for Residential Low Density Zone (RLD)								
Use Class P = Permitted C = Conditional * = Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use	Minimum Requirements					Maximum Requirements		
	Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard (ft) <sup>1</sup>	Rear Yard (ft)	Building Height (ft)	Site Coverage (%) <sup>2</sup>	
Bed & Breakfast	<u>C</u> *	Refer to Use Specific Standard 5.3						
Child Care Services	<u>P</u>	Refer to Site Requirements for Principal Use						
Dwelling, Single-Unit	<b>P</b>	5,000	50	30	5	25	30	40
Dwelling, Two-Unit	<b>P</b>	6,600	60	30	5	25	30	50
Education Service	<b>C</b>	10,000	100	30	15	25	30	50
Group Home	<b>P</b>	5,000	50	30	5	25	30	40
Home-Based Business	<u>P</u> *	Refer to Use Specific Standard 5.4						
Home Industry	<u>C</u> *	Refer to Use-Specific Standard 5.5						
Place of Worship	<b>C</b>	10,000	100	30	15	25	30	50
Public Park	<b>P</b>	n/a	n/a	30	5	25	n/a	n/a
Public Utility	<b>C</b>	n/a	n/a	30	5	25	30	n/a
Secondary Suite	<u>P</u> *	Refer to Use Specific Standard 5.8						
Accessory Buildings & Structures <sup>3</sup>	<b>P</b>	n/a	n/a	30	5	2	15	15

<sup>1</sup> Exceptions to side yard requirements:

- On the street side of a corner or reversed corner site, the minimum side yard shall be 15 ft. (4.57 m).
- Where there is no direct vehicular access to the rear yard or to an attached garage or carport, one side yard shall be a minimum of 15 ft. (4.57 m).
- Accessory buildings & structures located to the rear of the principal building shall have a minimum side yard of 2 ft. (0.61 m), unless the site is a corner site, in which case the side yard shall be a minimum of 15 ft.(4.57 m).

<sup>2</sup> For accessory buildings and structures, site coverage is cumulative.

<sup>3</sup>The maximum number of accessory buildings on a residential lot is 3.

## RMD – Residential Medium Density Zone

**Intent:** This zone is intended to accommodate multi-unit dwellings providing between three and six units, as well as single and two-unit dwellings and complementary uses.

Table 4-3: Use and Bulk Table for Residential Medium Density Zone (RMD)								
Use Class P = Permitted C = Conditional * = Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use	Minimum Requirements					Maximum Requirements		
	Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard (ft) <sup>4</sup>	Rear Yard (ft)	Building Height (ft)	Site Coverage (%) <sup>5</sup>	
Bed & Breakfast	<u>C</u> *	Refer to Use Specific Standard 5.3						
Boarding or Rooming House	C	7,500	75	30	15	25	35	40
Child Care Services	<u>P</u>	Refer to Site Requirements for Principal Use						
Dwelling, Multi-Unit <sup>6</sup>	P	7,500 <sup>7</sup>	75 <sup>8</sup>	30	5	25	35	50
Dwelling, Single-Unit	C	5,000	50	30	5	25	30	40
Dwelling, Two-Unit	P	6,600	60	30	5	25	30	45
Education Service	C	10,000	100	30	15	25	35	40
Group Home	P	5,000	50	30	5	25	30	40
Home-Based Business	<u>P</u> *	Refer to Use Specific Standard 5.4						
Place of Worship	C	10,000	100	30	15	25	30	50
Planned Unit Development	<u>C</u> *	Refer to Use Specific Standard 5.7						
Public Park	P	n/a	n/a	30	5	25	n/a	n/a
Public Utility	C	n/a	n/a	30	5	25	30	n/a
Accessory Buildings & Structures <sup>9</sup>	P	n/a	n/a	30	5	2	15	15

<sup>4</sup> Exceptions to side yard requirements:

- On the street side of a corner or reversed corner site, the minimum side yard shall be 15 ft. (4.57 m).
- Where there is no direct vehicular access to the rear yard or to an attached garage or carport, one side yard shall be a minimum of 15 ft. (4.57 m).
- Accessory buildings & structures located to the rear of the principal building shall have a minimum side yard of 2 ft. (0.61 m), unless the site is a corner site, in which case the side yard shall be a minimum of 15 ft. (4.57 m).

<sup>5</sup> For accessory buildings and structures, site coverage is cumulative.

<sup>6</sup> The maximum number of units shall be six (6) in this zone.

<sup>7</sup> In addition to the 7,500 sq.ft. min. site area, Multi-Unit Dwellings require an additional 1,000 sq.ft. per dwelling unit.

<sup>8</sup> A row house development must provide 30 ft. of frontage for each unit.

<sup>9</sup> The maximum number of accessory buildings on a residential lot is 3.

## RHD – Residential High Density Zone

**Intent:** This zone is intended to accommodate higher density residential developments providing more than six units, along with complimentary uses.

Table 4-4: Use and Bulk Table for Residential High Density Zone (RMD)								
Use Class P = Permitted C = Conditional * = Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use	Minimum Requirements					Maximum Requirements		
	Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard (ft) <sup>10</sup>	Rear Yard (ft)	Building Height (ft)	Site Coverage (%) <sup>11</sup>	
Bed & Breakfast	<u>C</u> *	Refer to Use Specific Standard 5.3						
Boarding or Rooming House	C	10,000	100	30	15	25	45	40
Child Care Services <sup>12</sup>	P	10,000	100	30	15	25	45	40
Dwelling, Multi-Unit	P	10,000 <sub>13</sub>	100 <sup>14</sup>	30	5	25	45	50
Education Service	C	10,000	100	30	15	25	45	40
Home-Based Business	<u>P</u> *	Refer to Use Specific Standard 5.4						
Place of Worship	C	10,000	100	30	15	25	45	50
Planned Unit Development	<u>C</u> *	Refer to Use Specific Standard 5.7						
Public Park	P	n/a	n/a	30	5	25	n/a	n/a
Public Utility	C	n/a	n/a	30	5	25	45	n/a
Residential Care Facility	C	10,000	100	30	5	25	45	50
Accessory Buildings & Structures <sup>15</sup>	P	n/a	n/a	30	5	2	15	15

<sup>10</sup> Exceptions to side yard requirements:

- On the street side of a corner or reversed corner site, the minimum side yard shall be 15 ft. (4.57 m).
- Where there is no direct vehicular access to the rear yard or to an attached garage or carport, one side yard shall be a minimum of 15 ft. (4.57 m).
- Accessory buildings & structures located to the rear of the principal building shall have a minimum side yard of 2 ft. (0.61 m), unless the site is a corner site, in which case the side yard shall be a minimum of 15 ft.(4.57 m).

<sup>11</sup> For accessory buildings and structures, site coverage is cumulative.

<sup>12</sup> Permitted as a principal use on the main floor only

<sup>13</sup> In addition to the 10,000 sq.ft. min. site area, Multi-Unit Dwellings require an additional 1,000 sq.ft. per dwelling unit.

<sup>14</sup> A row house development must provide 30 ft. of frontage for each unit.

<sup>15</sup>The maximum number of accessory buildings on a residential lot is 3.

## RMHP – Residential Mobile Home Park Zone

**Intent:** This zone provides for the development of a mobile home park.

**Table 4-5: Use and Bulk Table for Residential Mobile Home Park Zone (RMHP)**

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use	Minimum Requirements					Max. Requirements		
	Site Area (acres)	Site Width (ft)	Front Yard (ft)	Side Yard (ft) <sup>16</sup>	Rear Yard (ft)	Height (ft)	Site Coverage (%) <sup>17</sup>	
Child Care Services	<u>C</u>	Refer to Site Requirements for Principal Use						
Home-Based Business	<u>P</u> *	Refer to Use-Specific Standard 5.3						
Mobile Home Park (Refer to Use-Specific Standard 5.6)	<u>P</u> *	1 acre	200	20	5	10	n/a	8 units/acre
Public Park	<u>P</u>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Public Utility	<u>P</u>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Travel Trailer Park	<u>C</u> *	Refer to Use-Specific Standard 5.9						
Accessory buildings and structures <sup>18</sup>	<u>P</u>	n/a	n/a	30	5	2	15	15

<sup>16</sup> Exceptions to side yard requirements:

- On the street side of a corner or reversed corner site, the minimum side yard shall be 15 ft. (4.57 m).
- Where there is no direct vehicular access to the rear yard or to an attached garage or carport, one side yard shall be a minimum of 15 ft. (4.57 m).
- Accessory buildings & structures located to the rear of the principal building shall have a minimum side yard of 2 ft. (0.61 m), unless the site is a corner site, in which case the side yard shall be a minimum of 15 ft.(4.57 m).

<sup>17</sup> For accessory buildings and structures, site coverage is cumulative.

<sup>18</sup> The maximum number of accessory buildings on a residential lot is 3.

## CC – Central Commercial Zone

**Intent:** This zone provides for retail, business and administrative uses in the Town’s central business district, along with an appropriate mix of multi-unit housing and other compatible uses. The buildings in this zone are sited to encourage pedestrian activity with minimal setbacks from the street.

Table 4-6: Use and Bulk Table for Central Commercial Zone (CC)								
Use Class P = Permitted C = Conditional * = Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use		Minimum Requirements					Maximum Requirements	
		Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Building Height (ft)	Site Coverage (%) <sup>19</sup>
Automobile and Vehicular Service <sup>20</sup>	<b>P</b>	5,000	50	0	0	0	35	40
Broadcasting Service	<b>C</b>	5,000	50	0	0	0	35	60
Business Support Service	<b>P</b>	1,800	17	0	0	0	35	60
Cannabis Retail Store <sup>21</sup>	<b>C</b>	1,800	17	0	0	0	35	60
Child Care Services <sup>22</sup>	<b>P</b>	5,000	50	0	0	0	35	60
Club, Private, Non-Profit & Recreational	<b>P</b>	5,000	50	0	0	0	35	60
Custom Manufacturing Establishment	<b>C</b>	5,000	50	0	0	0	35	60
Dwelling, Multi-Unit <sup>23</sup>	<b>C</b>	5,000	50	0	0	0	35	60
Eating & Drinking Establishment	<b>P</b>	5,000	50	0	0	0	35	60
Education Service	<b>P</b>	5,000	50	0	0	0	35	60
Emergency Service	<b>P</b>	5,000	50	0	0	0	35	60
Government Service	<b>P</b>	5,000	50	0	0	0	35	60
Health Service	<b>P</b>	5,000	50	0	0	0	35	60
Home-Based Business	<b><u>C</u>*</b>	Refer to Use Specific Standard 5.4						
Household Repair Service	<b>P</b>	1,800	17	0	0	0	35	60
Information Technology Use	<b>P</b>	1,800	17	0	0	0	35	60
Microbrewery	<b><u>P</u></b>	5,000	50	0	0	0	35	60
Non-Accessory Parking	<b>P</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Personal Service Shop	<b>P</b>	1,800	17	0	0	0	35	60
Place of Assembly	<b>P</b>	5,000	50	0	0	0	35	60
Planned Unit Development	<b>C*</b>	Refer to Use Specific Standard 5.7						

<sup>19</sup> For accessory buildings and structures, site coverage is cumulative.

<sup>20</sup> Fuel pumps shall have a minimum front yard of 25 feet.

<sup>21</sup> Shall maintain a minimum separation distance of 300 m from existing or planned schools, recreation facilities or child care service.

<sup>22</sup> Permitted as a principal use on the main floor only

<sup>23</sup> Residential units are permitted on levels above the ground floor level only

**Table 4-6: Use and Bulk Table for Central Commercial Zone (CC)**

Use Class P = Permitted C = Conditional * = Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use	Minimum Requirements					Maximum Requirements		
	Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard (ft) <sup>24</sup>	Rear Yard (ft)	Building Height (ft)	Site Coverage (%) <sup>25</sup>	
Professional, Financial & Office Support Service	<b>P</b>	1,800	17	0	0	0	35	60
Public Library and Cultural Exhibit	<b>P</b>	5,000	50	0	0	0	35	60
Public Park	<b>P</b>	n/a	n/a	0	0	0	n/a	n/a
Public Utility	<b>P</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Retail Sales and Service	<b>P</b>	1,800	17	0	0	0	35	60
Accessory Buildings & Structures	<b>P</b>	n/a	n/a	30	5	5	15	10

#### 4.5 Commercial Core Overlay

The intent of the Commercial Core Overlay (CCO) is to recognize and enhance the existing, pedestrian-oriented character and compact development pattern of the central commercial area of the Town of Lac du Bonnet through the flexible application of development standards.

Notwithstanding other provisions in this by-law, the following standards apply to development within the CCO:

- (a) This overlay shall apply to the lands shown in Figure 4-1;
- (b) Where a consistent building alignment exists along a block, buildings should provide a front yard setback consistent with the average setback on that block to respect this alignment (front and corner side yards);
- (c) Deviating from the consistent front yard alignment may be considered if it is to accommodate active use spaces, such as accessory sidewalk cafes, patios, newsstands, or landscaped spaces;
- (d) The design and scale of buildings should be consistent with adjacent buildings, where applicable and practical, to convey a cohesive appearance and character;
- (e) No minimum off-street parking requirements apply to commercial uses within the commercial core overlay. Buildings with a mix of commercial and residential uses are required to meet the parking requirement for multi-unit dwellings specified in Table 3.2;
- (f) Where off-street parking is provided, it should be located behind the principal building; and
- (g) Loading areas and refuse storage areas should be accessed via a public lane and be located behind the principal building.

<sup>25</sup> For accessory buildings and structures, site coverage is cumulative.

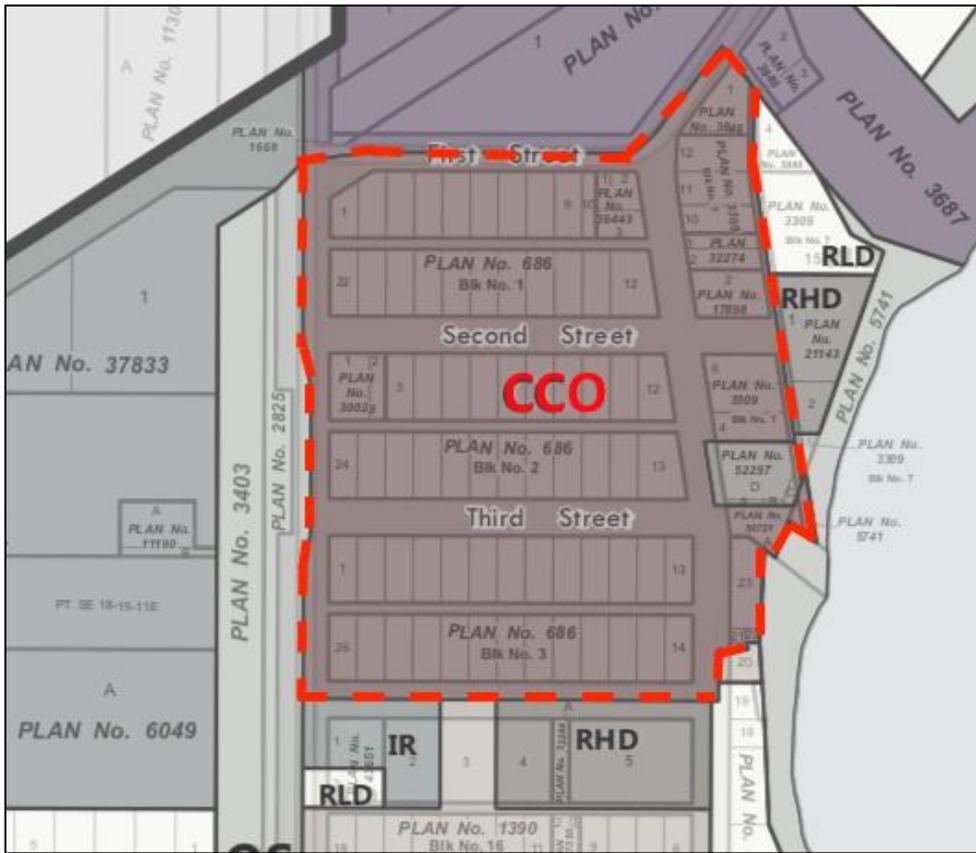


Figure 4-1: Commercial Core Overlay boundaries

## CG – General Commercial Zone

**Intent:** The intent of this zone is to provide for a mix of commercial, light industrial and other uses that complement business activities.

Table 4-7: Use and Bulk Table for General Commercial Zone (CG)								
Use Class P = Permitted C = Conditional * = Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use		Minimum Requirements					Maximum Requirements	
		Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Building Height (ft)	Site Coverage (%) <sup>26</sup>
Adult Entertainment and Retail Establishment <sup>27</sup>	C	5,000	50	25	5	25	35	40
Animal Breeding & Boarding	P	15,000	100	25	15	25	35	40
Animal Hospital & Veterinary Service	P	15,000	100	25	15	25	35	40
Auctioneering Establishment	C	15,000	100	25	15	25	35	40
Automobile Body Shop	C	15,000	100	25	15	25	35	40
Automobile, Recreational Vehicle or Farm Implement Sales/Rentals	P	15,000	100	25	15	25	35	40
Automobile and Vehicular Service <sup>28</sup>	P	15,000	100	25	15	25	35	40
Broadcasting Service	C	15,000	100	25	15	25	35	40
Bulk Storage	C	15,000	100	25	15	25	35	40
Bus Terminal or Depot	C	15,000	100	25	15	25	35	40
Business Support Service	P	15,000	100	25	15	25	35	40
Cannabis Retail Store <sup>29</sup>	C	5,000	50	25	5	25	35	40
Cannabis, Standard Processing <sup>29</sup>	C	15,000	100	25	5	25	35	40
Contractor Service, General	C	15,000	100	25	15	25	35	40
Contractor Service, Limited	P	5,000	50	25	5	25	35	40
Custom Manufacturing Establishment	C	15,000	100	25	15	25	35	40
Drive-Through Facility	P*	15,000	100	25	15	25	35	40
Eating & Drinking Establishment	P	15,000	100	25	15	25	35	40
Emergency Service	P	15,000	100	25	15	25	35	40

<sup>26</sup> For accessory buildings and structures, site coverage is cumulative.

<sup>27</sup> Must be fully enclosed within it's own free standing building and shall maintain a minimum separation distance of 300 m from existing or planned schools, recreation facilities or child care service.

<sup>28</sup> Fuel pumps shall have a minimum front yard of 25 feet.

<sup>29</sup> Shall maintain a minimum separation distance of 300 m from existing or planned schools, recreation facilities or child care service.

**Table 4-7: Use and Bulk Table for General Commercial Zone (CG)**

Use Class P = Permitted C = Conditional * = Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use	Minimum Requirements					Maximum Requirements		
	Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Building Height (ft)	Site Coverage (%) <sup>30</sup>	
Funeral Service	C	15,000	100	25	15	25	35	40
Garden Centre, Farmer's Market and Produce Stands	P	5,000	50	25	5	25	35	40
Government Service	P	15,000	100	25	15	25	35	40
Greenhouse / Nursery	P	15,000	100	25	15	25	35	40
Hotel/Motel	P	15,000	100	25	15	25	35	40
Household Repair Service	P	5,000	50	25	5	25	35	40
Indoor Amusement Establishment	P	15,000	100	25	15	25	35	40
Indoor Participant Recreation Service	P	15,000	100	25	15	25	35	40
Information Technology Use	P	15,000	100	25	15	25	35	40
Light Industrial Use	C	15,000	100	25	15	25	35	40
Microbrewery	<u>P</u>	15,000	100	25	15	25	35	40
Non-Accessory Parking	P	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Outdoor Amusement Establishment	C	15,000	100	25	15	25	35	40
Personal Service Shop	P	5,000	50	25	5	25	35	40
Pet Day Care	P	5,000	50	25	5	25	35	40
Place of Assembly	C	15,000	100	25	15	25	35	40
Planned Unit Development	C*	Refer to Use Specific Standard 5.7						
Professional, Financial & Office Support Service	P	5,000	50	25	5	25	35	40
Public Utility	P	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Recycling Facility	C	15,000	100	25	15	25	35	40
Retail Sales and Service	P	15,000	100	25	15	25	35	40
Self-Service Storage Facility	P	15,000	100	25	15	25	35	40
Shopping Centre/Strip Mall	C	20,000	125	25	15	25	35	40
Trucking Operation	C	15,000	100	25	15	25	35	40
Warehouse Sales	P	15,000	100	25	15	25	35	40
Accessory Buildings & Structures	<u>P</u>	n/a	n/a	100	15	15	30	15

<sup>30</sup> For accessory buildings and structures, site coverage is cumulative.

## OS – Open Space Zone

**Intent:** The OS zone is intended to protect natural lands from incompatible uses and provide open space areas within the Town. Compatible activities such as walking paths and wildlife viewing may be allowed in this zone.

Prior to the issuance of any development and/or building permit for development in this zone, the applicant shall first obtain approval, via a license or permit, from the property owner (Manitoba Hydro or Manitoba Crown Lands Branch). A permit may also be required from the federal Department of Fisheries and Oceans should the development involve construction along the shoreline, or over the waterway.

**Table 4-8: Use and Bulk Table for the Open Space Zone (OS)**

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use	Minimum Requirements					Max. Requirements		
	Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Height (ft)	Site Coverage (%)	
Private boathouse, dock and/or wharf, when accessory <sup>31</sup>	P	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Boat Launching facility	C	n/a	n/a					
Public dock and/or marina, or group docking facility serving two or more lots	C	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Public Park	P	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Public Utility	P	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Utility buildings, not exceeding 200 sq.ft. in area, when accessory	P	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Accessory Buildings & Structures <sup>32</sup>	P	n/a	n/a	30	5	5	15	10

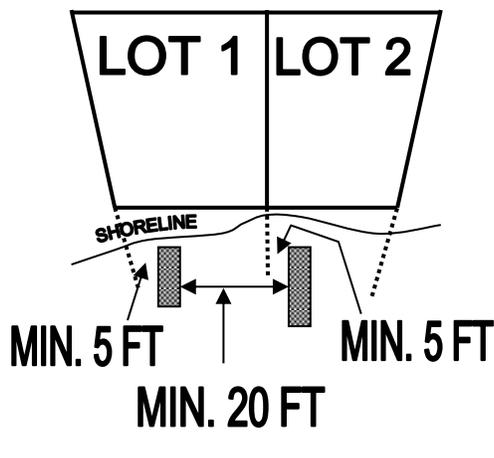


Figure 4-2: Placement of Boat Docks

<sup>31</sup> A boathouse shall not be used for human habitation or be used for or contain any sleeping accommodation.

## IR – Institutional and Recreational Zone

**Intent:** The Institutional and Recreational zone provides lands for public or private recreation and institutional uses.

Table 4-9: Use and Bulk Table for the Institutional and Recreational Zone (IR)								
Use Class P = Permitted C = Conditional * = Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use		Minimum Requirements					Maximum Requirements	
		Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Building Height (ft)	Site Coverage (%) <sup>33</sup>
Cemetery	C	40,000	200	30	15	25	35	90
Child Care Services	P	15,000	100	25	15	25	35	40
Club, Private, No-Profit & Recreational	P	40,000	200	30	15	25	35	40
Community Centre	P	40,000	200	30	15	25	35	40
Eating & Drinking Establishment	<u>C</u>	Refer to Site Requirements for Principal Use						
Education Service	P	80,000	200	30	15	25	35	40
Emergency Service	P	40,000	200	30	15	25	35	40
Extended Medical Treatment Service	P	80,000	200	30	15	25	35	40
Funeral Service	C	40,000	200	30	15	25	35	40
Government Service	C	40,000	200	30	15	25	35	40
Health Service	P	15,000	100	30	15	25	35	40
Indoor Participant Recreation Services	P	40,000	200	30	15	25	35	40
Outdoor Participant Recreation Services	P	40,000	200	30	15	25	35	40
Place of Worship	C	40,000	200	30	15	25	35	40
Planned Unit Development	<u>C*</u>	Refer to Use-Specific Standard 5.7						
Public Library & Cultural Service	P	15,000	100	25	15	25	35	40
Public Park	P	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Public Utility	P	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Research Institution	C	15,000	100	25	15	25	35	40
Accessory Buildings & Structures	P	n/a	n/a	100	15	15	30	15

<sup>33</sup> For accessory buildings and structures, site coverage is cumulative.

## AL – Agricultural Limited Zone

**Intent:** The AL zone is intended to provide for compatible agricultural uses on a limited basis until such time that the land is needed for urban development.

Table 4-10: Use and Bulk Table for the Agricultural Limited Zone (AL)								
Use Class P = Permitted C = Conditional * = Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use		Minimum Requirements					Maximum Requirements	
		Site Area (acres.)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Building Height (ft)	Site Coverage (%) <sup>34</sup>
Agricultural Operations, excluding livestock	<b>P</b>	40	300	125	25	25	30	n/a
Agricultural Processing Facility	<b>C</b>	1	200	100	25	25	30	40
Animal Breeding and Boarding Establishment	<b>P</b>	1	200	100	25	25	30	40
Animal Keeping	<b>P*</b>	Refer to Use-Specific Standard 5.1						
Apiary	<b>C*</b>	Refer to Use-Specific Standard 5.2						
Travel Trailer Parks, Camping & Tenting Grounds	<b>C*</b>	Refer to Use-Specific Standard 5.10						
Contractor Service, General	<b>C</b>	1	200	100	25	25	30	40
Equestrian Establishment	<b>C</b>	4	200	100	25	25	30	40
Garden Centre/Farmer's Market/Produce Stand	<b><u>C</u></b>	Refer to Site Requirements for Principal Use						
Greenhouse/Nursery	<b>C</b>	10	200	100	25	25	30	n/a
Public Utility	<b>P</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Salvage Operation/Yard	<b>C</b>	1	200	100	25	25	30	60
Specialized Agriculture	<b>C</b>	10	200	100	25	25	30	n/a
Accessory Buildings & Structures	<b>p</b>	n/a	n/a	125	25	25	30	15

<sup>34</sup> For accessory buildings and structures, site coverage is cumulative.

## PART 5: USE-SPECIFIC STANDARDS

Regardless of whether a use is allowed as a permitted or a conditional use, and regardless of the zoning district in which the use is located, the following standards for specific uses must be met, except as otherwise provided in this by-law or by a conditional use or variance order:

### 5.1 Animal Keeping

The following requirements must be met for all cases where animals (excluding pets) are sheltered, bred, raised or sold and where the number of animals kept on one site do not meet or exceed ten (10) animal units (AU), cumulative across species:

- (a) a maximum of one (1) AU (cumulative across species) is permitted for every two (2) acres (8,094 meters<sup>2</sup>) of site area;
- (b) the keeping of livestock must adhere to all other local, provincial and federal health and agriculture regulations in addition to the standards in this bylaw;
- (c) any ground-level structure intended for the keeping of animals is only permitted in the rear yard of a site and must maintain a minimum setback of 15 feet (4.5] meters) from any site line; and
- (d) animal feed must be properly stored in enclosed vessels, and areas or enclosures intended for the keeping of animals must be properly cleaned and maintained to prevent odours from spreading onto abutting properties.

### 5.2 Apiaries

Where an apiary is permitted, no beehive shall be located within 25 feet (7.5 m) of a site line.

### 5.3 Bed and Breakfast Facilities

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

- (a) There will be no exterior display or advertisement larger than 4.0 sq.ft. (0.37 sq.m.) in area;
- (b) Business signage must not be illuminated and should be compatible with the character of the area;
- (c) The Bed and Breakfast business shall not generate vehicular traffic or parking in excess of what is normally characteristic of the area;
- (d) The Bed and Breakfast business shall be operated by a live-in owner as a secondary use only, have a maximum of four accommodation units, and shall not change the principal residential character or external appearance of the dwelling;
- (e) Meals shall be limited to the occupants of the dwelling and resident guests with no cooking facilities allowed in the guest rooms;
- (f) Catering to social functions is not permitted on site;

- (g) In addition to the parking for the primary use, one (1) additional on-site parking space shall be provided for each accommodation unit; and
- (h) Approved smoke detectors shall be required:
  - (i) In every sleeping room in the Bed and Breakfast home; and
  - (ii) In the common corridor of every storey or floor level, even if no sleeping accommodation is provided on that storey or floor level. The smoke detectors are to be electronically hard-wired to each other in cases where major renovations are to take place.

#### **5.4 Home-Based Businesses**

Home-Based Businesses are governed by the conditions imposed by Council and the following:

- (a) Businesses shall be conducted by a person or persons residing in the dwelling;
- (b) There can be no processing or outside storage of goods or materials;
- (c) Businesses must not have more than forty (40) percent of the total floor area of buildings on the site devoted to the business;
- (d) One (1) business sign, either freestanding or affixed to the wall of a principal or accessory building, is permitted, not exceeding a surface area of 4 square feet (0.93 sq.m.);
- (e) The Business shall not generate undue traffic or congestion, adversely affect the amenity and convenience of the neighbourhood, or create a nuisance, and if located in the vicinity of a provincial highway should not impair the safe and efficient operation of the highway; and
- (f) Where the Home-Based Business generates client or customer traffic, a Conditional Use permit is required. Application must be made to the Development Officer and include information detailing the proposed business and an indication of where any materials, equipment or vehicles associated with the office are to be stored.

#### **5.5 Home Industries**

A Home Industry may be allowed in zones where it is a Permitted Secondary Use or a Conditional Secondary Use only if the following standards are met:

- (a) The proponent of the Home Industry must obtain a development permit before establishing or expanding a Home Industry on a site;
- (b) The Home Industry will not create unsightly appearances or disturbances that may be deemed by Council as unsuitable;
- (c) The Home Industry will not create a potential for conflict with activities that would normally occur in the affected zone;
- (d) Signage for the Home Industry shall be located on the subject property and limited to one non-illuminated (or indirectly illuminated) sign not to exceed a surface area of 4 square feet (0.93 sq.m.);
- (e) A Home Industry shall be conducted by a resident or residents of the dwelling unit to which the Home Occupation is secondary, and may employ a maximum of three (3) non-resident persons;

- (f) One (1) on-site parking space must be provided for each employee; and
- (g) In the case of rental premises, the proponent will be required to obtain the permission of the owner of the premises before a development permit will be issued.

## **5.6 Mobile Home Parks & Mobile Homes**

### **5.6.1 Standards for Mobile Home Parks**

In addition to the requirements specified in Part 4 for the Residential Mobile Home Park zone (RMHP), the following standards and the site requirements of Table 5-1 also apply:

- (a) An application for a mobile home park must be accompanied with a detailed site plan, including:
  - (i) The name and address of the applicant(s);
  - (ii) The location, legal description of the property and the size of the proposed mobile home park;
  - (iii) Detailed, scaled drawings of the proposed mobile home park, with appropriate measurements, numbers and annotations, depicting the following:
    - a. All mobile home spaces (appropriately numbered), playgrounds, open space, service and utility areas;
    - b. All proposed roadways and/or driveways, including the type of road surface and the location and means of vehicular and pedestrian access;
    - c. The size, shape, and number of mobile home sites;
    - d. The type of pad and on-site parking surface;
    - e. The drainage facilities for surface water in the area;
    - f. The location of all proposed sanitary conveniences, garbage storage and service buildings;
    - g. The proposed design and method for onsite water distribution and sewage collection and for connection to the municipal systems;
    - h. The design and location of hydro, telephone and gas lines, and street lighting;
    - i. The fire protection for the area;
    - j. The relationship of each mobile home site to adjoining buildings and to the limits of the property within which the mobile home site is located; and
    - k. The intended use of each mobile home.
- (b) The design and maintenance of a Mobile Home Park must provide for the following:
  - (i) That portion of the mobile home park not occupied by mobile home pads, mobile home additions, common use and storage buildings, roads, walkways, driveways, car parking areas and any other developed facilities shall be sodded or seeded with grass and landscaped with suitable trees and shrubbery;
  - (ii) Service buildings shall be centrally located, and not be further than 300 feet (91.44 m) from any dependent mobile home, and shall be provided with adequate light, heat and ventilation. All service buildings shall be approved prior to construction;

- (iii) All accessory structures such as patios, porches, additions and skirting shall meet the requirements of the Building by-law and shall be so designated and erected as to harmonize with the mobile homes;
- (iv) Each mobile home space shall be clearly marked by corner posts or other satisfactory means and identified by a numbered sign;
- (v) The management of every mobile home park shall provide for the storage of refuse, garbage and debris in a sanitary manner in a location readily accessible to all mobile homes;
- (vi) Tanks for the storage of fuel oil and propane shall be concealed from view by screening or other appropriate measures;
- (vii) All roadways within the mobile home park shall be hard surfaced and properly maintained;
- (viii) All roadways within the mobile home park shall be properly illuminated;
- (ix) A separate centrally located common park space or recreation area shall be provided on the basis of 200 square feet (18.6 sq.m.) per mobile home space or a minimum of 2,400 square feet (223.0 sq.m.), whichever is greater; and
- (x) Identification names shall be given to the mobile home park and the internal roads within the mobile home park and be posted at suitable locations on the site.

<b>Table 5-1: Mobile Home Park Requirements</b>	
<b>Criteria</b>	<b>Minimum Requirements</b>
Minimum site area of mobile home space	4,000 sq.ft. (371.6 sq.m.)
Minimum site width of mobile home space	40 ft (12.19 m)
Minimum side to side clearance between mobile homes (including additions and attachments) and between mobile homes and accessory buildings	10 ft (3.05 m)
Minimum end to end clearance between mobile homes	20 ft (4.57 m)
Minimum front yard setback for mobile home (measured from front site line)	15 feet (3.05 m)
Minimum mobile home dwelling unit area	600 sq.ft. (55.7 sq.m.)
Maximum number of accessory buildings	2
Maximum total size of all accessory buildings	600 sq.ft. (55.7 sq.m.)
Maximum height of accessory building	15 ft (4.57 m)
Minimum width of road right-of-way	40 ft (12.19 m)
Minimum width of roadway surface	24 ft (7.32 m)
Maximum number of mobile homes per site	1

### 5.6.2 Standards for Mobile Home

Mobile homes require a Development Permit. No mobile home located in the Town of Lac du Bonnet shall receive a Development Permit unless it complies with the following regulations:

- (a) Mobile Homes, as defined herein, are only permitted in the RMHP zone;
- (b) No mobile home shall be placed in the Town of Lac du Bonnet and used as a dwelling unless it meets all structural standards as determined by the *Buildings and Mobile Homes Act*, Chapter B93, as amended, Manitoba Building Code and Canadian Standards Association (C.S.A.) Mobile Home Structural Standards contained within CAN/CSA-Z240 MH and revisions thereto. Temporary buildings as provided for in section 3.18 *Temporary Buildings, Structures and Uses* are excepted from this requirement;
- (c) A mobile home, when located permanently within a mobile home park, shall;
  - (i) Be connected to municipal sewer and water services when such services are available on the site;
  - (ii) Be provided with skirting extending from the bottom of the mobile home to the ground having adequate ventilation and a readily accessible, removable panel giving access to service connections; and
  - (iii) Be connected to the hydro system with an approved electrical service outlet. All utilities shall be underground; and
- (d) All structures and/or buildings such as porches, additions, carports, private garages, skirting and storage facilities shall be painted or pre-finished and maintained, and in the opinion of Council, will complement the main structure.

## 5.7 Planned Unit Developments

A Planned Unit Development is a land development project that, because of its size and/or complexity, density, mixture of land uses or other characteristics, is built as an entity in accordance with a comprehensive site plan that is presented by a developer to a board or council.

A Planned Unit Development:

- (a) May only be established on a zoning site or proposed development area larger than 4 acres in size;
- (b) The uses and standards of a Planned Unit Development shall be determined by Council. The design shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards or amenity, accessory off-street parking areas, and other requirements and standards established in this by-law;
- (c) Residential Planned Unit Developments may also include secondary and supportive commercial uses, not exceeding twenty five (25) percent of the total floor area of the development;
- (d) An application for a planned unit development shall be considered as a conditional use application, subject to the conditional use provisions of this by-law and the Act;

- (e) Council, in reviewing such applications, may require additional information from the applicant as may be necessary for review of the proposal including, but not limited to:
  - (i) Those requirements normally required for the issuance of a development permit under Part 6: Administration of this by-law;
  - (ii) The location and use of each existing and proposed building or structure and the use or uses to be contained therein;
  - (iii) The location of all exterior refuse storage facilities and the screening thereof;
  - (iv) The location of all exterior storage facilities and the screening thereof;
  - (v) The location of all driveways, accessory parking areas, accessory loading areas and the illumination for same;
  - (vi) The location of all pedestrian walks and open space areas;
  - (vii) The location, type and height of all proposed walls, fences and landscaping;
  - (viii) The types of surfacing, such as paving, turf, or gravel, to be used at various locations;
  - (ix) Floor plans and elevations of all proposed buildings and structures;
  - (x) The total number of dwelling units and the gross floor area;
  - (xi) A cost-benefit analysis of the proposed development and anticipated tax benefits to the community; and
  - (xii) Any other studies deemed necessary by Council to evaluate the proposal.

## **5.8 Secondary Suites**

Secondary suites are only permitted if they comply with the following regulations:

- (a) A secondary suite is only permitted on a property where the principal use is a single-unit detached dwelling;
- (b) Not more than one (1) secondary suite shall be permitted on a single zoning site;
- (c) The principal dwelling must be an existing permanent structure;
- (d) The principal dwelling must be occupied by the owner of the property;
- (e) The maximum floor area of the secondary suite shall not exceed 800 square feet (74 sq.m.) or 33% of the total habitable floor space of the principal building (whichever is the lesser);
- (f) A secondary suite shall have a maximum of one (1) bedroom;
- (g) A secondary suite shall only be used as a dwelling. It cannot be used as a home-based business, care home or rehabilitation facility;
- (h) A minimum of one (1) off-street parking space must be provided for a secondary suite, in addition to the parking required for the principal building;
- (i) An attached secondary suite (within a principal dwelling) shall only have one entrance to the building on the façade that faces the street, unless the dwelling contained an additional street-facing entrance prior to the creation of the secondary suite;
- (j) A detached secondary suite must follow the setback standards for accessory buildings and structures in the applicable Use and Bulk Requirements Table;
- (k) A detached secondary suite shall be connected to municipal sewer and water services extended from the principal dwelling;

- (l) A detached secondary suite may only be permitted on a 'through lot', corner lot or abut an improved public lane;
- (m) A secondary suite shall not be subdivided from the principal dwelling; and
- (n) A building permit will be obtained for the development of a Secondary Suite, and the development must conform to the *Manitoba Building Code*.

## 5.9 Drive-Through Facilities

In zones where Drive-Through Facilities are allowed, the following standards apply:

- (a) No Drive-Through Facilities shall be located on a lot or site which is adjacent to a lot with residential zoning, unless they are separated by a separate building or public street;
- (b) No portion of a Drive-Through Facility shall be located within a required yard;
- (c) All Drive-Through Facilities shall provide vehicle stacking lanes as follows:
  - (i) A minimum of four (4) queuing spaces must be provided if the Drive-Through Facility has one (1) point of contact;
  - (ii) Drive-Through Facilities with two (2) points of contact require a minimum of six (6) queuing spaces; and
  - (iii) Queuing spaces shall not be counted towards minimum parking requirements.

## 5.10 Travel Trailer Parks and Camping and Tenting Grounds:

In zones where Travel Trailer Parks and/or Camping and Tenting Grounds are allowed, the following standards apply:

- (a) No person shall construct, operate or maintain a travel trailer park or camping and tenting ground without first having obtained approval from the Town of Lac du Bonnet and having registered the park or grounds with the Municipality in the prescribed form. The applicant shall submit plans and specifications satisfactory to the Municipality;
- (b) Camping and tenting grounds may be combined with a Travel Trailer Park as defined in Part 2: Interpretation;
- (c) Every travel trailer and camp site shall be clearly marked by corner posts or other satisfactory means and identified by a numbered sign;
- (d) Every travel trailer park and camping and tenting ground shall have provision for the storage of refuse, garbage and debris in a sanitary manner in a location readily accessible to all travel trailers or camp sites but not more than 5,000 feet (1,524.0 m) from any travel trailer or camp sites, or by other means acceptable to Council;
- (e) All service buildings within the travel trailer park or camping and tenting grounds shall be properly illuminated. Council may require that roadways be properly illuminated by lighting units where desirable;
- (f) A separate open area for such purposes as a children's playground or sports field shall be provided on the basis of 200 square feet (18.6 sq.m.) per travel trailer or camp site space or a minimum of 5,000 square feet (464.5 sq.m.), whichever is greater;
- (g) Cabanas are not to exceed the length of the travel trailer, excluding hitch assembly, or exceed 12 feet (3.66 m) in width. Cabanas are to be self-supporting and not structurally attached to the travel trailer. Except for the roof and a 60 square foot (5.6 sq.m.)

maximum change room or bathroom, cabanas may not be enclosed or sheeted in, but may be screened in only. The cabana roof may not be extended over the travel trailer;

- (h) Service buildings or structures intended for the common use of campground or travel trailer park tenants, or for the administration of these facilities, such as washroom/shower buildings, offices or stores, shall be permitted. A dwelling unit or mobile home shall be permitted when accessory and incidental to the operation of the travel trailer park or campground. The dwelling unit including projections shall not be located nearer than a distance of 15 feet (4.57 m) from the limits of any travel trailer or camp sites;
- (i) Every travel trailer park or camping and tenting ground shall connect to the municipal water and sewer system for provision of drinking water and wastewater management;
- (j) A mobile home shall not be permitted to locate on a travel trailer or camping unit space or within a travel trailer park or camping and tenting ground except as provided for herein.

Table 5-2: Travel Trailer Park and Camping and Tenting Grounds - Requirements	
Criteria	Minimum Requirements
Travel Trailer or Camping Site	Area: 2,400 sq.ft. Width: 40 feet Depth: 60 feet
Mobile home dwelling unit area	600 sq.ft. min.
Additions to mobile homes	250 sq.ft. max.
Separation distance between Travel Trailer and Camping Units	15 ft side to side 15 ft end to end 10 ft to accessory bldgs
Setback of mobile homes from roads	15 ft from internal road 75 ft from external road <sup>1</sup>
Internal Roads	2-way: 40 ft right-of-way 24 ft road surface
	1-way: 20 ft right-of-way 12 ft road surface

<sup>1</sup>Where the front and/or side yard abuts and/or is opposite a residential zone, the front yard setback from the road may be reduced to 30 feet and the side yard setback from the road may be reduced to 15 feet at the discretion of Council.

## PART 6: ADMINISTRATION

### 6.1 Administration and Enforcement

In the administration and enforcement of this by-law, the Town of Lac du Bonnet shall have all of the powers of inspection, remedy and enforcement provided under Part 12 of the Act.

### 6.2 Development Permits and Other Permits

The issuance of a development permit in respect of a building or structure does not affect the obligation to obtain a building permit or other permit where required under the building by-law, or another law, by-law or regulation, for such a building or structure.

No person shall use or occupy any land, building or structure, or erect, construct, enlarge, alter or place any building or structure, except in accordance with an approved development permit (where required), and with this by-law.

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

### 6.3 When Development Permits are Required

Except as otherwise provided for in this by-law, a development permit is required for any of the following:

- (a) The erection, construction, enlargement, structural alteration or placing of a building or structure, either permanent or temporary;
- (b) The establishment of a use of land or a building or structure;
- (c) The relocation or removal or demolition of any buildings or structures;
- (d) The clearing of certain classes of land as specified in this by-law;
- (e) The change of a use of land or a building or structure;
- (f) The alteration or enlargement of an approved conditional use.

### 6.4 When Development Permits are Not Required

A development permit is not required for the following:

- (a) Regular maintenance and repair of any development, provided it does not include structural alterations;
- (b) The erection, construction, enlargement, structural alteration or placing of structures not requiring a permit as per the Town of Lac du Bonnet Building By-law.

Despite not requiring a development permit, all items in (b) shall be subject to the requirements of this by-law, including yard requirements, and of any government department. Development in the controlled areas adjacent to PTH 11 may require a permit from Manitoba Infrastructure, in accordance with the *Transportation Infrastructure Act*.

### 6.5 Applications for Development Permits

An application for a development permit:

- (a) Shall be made by the owner or owners of the parcel in question, or by a person authorized in writing by them;
- (b) Shall be accompanied by plans drawn to scale showing the following:
  - (i) the shape and dimensions of the site to be used or built on;

- (ii) the location and dimensions of existing buildings, structures and their distances from site boundaries;
  - (iii) the location and dimensions of any proposed building, structure, enlargement or alteration, including separation distances from site boundaries;
  - (iv) the use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;
  - (v) vehicular access and utility connections; and
  - (vi) any other information required by the Development Officer to determine compliance with, and to provide enforcement of, this by-law; and
- (c) Shall be accompanied by the fee prescribed by the Town of Lac du Bonnet.

## **6.6 Existing Development Permits**

Unless otherwise provided for herein, development 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.

## **6.7 Development Permit Expiry**

A development permit shall expire and the right of an owner under that permit shall terminate if the work authorized by the permit is not commenced within six (6) months from the date of issuance of the permit, or within any extensions in writing of that time period granted by the Development Officer, and is not reasonably continued without interruption after the end of such period.

## **6.8 The Development Officer**

The Development Officer, as appointed by the Town of Lac du Bonnet, may:

- (a) Issue development permits, in accordance with the provisions of this by-law and the Building by-law, and exercise the powers of administration, inspection, remedy and enforcement provided in Part 12 of the *Act*;
- (b) Refuse to issue a development permit where:
  - (i) The development permit application, or any information accompanying the development permit application, is incorrect or incomplete; or
  - (ii) The proposed building, structure or use does not, to the Development Officer's knowledge, comply with the Development Plan, this Zoning By-law, the Building By-law or with any other law;
- (c) Revoke a development permit where the development permit was issued in error in accordance with the *Act*;
- (d) Receive and process applications for amendments to this by-law, conditional use orders and variances;
- (e) With the consent of the owner, enter any buildings or premises at all reasonable times for the purpose of implementing this by-law, as provided for in the *Act*; [2.11.2 (c)]
- (f) Issue notices of violation for any contravention of the *Act* and/or this by-law, zoning memoranda, certificates of non-conformity and any other documents as may be necessary for the administration and enforcement of this by-law;
- (g) Make a minor variance order, without the need for a public hearing, for any proposed change that varies:
  - (i) Any height, distance, size or intensity of use requirement in the zoning by-law by no more than ten (10) percent; or

- (ii) The number of parking spaces required by the zoning by-law by no more than ten (10) percent.

## **6.9 Responsibilities of Council**

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

- (a) Considering the adoption or rejection of proposed amendments or the repeal of this by-law;
- (b) Acting as a Variance Board;
- (c) Considering the approval or rejection of conditional use applications; and for revoking an authorized conditional use for violation of any additional conditions imposed by it; and
- (d) Establishing a schedule of fees.

## **6.10 Application for Amendments, Variances and Conditional Uses**

An application for a variance, conditional use, or an amendment to this by-law shall:

- (a) Be accompanied by plans drawn to scale showing the following:
  - (i) The shape and dimensions of the parcel to be used or built on;
  - (ii) The location and dimensions of existing buildings and structures;
  - (iii) The location and dimensions of the proposed building, structure, enlargement or alteration;
  - (iv) The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;
- (a) Be accompanied by a fee prescribed by the Town of Lac du Bonnet; and
- (b) Be processed and approved or rejected in accordance with the provisions of the *Act*.

## **6.11 Expiry of Approval**

The approval of Council of a variance or conditional use shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of decision, unless it is renewed prior to the expiry date at the discretion of Council for an additional period of twelve (12) months.

## **6.12 Subdivisions**

Approval of a subdivision of land is subject to the provisions contained in the *Act* and to the policies contained within the Development Plan and amendments thereto. Parcels or lots resulting from said subdivision must conform to the site area and site width requirements of the zone in which they are located as established herein.

Notwithstanding the fact that a parcel of land may exceed the minimum site area and site width requirements, the Council is not, in any manner, obligated to approve a subdivision of said parcel.

## **6.13 Development Agreement**

Where an application is made for a subdivision, variance, conditional use or amendment to this by-law, the Council may require the owner to enter into a development agreement in accordance with the *Act*.

## **6.14 Duties of the Owner**

Subject to the provisions of the *Act*, the Owner is responsible for:

- a) The preparation of all application forms and drawings which are required to be submitted to the Development Officer in accordance with the provisions of this by-law and the *Act*;
- b) Obtaining all necessary permits and approvals which may be required by the Board, Council or any agencies or departments of the provincial or federal governments, prior to the commencement of construction, or the change of use of any land, building or structure;
- c) Ensuring that all work is completed in accordance with the approved application and development permit;
- d) Obtaining the written approval of the Development Officer before doing any work at variance with the approved development permit; and
- e) Permitting the Development Officer to enter any premises at any reasonable time for the purpose of administering or enforcing this by-law, and shall not molest, obstruct, or interfere with the Development Officer in the discharge of their duties under this by-law.

### **6.15 Existing Uses, Buildings and Structures**

An existing use, building or structure which is classified as a permitted use, building or structure in this by-law shall be allowed to continue to exist, and may be enlarged or expanded, may be changed to another permitted use, or may be replaced if destroyed.

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

### **6.16 Previous Violations**

Unless otherwise provided for herein, an existing building, structure or use that was illegal under the provisions of any planning scheme or zoning by-law in force on the effective date of this 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 this by-law, said building, structure or use shall remain illegal hereunder.

### **6.17 Non-Conformities**

A non-conforming use and a non-conforming building, structure, parcel of land or sign shall be regulated in accordance with and subject to the provisions of the *Act*, unless otherwise provided for herein:

- (a) Any lawful building or structure which does not conform to one or more of the applicable yard requirements of the zone in which it is located, either on the effective date of this by-law or amendments thereto, shall be deemed to be a lawfully existing permitted building or structure and shall be used as if it conformed to all such requirements;
- (b) Any expansion, addition, relocation or reconstruction of a non-conforming use or a non-conforming building or structure shall conform to the site requirements and parking and loading requirements of the zoning district in which it is located unless varied by a variance order pursuant to the provisions of the *Act*;
- (c) Repairs or incidental alterations may be made to a non-conforming structure subject to approval and issuance of a development permit, where necessary;

- (a) The use of land or the use of a building is not affected by change of ownership, tenancy or occupancy of the land or building;
- (b) Any owner may apply to the Designated Officer for a Non-Conforming Certificate in accordance with the provisions of the *Act*;
- (c) Pursuant to the provisions of the *Act*, where Council determines that a building or structure is damaged or destroyed fifty percent (50%) or more of its replacement value above its foundation, the said building or structure may be replaced or rebuilt, but only in conformation with this by-law or its amendments, or where such requirements are varied by a variance order;
- (d) Pursuant to the provisions of the *Act*, a non-conforming parcel, meaning any lawful site existing at the adoption of this by-law which does not comply with the site area and/or site width herein, may be occupied by any building, structure or use provided:
  - (i) That the building, structure or use is listed as a permitted or conditional use within the zone in which said use is located;
  - (ii) That all other requirements of the zone in which the parcel is located, such as yards, building height, and floor area, are met; and/or
  - (iii) Variance orders have been obtained to alter the requirements within the particular zone.
- (e) Notwithstanding the provision of this subsection, a variance order shall not be required where a non-conforming use, building, structure, sign or parcel is being altered so that the non-conformity is not increased even though the resulting alteration does not fully comply with the requirements set forth herein;
- (f) A non-conforming use of a structure or of a parcel of land, or portion thereof, which is, or hereafter becomes, abandoned, vacant or unoccupied, and remains vacant and unoccupied for twelve (12) consecutive months must not be used after that time except in conformity with the Zoning By-law;
- (g) A use that is accessory to a non-conforming use may continue as long as the non-conforming use exists;
- (h) A non-conforming sign may be structurally altered, reconstructed, or replaced in the same location and position provided that such structural alteration, reconstruction, or replacement does not result in:
  - (i) The creation of a new non-conformity or an increase in the degree of non-conformity; or
  - (ii) An increase in the sign surface area; or
  - (iii) An increase in the degree of illumination.

### **6.18 Public Works and Services**

Nothing in this by-law shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any public utility, 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 as determined by the Development Officer and/or Council, and that any building or structure erected in any zone complies with the yard and area requirements applicable to the zone.

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

### **6.19 Connecting to Municipal Services**

All new principal buildings constructed on a site served by public sewer, water or hydro distribution must be connected to such services unless the specific use of such building does not require such services.

**6.20 Fee Schedule**

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

**6.21 Building To Be Moved**

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