



TOWN OF SAINTE-ANNE  
BY-LAW NO. 8-2020

BEING a By-law of the Town of Sainte-Anne to regulate the use and development of land.

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 under Part 4 Division 1 of *The Planning Act*, the Town of Sainte-Anne has, by by-law, adopted the Town of Sainte-Anne Development Plan;

NOW THEREFORE, the Council of the Town of Sainte-Anne, in meeting duly assembled, enacts as follows:

1. The Zoning By-Law 8-2020 attached is hereby adopted;
2. The By-Law shall be known as the Town of Sainte-Anne Zoning By-Law;
3. Town of Sainte-Anne By-Law 8-2010, as amended, are repealed;
4. This By-Law shall come into force on the 29th of October, 2020

DONE AND PASSED on this 28th day of October, 2020.

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Mayor, Richard Pelletier

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CAO., Marc Darker

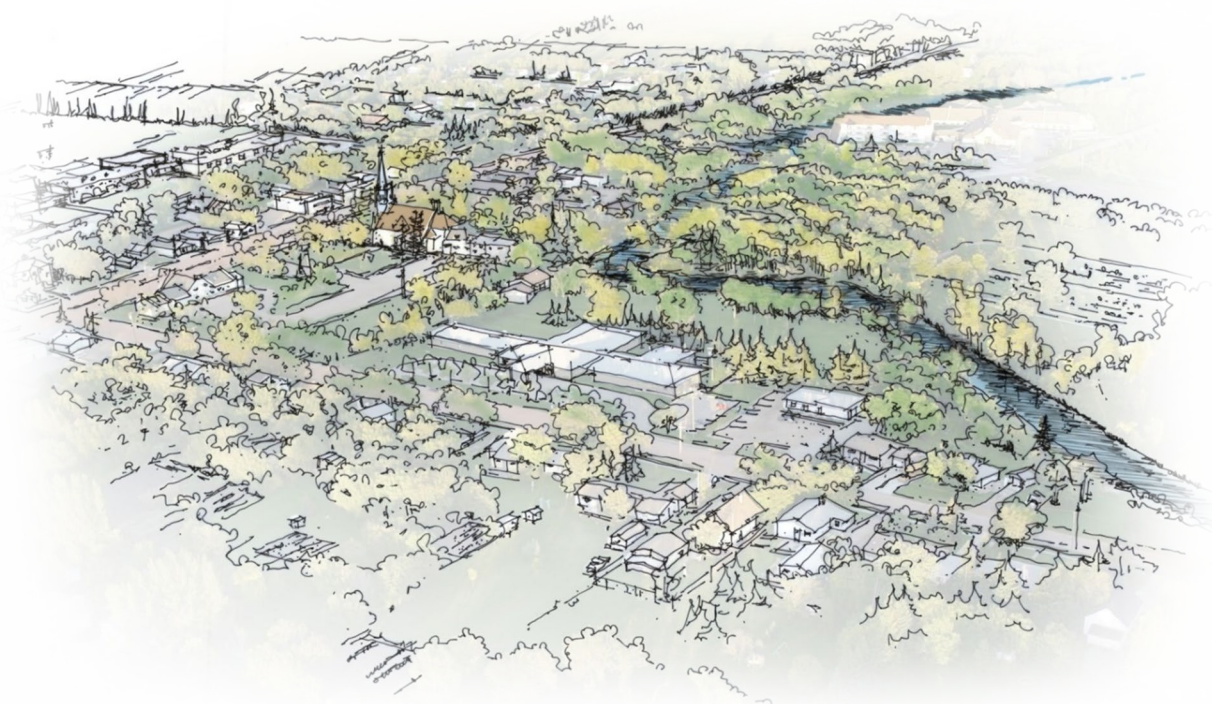
Read a first time this 9th day of September, 2020.

Read a second time this 14th day of October, 2020.

Read a third time this 28th day of October, 2020.

# TOWN OF STE. ANNE ZONING BY-LAW

By-law No. 8-2020



Ville de **SAINTE-ANNE**  
Town of **STE. ANNE**

# INTRODUCTION

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The Town of Ste. Anne Zoning By-law (No. 8-2020) has been prepared in accordance with the Town's Development Plan (No. 5-2020). The Development Plan defines the community's vision for the future, as well as establishes the policies and objectives required to achieve it. The Zoning By-law, in turn, implements these policies and objectives through corresponding regulations for land use and development. As such, the Town's Development Plan is referred to throughout this By-law and should be referenced accordingly.

## HOW TO USE THIS BY-LAW

This Zoning-Bylaw regulates the use, size, height, and location of buildings and structures on properties within the Town of Ste. Anne. In order to determine these regulations for any specific property within the Town, following the four step process outlined below will help you to acquire the information you need.

### Step 1 – Identify the Applicable Zoning District

- Use the **Zoning Map [PART 8]** to determine which zoning district your property is located in.
- Reference **PART 3: Zoning Districts** of this By-law for a description of that zoning district.
- Look at the **Development Plan** to make sure your proposal is aligned with applicable policies.

### Step 2 – Identify Permitted Uses in the Zoning District

- Find the **Uses** table for the zoning district applicable to your property in **PART 3: Zoning Districts**.
- Uses marked with the letter **P** are **permitted** and may be developed once you have a permit.
- Uses marked with the letter **C** are **conditional** and may or may not be permitted depending on the circumstances of the proposal, which is evaluated according to the criteria provided in **PART 6**.
- Uses marked with a **\*** have special requirements as set out in **PART 4: Use Specific Standards**.

### Step 3 – Identify How and Where Your Property can be Developed

- Find the **Dimensional Standards** table for the applicable zoning district in **PART 3: Zoning Districts**.
- The **Dimensional Standards** table provides information on building heights, sizes, and required yards, as well as other spatial requirements for development sites.
- Look at **PART 2: General Regulations** for details on regulations applicable to all development.
- Reference **PART 7: Definitions** as needed to ensure a complete understanding of this By-law.

### Step 4 – Identify the Permits Required to Proceed

- In most cases, you will require a **Development Permit** before you can proceed with any change in land use or development, but when in doubt you should contact the Town's Municipal Office.
- Reference **PART 6: Administration** to see if your planned development is exempt from needing a Development Permit, in which case you may proceed with the project, as long as your project meets the other requirements of this By-law and other applicable By-laws of the Town of Ste. Anne.
- You are responsible for finding out any other **provincial or federal regulations** that apply to your development, as well as any **other permits** you are required to obtain from the Municipal Office.

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# **PART 1 APPLICABILITY AND INTERPRETATION**

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## **1.1 TITLE**

- a) This By-law shall be known as "The Town of Ste. Anne Zoning By-law" and may be cited as such.

## **1.2 SCOPE**

- a) This By-law shall apply to all lands within the Town of Ste. Anne as indicated on the Zoning Map.

## **1.3 PURPOSE**

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

- a) Ensure general conformance with the objectives and policies of the Town of Ste. Anne Development Plan;
- b) Outline the powers and duties of the Town of Ste. Anne Council (Council), the Designated Officer, and the landowner and/or developer as they relate to this By-law; and,
- c) Regulate the following:
  - i. All buildings and structures erected hereafter;
  - ii. All uses of buildings, structures, and land established hereafter;
  - iii. All structural alterations or relocations of existing buildings and structures occurring hereafter;
  - iv. All changes of use of buildings, structures, and land; and,
  - v. All enlargements or additions to existing buildings, structures, and uses.

## **1.4 AUTHORITY**

### **1.4.1 Use and Development of Buildings, Structures, and Land Must Comply**

- a) Within the Town of Ste. Anne, 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.

### **1.4.2 Relation to Other Laws, By-laws, and Regulations**

- a) In such cases when a provision of another law, by-law, or regulation of the Provincial or Federal government contains a restriction governing the same subject matter as contained in this By-law, or imposes inconsistent regulations or standards with respect to uses, buildings, or structures, the most restrictive or highest standard shall be applied.
- b) In such cases when this By-law and another Town of Ste. Anne by-law contain conflicting or overlapping regulations, the most restrictive or highest standard shall be applied.
- c) In such cases where the provisions or conditions of a development agreement, variance order, or conditional use order issued by the Town impose overlapping regulations with those contained in this Zoning By-law, the most restrictive or highest standard shall be applied.



## **1.5 INTERPRETATION**

### **1.5.1 Rules of Construction**

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

- a) Words, phrases, and terms defined in this By-law must be given the defined meaning.
- b) Words, phrases, and terms not defined in this By-law shall be as defined in *The Planning Act*, the Town of Ste. Anne Building By-law, or any other Act or by-law specifically referenced herein.
- c) Words, phrases, and terms not defined in this By-law nor *The Planning Act*, Town of Ste. Anne Building By-law, or any other Act or By-law specifically referenced herein shall be given their usual and customary meaning except where, in the opinion of Council, the context indicates a different meaning.
- d) The phrase “used for” includes “arranged for”, “maintained for”, “designed for”, or “occupied for”.
- e) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunctions “and”, “or” or “and/or”, the conjunctions shall be interpreted as follows:
  - i. “and” indicates that all the connected items, conditions, provisions, or events shall apply;
  - ii. “or” indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination; and,
  - iii. “and/or” indicates that all the connected items, conditions, provisions, or events may apply singly or in combination.
- f) The word “includes” or “including” shall not limit a term to the specified examples, but rather, is intended to extend the meaning to all instances or circumstances of like kind or character.

### **1.5.2 Tables**

- a) Tables form part of this By-law and provide regulatory standards, either to supplement 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 within 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 this By-law, the text governs.

### **1.5.3 Illustrations**

- a) Drawings and illustrations form part of this By-law and are provided to assist the user in interpreting and understanding the regulations of this By-law. Where any inconsistency or conflict arises between a drawing or illustration and the text of the By-law, the text governs.

### **1.5.4 Zoning Map**

- a) The location and boundaries of the zoning districts established herein are identified on the Zoning Map which forms PART 8 of this By-law. The boundaries of zoning districts shown on the Zoning Map shall be interpreted in accordance with the provisions of subsection 3.1.1.

### 1.5.5 Units of Measurement

- a) Dimensions in this Zoning By-law have been provided using imperial measurements.

### 1.5.6 Contents and Organization

- a) The contents of this By-law is divided into PARTS as follows:

#### **PART 1: Applicability and Interpretation**

Outlines the title, scope, purpose, and authority of this By-law, as well as provides guidance for its interpretation.

#### **PART 2: General Regulations**

Outlines general regulations and requirements pertaining to development in all zoning districts.

#### **PART 3: Zoning Districts**

Establishes zoning districts for the Town of Ste. Anne, as well as outlines the intent, permitted and conditional uses, dimensional standards, and additional provisions applicable the districts.

#### **PART 4: Use Specific Standards**

Outlines additional regulations for specific land uses and types of development in the Town.

#### **PART 5: Special Areas**

Outlines additional regulations for areas in the Town with special site constraints or conditions.

#### **PART 6: Administration**

Provides direction for administering this By-law, including the authorities of Council and the Designated Officer, as well as provisions for Development Permits and approvals procedures.

#### **PART 7: Definitions**

Provides definitions for general terms and terms related to signs and land uses included herein.

#### **PART 8: Zoning Map**

Contains the map demonstrating the locations and boundaries of prescribed zoning districts.

# PART 2 GENERAL REGULATIONS

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## 2.1 APPLICABILITY

- a) The regulations contained in this PART shall apply to the use and development of all land, buildings, and structures in the Town of Ste. Anne, unless otherwise specifically stated herein.

## 2.2 REGULATION OF USES

No land, building or structure shall be used or occupied except for a use that:

- a) Is listed in the Uses Table for the applicable zoning district as:
  - i. A permitted use; or,
  - ii. A conditional use, subject to approvals as such.
- b) Is a temporary use, authorized for a period of time by the Designated Officer.
- c) Has been granted a use variance in accordance with *The Planning Act*.

## 2.3 MULTIPLE USES OR PROVISIONS

- a) 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 there is a conflict between the provisions, the more restrictive regulation shall apply.

## 2.4 ONE DWELLING PER PARCEL OF LAND

- a) There shall be a maximum of one dwelling unit per parcel of land, except in such cases as:
  - i. Two-unit dwellings or multiple-unit dwellings permitted under this By-law.
  - ii. Secondary suites, garden suites, or temporary additional dwellings permitted in this By-law.

## 2.5 ACCESSORY USES, STRUCTURES AND BUILDINGS

- a) Subject to all other requirements of this By-law, an accessory building or structure is permitted in any zoning district when accessory to an approved principal use that is permitted or conditional in that same zoning district, and for which a Development Permit has been issued.
- b) No accessory use shall be established, and no accessory building or structure shall be constructed, erected, relocated, or placed, prior to the establishment of the principal use of the site, building, or structure to which it is accessory, unless authorized in writing by Council.
- c) All accessory uses shall be subject to the regulations of the zoning district in which it is located.
- d) Where an accessory building or structure is attached to a principal building on the site by a roof, an open or enclosed structure above grade, a floor or a foundation which is above grade, that building or structure shall be considered a part of the principal building and regulated as such.

- e) Where an accessory building or structure is detached from the principal building or structure, it shall be subject to, and in compliance with, all dimensional standards applicable to accessory buildings and structures for the zoning district in which it is located.
- f) The area of land or buildings used or occupied for accessory uses on a site shall not exceed the area of land or buildings respectively used or occupied by principal uses on the same site.
- g) No land, building, or structure shall be used or occupied for any accessory use after the use to which it is accessory has been discontinued.
- h) No accessory building or structure shall be located within a dedicated easement or right-of-way.
- i) Detached accessory buildings or structures shall not be located within any required front yard or corner side yard.
- j) In any residential zoning district, there shall be no more than two (2) detached accessory structures or buildings located on a single zoning site.
- k) Detached accessory buildings or structures shall not be located closer than ten (10) feet to any principal building or structure.
- l) An accessory building or structure shall not be used for human habitation, unless otherwise provided for herein.

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

- a) A Development Permit shall be required prior to the establishment of a temporary building, structure or use, except where otherwise specified herein, which shall be subject to such terms and conditions deemed necessary by the Designated Officer to prevent detrimental effects.
- b) Temporary buildings, structures, and uses for construction materials or equipment, both incidental and necessary to construction occurring on the same zoning site, may be permitted on a temporary basis subject to the issuance of a Development Permit for both the principal building and the temporary use, as well as any other terms and conditions deemed necessary.
- c) Temporary buildings and/or structures associated with construction must be removed from the premises within thirty (30) days of all related activities being completed or discontinued.
- d) Temporary buildings and structures shall not exceed 1,000 square feet in area and 20 feet in height.
- e) A Development Permit issued for a temporary building, structure, or use shall be valid for the period specified by the Designated Officer, up to a maximum of one (1) year in duration. Renewal of a subsequent term will be at the discretion of the Designated Officer, which may not be authorized for more than two (2) successive periods at the same location.
- f) The temporary use, building, or structure must not result in permanent alterations to the zoning site on which it is located.
- g) Temporary buildings or structures must not interfere with the regular operations of any permanent uses located on the site, and shall not be detrimental to the health, safety, convenience, and general welfare of the public.

- h) Unless otherwise specified in the terms and conditions of the Development Permit, a temporary use must cease to operate after thirty (30) days starting from the date the permit was approved.
- i) The site on which a temporary use is located must be of a sufficient size and appropriate location to accommodate activities associated with the use, including parking and traffic.

## 2.6.2 Exceptions for Specific Temporary Uses

- a) Notwithstanding the regulations in section 2.6, temporary uses and structures associated with festivals, farmers' markets, or similar community events may be permitted without the issuance of a Development Permit at the discretion of the Designated Officer, as per subsection 6.3.2.

## 2.7 PROHIBITED USES, STRUCTURES AND BUILDINGS

### 2.7.1 Noxious or Offensive Uses

- a) No use shall be permitted in any zoning district which may be noxious or offensive due to the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration, noise, and/or or any other such cause that, as determined by Council, would create a nuisance.

### 2.7.2 Exterior Wood Burning Furnaces

- a) Exterior solid fuel burning furnaces shall not be permitted in any zoning district in the Town.

### 2.7.3 Livestock Operations

- a) Livestock operations, as defined in *The Planning Act*, shall not be permitted in any zoning district in the Town.

### 2.7.4 Portable Garages

- a) Portable garages, as defined herein, shall not be permitted in any zoning district in the Town.

### 2.7.5 Mobile Homes

- a) Mobile homes, as defined herein, shall not be permitted in any zoning district in the Town.

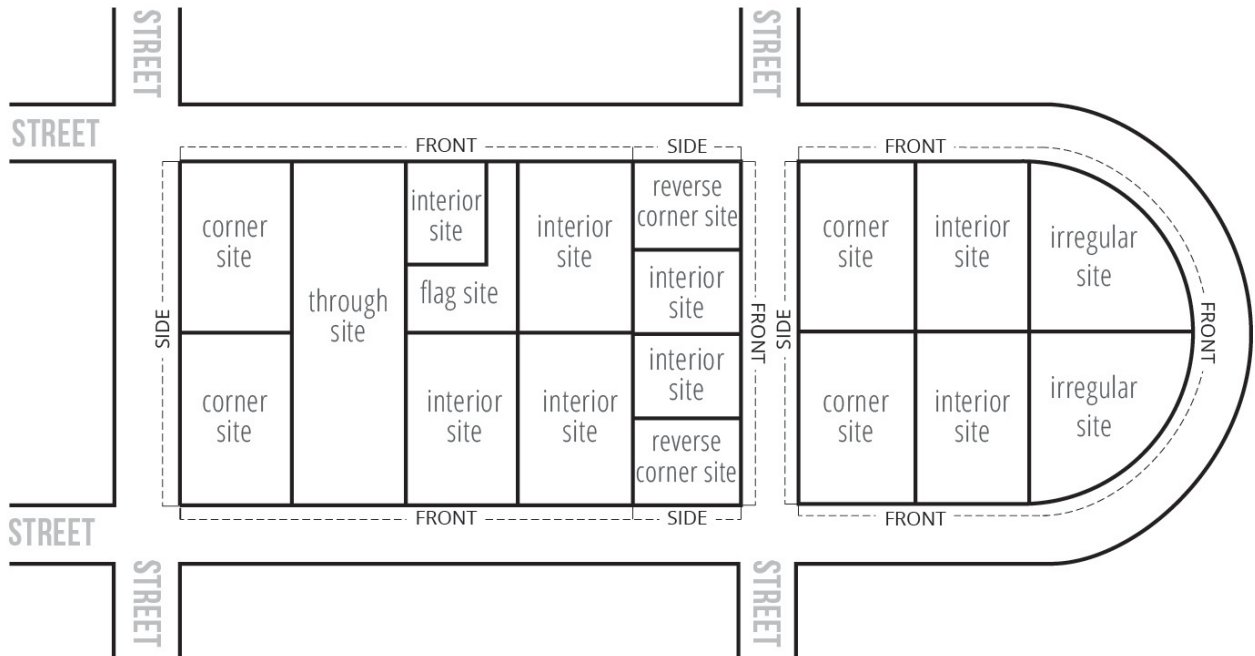
## 2.8 SITE AND YARD REQUIREMENTS

Unless provided for elsewhere in this By-law, the following regulations shall apply in all zoning districts, as to ensure the provision of adequate site and yard standards:

- a) Required yards set out in the dimensional standard tables for each zoning district shall remain free of buildings, except for building elements permitted to project into yards, as per section 2.9.
- b) No building or structure shall be added to or reconstructed and no site shall be reduced in area, width, or depth if such changes will result in the violation of any provision contained herein.
- c) All yards required for any use shall be located on the same zoning site as that use.
- d) In cases where the dimensional standards of any site or yard provided for a building or structure do not meet the minimum requirements of this By-law, as of the date of it coming into effect, the existing non-conformity shall not be increased further by reducing the site or yard area.

- e) Where a site is occupied by a permitted or conditional use without a building or structure, the required yards for the zoning district in which it is located shall still apply and be maintained.
- f) In addition to the dimensional standards established for the applicable zoning district, yard requirements for corner, flag, and through sites shall be subject to the following provisions:
  - i. In the case of a corner site, the front yard shall be the yard abutting the front site line.
  - ii. Any corner site may, at the discretion of the Designated Officer, be required to provide an additional front yard or yards other than that required in the applicable zoning district, having regard for the orientation, access, and yard requirements of adjacent properties.
  - iii. The development of new flag sites shall be prohibited unless the Designated Officer determines there is no feasible alternative way to provide access to such lands.
  - iv. The Designated Officer may require a through site to provide a front yard on each public road; in any case, all through sites shall be required to provide at least one front yard, with all adjacent through sites having front yards oriented toward the same public street.

Figure 1 – Types of Sites



### 2.8.1 Side Yard Exceptions

- a) Notwithstanding the side yard requirements of the applicable zoning district, buildings containing multiple units with common party walls, or sharing a common party wall with a building on an adjacent side, shall not be required to provide a side yard along said party wall.

### **2.8.2 Retention of Site and Yard Requirements**

- a) It shall be the continuing obligation of the property owner to maintain the minimum site area or yards required by this By-law for any use as long as it remains in existence on the zoning site, unless the site is recognized to be legally non-conforming or a variance order has been issued.
- b) The minimum required site area and yards 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 yard or site area requirements for any other use.

### **2.9 PERMITTED YARD PROJECTIONS**

- a) Notwithstanding the yard requirements established in PART 3 of this By-law, building features and/or site features may project into a required yard to the extent provided for in Table 2-1.
- b) The Designated Officer may allow a projection not listed in Table 2-1, provided that projection will have no greater impact on surrounding properties than those that are permitted.

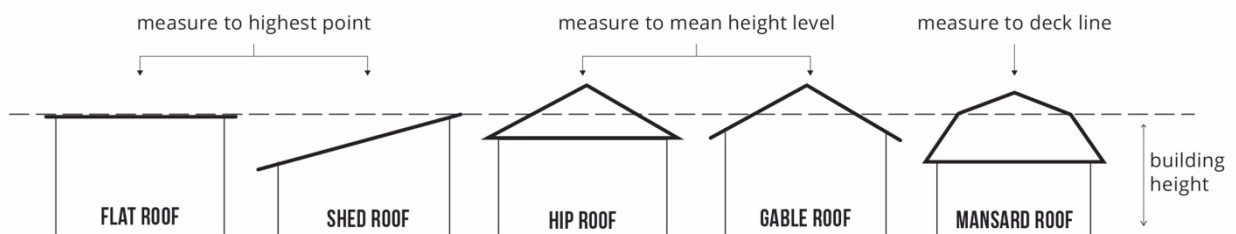
<b>Table 2-1 – Permitted Yard Projections</b>				
Features	Zoning District	Projections Permitted		
		Front Yard	Side Yard	Rear Yard
<b>Building Features</b>				
uncovered walks or stairs, trellises, eaves, downspouts, and chimneys	All Districts	Permitted	Permitted	Permitted
unenclosed fire escapes and balconies	RS-S, RS-L, RT, CN	2 ft.	Not Permitted	5 ft.
	RM-M, RM-H, CMU, CH, CC, I	5 ft.	2 ft.	5 ft.
open and unenclosed porches, verandas, decks, and similar building features as determined by the Designated Officer	RS-S, RT, CN	5 ft.	2 ft.	10 ft.
	RS-L, AL	10 ft.	5 ft.	12 ft.
	RM-M, RM-H, CMU, CH, CC, I	5 ft.	2 ft.	5 ft.
wheelchair ramps, lifts, and other accessibility features	All Districts	Permitted	Permitted	Permitted
bay, oriel, or similar style windows	All Districts	2 ft.	2 ft.	2 ft.
open and unenclosed patios	CH, CC, CMU, CN	Permitted	Permitted (no closer than 5 ft. to a residential use)	Permitted (no closer than 5 ft. to a residential use)
<b>Site Features</b>				
fence, hedge, masonry wall, or similar decorative screening feature	All Districts	Permitted	Permitted	Permitted
pathways, sidewalks, and driveways	All Districts	Permitted	Permitted	Permitted
bicycle racks and public monuments	All Districts	Permitted	Permitted	Permitted
garden and planting beds	All Districts	Permitted	Permitted	Permitted
parking and loading areas (as required under this By-law)	RS-S, RS-L, RT, R, CN, CC	Not Permitted	Permitted	Permitted
	RM-M, RM-H, CMU	5 ft.	Permitted	Permitted
	CH, MG, I, PR	10 ft.	Permitted	Permitted
swimming pools, hot tubs, and associated mechanical equipment	RS-S, RS-L, RT, RM-M, RM-H, CMU, I, AL, PR	Not Permitted	Not Permitted	Permitted (no closer than 5 ft. to rear / side site line)
exterior air conditioning units	All Districts	Not Permitted	Permitted	Permitted
satellite dishes	All Districts	Not Permitted	Permitted	Permitted
fuel pumping stations	CH, MG	Permitted (no closer than 20 ft. to front site line)	Permitted (no closer than 20 ft. to side site line)	Permitted (no closer than 20 ft. to rear site line)
garbage and recycling enclosures	RS-S, RS-L, RT, RM-M, RM-H, CMU, CN, CC	Not Permitted	2 ft.	Permitted
	PR, CH, I, MG	Not Permitted	5 ft.	Permitted
permitted signs	All Districts	Permitted	Not Permitted	Permitted



## 2.10 BUILDING HEIGHTS

- a) The height of any principal building, unless otherwise specified in this By-law, shall not exceed 40 feet.
- b) Exclusive of any features attached or affixed to a principal structure discussed below in section 2.11, building height shall be measured from the average grade level to the:
  - i. The highest point of a flat roof or shed roof;
  - ii. The mean level between the top of the highest exterior wall plate and the peak of a pitched roof;
  - or,
  - iii. The deck line of a mansard roof.

Figure 2 – Roof Heights



## 2.11 VERTICAL PROJECTIONS

- a) In determining whether a development conforms to the maximum height permissible in any zoning district under this By-law, the following features, when attached or affixed to the principal structure, shall not be considered for the purpose of height determination:
  - i. Architectural features such as steeples, belfries, domes or spires, skylights, fire walls;
  - ii. Mechanical features such as chimney stacks, elevator housings, roof stairway entrances, water or other tanks, ventilating equipment;
  - iii. Accessory communication features such as satellite dishes, antennas, and similar receiving and transmitting structures and masts;
  - iv. Site features such as solar collectors, flag poles, clearance markers; and,
  - v. Similar features, as determined by the Designated Officer.

## 2.12 ACCESS TO SITES

- a) No permanent building shall be constructed or placed on a site that does not have legal access to an improved public road or road defined as a common element in *The Condominium Act*.
- b) No more than one (1) driveway shall be constructed for any single-unit dwelling with a developed or proposed principal use and the driveway shall not have more than one (1) access point to and from abutting streets. Multiple-unit dwellings, two-unit dwellings, and non-residential sites may have up to two (2) access points total from abutting public roads.
- c) Access and egress to sites shall not be developed in a continuous fashion along a street edge, but rather, must be provided by means of a driveway in accordance with subsection 2.27.3.

- d) The minimum distance between two driveways on one site, or between a driveway and a street intersection, as measured along the street edge intersected by such driveway, must be 20 feet.
- e) All access locations and curb crossings shall require the approval of the Designated Officer.
- f) Permits to establish a new access or modify an existing access to a declared provincial highway shall be required from Manitoba Infrastructure prior to development commencing.

### **2.13 CONNECTING TO MUNICIPAL SERVICES**

- a) All new principal buildings and, as determined by the Designated Officer, major accessory buildings constructed on a site that is serviced by the municipal wastewater system shall be connected to that system within a period of time pursuant to provincial regulations.
- b) Any development proposed on a non-serviced site with access to the Town's municipal wastewater system must be connected to that system to the satisfaction of Council.

### **2.14 BUILDING GRADE**

- a) No building or structure shall be erected without first obtaining from the Designated Officer written instructions as to the grade for the building or structures to be erected, which shall be in accordance with the Town's Building By-law. It shall be the continuing obligation of the property owner to maintain lot grades for adequate site drainage and to ensure that the level of the surrounding fill at the building line shall not be less than any flood protection levels.

### **2.15 EXCAVATION, STRIPPING, AND LOT GRADING**

- a) For the purposes of this section of the By-law, excavation shall mean excavation other than for construction or building purposes, including but not limited to topsoil stripping, vegetation clearing, and the construction of artificial bodies of water.
- b) Any person wishing to excavate, strip, or grade land shall provide the following details in their Development Permit application:
  - i. The location and area of the site on which excavation, stripping, or grading will occur;
  - ii. The existing land use and vegetation;
  - iii. The type and dimensions of the excavation to take place and the anticipate effect it will have on existing drainage patterns; and,
  - iv. The condition in which the excavation is to be left when the operation is complete or the final disposition to be made of the area from which the topsoil is to be removed, including the action which is to be taken for restoring the condition of the surface of the land to be affected in order to prevent, control, or lessen the creation of erosion or dust from the land.
- c) The Designated Officer shall consider every application for a permit to excavate, grade, or strip land and shall not issue a Development Permit unless they are satisfied that:
  - i. The proposed operation complies with all municipal by-laws regulating the excavation, stripping, and grading of land;
  - ii. The operation will be carried out so as to create minimum environmental disturbance which may, at the discretion of the Designated Officer, require the applicant to provide a geotechnical report at their own expense prepared by a certified professional engineer; and,

- iii. The operation is one which, in the opinion of the Designated Officer, is necessary for the use and development of the land in question.
- d) The Designated Officer may require, as a condition of issuing a Development Permit to excavate, strip, or grade land, that the applicant take precautions and follow methods as prescribed by the Designated Officer for the prevention or control of dust and any other nuisance caused by the proposed operation, in addition to the reclamation of land if required.

## **2.16 LAND DRAINAGE**

- a) A Development Permit shall be required to undertake any drainage works proposing to alter or divert the natural course of a watercourse.
- b) Any development proposing drainage into the provincial highway drainage system shall require permission from Manitoba Infrastructure and any costs associated with upgrading the drainage system in direct relation to the development shall be the sole responsibility of the developer.
- c) The landowner shall establish and maintain lot grading for adequate drainage so that there will be no free flow of water onto public sidewalks or adjacent properties, other than by means of a ditch, drain, and/or swale, subject to approval from the Designated Officer.
- d) Notwithstanding any other regulation of this By-law, the Designated Officer may refuse a Development Permit for, or prohibit, any drainage works to be undertaken on lands where it has been determined that such works would create an adverse effect on adjacent public or private lands or where adjacent drains are insufficient to accommodate the added runoff.

## **2.17 LANDSCAPING**

- a) The landscaping requirements of this section shall apply to all developments types, excluding single-unit and two-unit dwellings, in the Industrial, Commercial, Community, Residential, and Basic Services and Utilities zoning districts, so as to enhance the Town's visual appearance.

### **2.17.1 Landscape Plans**

- a) In accordance with section 6.3, a landscape plan must be submitted as a component of a Development Permit application for all developments, unless specifically exempted above.
- b) No landscaping work shall commence until such time as the landscape plan has been approved by the Designated Officer.
- c) The landscape plan shall contain the following information for the development site and adjacent boulevards:
  - i. All physical features, existing and proposed, including vegetation, water elements, berm contours, walls, fences, outdoor furniture and fixtures, surface utilities, and paving; and,
  - ii. All shrubs and trees, whether existing or proposed, labelled by their common name, botanical name, and size.
- d) Applications without a landscaping plan may be considered if, at the discretion of the Designated Officer, the proposed development is of such a nature that the required information outlined above can be clearly demonstrated and combined with other application materials.

### 2.17.2 Landscaping Requirements

- a) All voluntary or required yards must contain a minimum of one deciduous or coniferous tree for each 30 feet of linear street frontage or fraction thereof, which may be clustered for visual interest. If the site conditions are not conducive to supporting trees, each required tree may be substituted for a minimum of three (3) shrubs, or landscaping elements that improve the appearance of the site along the public right-of-way to the satisfaction of the Designated Officer.
- b) Where an off-street outdoor parking facility is provided for thirty (30) or more vehicles, which is at-grade and visible from an abutting site in a Residential zoning district or from a public roadway other than a lane, there shall be landscaped space within the parking area as follows:
  - i. A minimum of five percent (5%) of the gross parking lot area, including aisles, driveways, and parking stalls, must be landscaped with permeable materials.
  - ii. In addition to the planting requirements established in clause (a) of this subsection, one tree must be provided for every 300 square feet of interior landscaped area.
  - iii. Where landscaping is required within parking islands, those parking islands must be a minimum of 5 feet wide.
  - iv. Required landscaped space shall be located in multiple areas to break up large, continuous expanses of parking and provide visual relief and greater pedestrian comfort.
- c) In cases where a side or rear yard in an Industrial zoning district abuts a lot in a Residential zoning district, any proposed development on the Industrial site must include a landscaped buffer in the landscaping plan to reduce the impacts of noise, light, dust, and odour, in accordance with subsection 3.6.4 and subject to the approval of the Designated Officer.
- d) In cases where a proposed development will include a public park, minimum planting requirements for such areas shall be determined by Council as a condition of the Development Agreement, which will take into consideration the size, location, and intended use of the park.

### 2.17.3 Installation and Maintenance

- a) The applicant shall be responsible for landscape installation and maintenance. The Designated Officer may require, as a condition of approval or as established in a Development Agreement, that the applicant provide an irrevocable letter of credit for the full amount of the estimated landscaping cost. The letter of credit may be redeemed by the Town if the landscaping is not completed – in accordance with this By-law and the approved landscaping plan – within one growing season following the completion of the development project.

### 2.17.4 Planting Standards

The design and installation of planting materials in all zoning districts shall be in accordance with the following:

- a) The horticultural standards of the Canadian Nursery Landscape Association shall be used as a reference for plant selection.
- b) All plant materials located within 20 feet of a public street must be of a salt tolerant species.
- c) Each required tree when planted shall be a minimum of:
  - i. deciduous – 2.5 inch caliper; or,

- ii. coniferous – 6 feet in height.
- d) If the applicant is unable to acquire trees that meet the standards established under clause (c) above, an alternative standard may be approved at the discretion of the Designated Officer.

#### **2.17.5 Preservation of Existing Trees**

- a) Existing healthy trees and shrubs shall be preserved and protected, unless it can be demonstrated the vegetation must be removed to efficiently accommodate the proposed development, or if the vegetation poses a safety hazard to members of the public.
- b) An existing tree may satisfy the requirement to provide one (1) tree under subsection 2.17.2 where the applicant demonstrates, to the satisfaction of the Designated Officer, the following:
  - i. one (1) existing deciduous tree with a minimum caliper of 4 inches is preserved; or
  - ii. one (1) existing coniferous tree with a minimum height of 8 feet is preserved.

### **2.18 FENCES AND SCREENING**

#### **2.18.1 General Fence Requirements**

No fence shall be constructed or maintained in the Town of Ste. Anne except in accordance with the following regulations:

- a) A fence shall be permitted in a required yard or on the boundaries of a required yard, provided it complies with all other regulations contained herein, except in the case of corner sites, for which side yard fences along public streets must be set back at least 5 feet from the side site line.
- b) Any fence height may be increased or decreased at the discretion of the Designated Officer to reflect the grade of surrounding sites.
- c) No electrically charged fences shall be permitted in any zoning district.
- d) Fences in all zoning districts shall be constructed of a material that is of a quality equal to or greater than that of surrounding developments, as determined by the Designated Officer.
- e) Notwithstanding clause (d) above, temporary fences, such as snow fences or construction fences, may be permitted for a period of time at the discretion of the Designated Officer.

#### **2.18.2 Fences in Residential Zoning Districts**

- a) Fences shall not exceed a height of:
  - i. 3.5 feet in a required front yard; and,
  - ii. 6 feet in a required side or rear yard.
- b) No barbed wired fences shall be permitted.

#### **2.18.3 Fences in Non-Residential Zoning Districts**

- a) The maximum permitted heights of fences shall be consistent with those established for Residential zoning districts in subsection 2.18.1 above, except in the following cases:

- i. The maximum height of a fence located on a public or private education service site, utility service site, or public park shall be 10 feet, notwithstanding chain link fences, for which there shall be no height limitation.
  - ii. The maximum height of a rear yard fence in the Commercial Highway and Industrial zoning districts shall be 8 feet.
- b) No barbed wire fences shall be permitted, except in the case of Commercial Highway and Industrial zoning districts, where the top 2 feet of the fence can feature barbed wire for security purposes.

#### **2.18.4 General Screening Requirements**

For all proposed developments featuring outdoor parking and storage facilities, screening from a surrounding use or public right-of-way shall be required consistent with the following regulations:

- a) Any garbage collection area, open storage area, or outdoor service area that is visible from an abutting or adjacent site in a Residential zoning district, or from a public roadway other than a lane, shall provide an opaque fence or planting screen. The fence or planting screen shall be of a sufficient height to substantially block the view of the area from the surrounding roadway or use, but shall not exceed the maximum fence height permitted in the applicable zoning district.
- b) Where an off-street outdoor parking facility is provided for six (6) or more vehicles, which is at-grade and visible from an abutting or adjacent site in a Residential zoning district, or from a public roadway other than a lane, the parking area shall include a fence, planting screen, masonry wall, or a combination thereof. The height of the fence, planting screen, masonry wall, or combination thereof shall be 4 feet, unless otherwise authorized by the Designated Officer.
- c) The location, length, and width of any screening requirement shall be to the satisfaction of the Designated Officer with consideration for the area being screened and the surrounding context.
- d) Screening installations must be demonstrated on landscape plans as per subsection 2.17.1.

### **2.19 OUTDOOR LIGHTING**

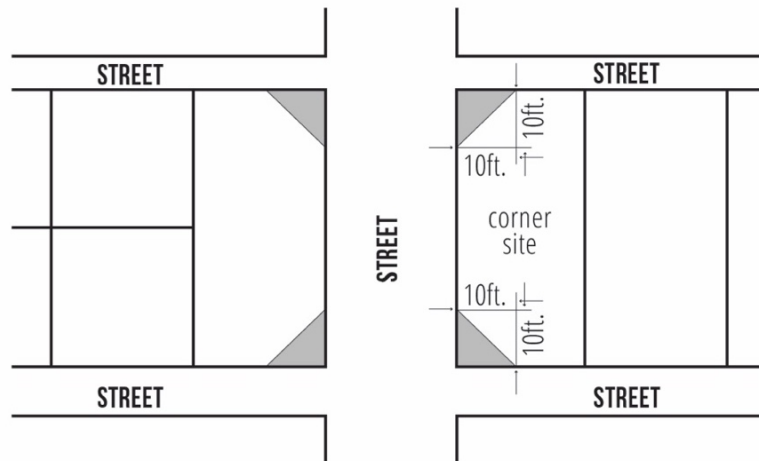
Outdoor lighting shall be provided in accordance with the following standards:

- a) Lighting shall be low-glare in nature and located, oriented, and shielded so as to not direct light fixtures at any adjoining properties or interfere with any traffic control devices.
- b) If ground mounted, lighting shall not exceed a maximum height of 20 feet, unless otherwise authorized by the Designated Officer.
- c) If wall mounted, lighting must have fully shielded luminaries to direct all light downward.
- d) These standards do not apply to:
  - i. Federally or Provincially regulated buildings or structures; and,
  - ii. Temporary lighting features for seasonal decoration, festivals, or similar events.

## 2.20 CORNER VISION TRIANGLE

- a) No building, structure, landscaping feature, sign, or stockpiling of materials, with the exception of seasonal snow storage, exceeding a height of 3 feet above grade shall be located within a triangular area of any site adjacent to an intersection of two public streets, with the sides of the triangular area measuring a distance of 10 feet along each site line from the meeting point of the intersection.

Figure 3 – Corner Vision Triangles



## 2.21 SUBDIVISION OF ATTACHED UNITS AND DWELLINGS

A site featuring an existing building comprised of multiple attached units and/or dwellings may be subdivided into two or more lots in accordance with the following regulations:

- a) Any new lot line shall, where possible, be a straight line between front and rear lot lines, located in such a manner that the party wall of two adjacent units shall form part of the new lot line. In cases where it is not possible to form a new lot line that is straight, the location of the new lot line shall be verified by a Manitoba Land Surveyor as part of the subdivision approval process.
- b) Each lot created shall have frontage on a street, except in the case of a bare land condominium development, where roads defined as common elements in *The Condominium Act* shall be considered a street for the purpose of this section, and in accordance with subsection 3.4.7.
- c) For the purpose of interpreting the requirements of the applicable zoning district, individual condominium units shall be deemed a site, including developments featuring a party wall.
- d) Each site shall adhere to the appropriate on-site parking regulations for the zoning district in which it is located. In cases where, due to space limitations or site constraints, the required parking cannot be provided, parking may be provided off-site pursuant to subsection 2.27.1.
- e) Each site shall be subject to the applicable dimensional standards of the zoning district in which it is located, except for the following provisions:
  - i. No side yard shall be required along a party wall;
  - ii. Minimum site width shall be 20 feet; and,
  - iii. Minimum site area shall be 2,000 square feet.

## **2.22 MOVING OF STRUCTURES**

- a) No building, structure, or part thereof shall be moved to any location within the Town unless that building, structure, or part thereof has been made to conform to the regulations of this By-law applicable to the zoning district to which it is to be moved.
- b) Prior to moving a building, structure, or part thereof to a new location, the property owner shall apply for a Development Permit and, as a condition of the permit, enter into an agreement with the Town containing a deposit and an undertaking of the owner to pay all damages arising from the move, in addition to such other terms and conditions set out by the Designated Officer.
- c) In the event a new building or structure is not established within one (1) year following the complete removal of a building from a site, the old foundation shall be removed, any excavated areas shall be filled, the lot shall be leveled, and the site shall be put in safe condition to the satisfaction of the Designated Officer at the sole expense of the subject property owner.

## **2.23 FUTURE ROAD ALLOWANCES**

- a) No building or structure shall be erected upon land designated for a future road allowance by the Town of Ste. Anne. Any development adjacent to said future road allowance shall comply with the regulations of this By-law as though said future road allowance is already in existence.

## **2.24 PUBLIC UTILITIES**

- a) Nothing in this By-law shall be interpreted so as to interfere with the construction, maintenance, and/or operation of any facilities associated with public utility services. All sites may be required to provide an easement(s) in order to accommodate ongoing access to these facilities.

## **2.25 ADDRESS IDENTIFICATION**

- a) The owner or operator of a principle building or individual unit contained therein shall ensure the civic number associated with said address is affixed to a wall, door, or freestanding structure and is maintained to be clearly visible from the public right-of-way at all times. In such cases where the building is served by a lane, the civic number shall also be affixed to a garage, accessory structure, or portion of the principal building that is clearly visible from such lane.

## **2.26 SIGNS**

- a) The regulations of this section establish a baseline of control over erecting and maintaining signs throughout the Town. Such control is deemed necessary to promote the safety and general well-being of residents by reducing hazards to pedestrians, motorists, and cyclists, while also facilitating an attractive public realm and providing for building and business identification.

### **2.26.1 General Regulations for Accessory Signs**

The following regulations, unless otherwise stated herein, shall apply to all zoning districts:

- a) Signs and sign structures shall be allowed as accessory uses to all principal uses in accordance with the requirements of this section and the applicable yard requirements of this By-law.



- b) No person or business shall erect a sign without first obtaining a Development Permit from the designated officer, except for those exempted by this By-law in subsection 2.26.7.
- c) No sign or sign structure shall be erected, operated, used, or maintained which:
  - i. May interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, including rotating beams, beacons, or flashing illumination.
  - ii. Displays flashing lights of any kind, particularly resembling those used by police, fire, ambulance, or other emergency vehicles.
  - iii. May be located or operated in such a manner to materially impede the view of any street or highway intersection, or in such a manner as to materially impede the view of any street or highway intersection with a rail road crossing at grade.
  - iv. Is located on, over, or above any public right-of-way belonging to the Town, including boulevards and medians, unless authorized by the Designated Officer or Council.
  - v. Includes a swinging or swaying motion.
- d) Any signs proposed to be located within a controlled area of Provincial Trunk Highway (PTH) 12 shall require a permit from the appropriate authority.
- e) Any signs projecting light of any kind shall be reviewed for compatibility with surrounding uses, with no such signs permitted within 100 feet of a Residential zoning district.
- f) In cases where a proposed sign is not specified in this By-law, the sign may, as determined by the Designated Officer, be permitted and regulated in accordance with the sign type included herein that most closely reflects the characteristics of the unspecified sign.

**2.26.2 Accessory Sign Standards in Specific Zoning Districts**

- a) All accessory signs must comply with the standards set out in Table 2-2 Accessory Sign Standards for Zoning Districts, in addition to the applicable setbacks contained herein.

**Table 2-2 – Accessory Sign Standards for Zoning Districts**

Zoning Districts	Sign Form <sup>A</sup>	Maximum Standards		Additional Standards
		Surface Area	Height	
RS-S, RS-L, RT	Freestanding	12 sq. ft.	3 ft. above grade	<ul style="list-style-type: none"> <li>· Maximum one sign per dwelling unit.</li> <li>· Illuminated signs are not permitted.</li> <li>· Signs shall be a minimum of 10 feet from any site line.</li> </ul>
	Attached	4 sq. ft.	Wall height	
RM-M, RM-H, CN	Freestanding	32 sq. ft.	6 ft.	<ul style="list-style-type: none"> <li>· Maximum one freestanding sign per principal building.</li> <li>· Maximum one attached sign per principal building for building identification, plus one additional attached sign not exceeding 4 square feet for each dwelling unit.</li> <li>· Illuminated signs are not permitted.</li> </ul>
	Attached	24 sq. ft.	Wall height	
CC, CMU	Freestanding	32 sq. ft.	18 ft.	<ul style="list-style-type: none"> <li>· Maximum one freestanding sign per principal building.</li> <li>· For buildings with multiple occupants, each unit may have one attached sign for use identification, so long as all attached signs do not exceed the maximum wall area.</li> <li>· Illuminated signs are permitted, but restricted to business hours if adjacent to a residential property.</li> </ul>
	Attached	20% of building wall	Wall height	
I	Freestanding	48 sq. ft.	25 ft.	<ul style="list-style-type: none"> <li>· Maximum standards for freestanding signs may be reduced by 50% if adjacent to or abutting a residential zoning district.</li> <li>· Illuminated signs are permitted, but restricted to business hours if adjacent to a residential property.</li> </ul>
	Attached	10% of building wall	Wall height	
CH, MG	Freestanding	100 sq. ft.	35 ft.	<ul style="list-style-type: none"> <li>· Maximum one freestanding sign per principal building.</li> <li>· For buildings with multiple occupants, each unit may have one attached sign for use identification, so long as all attached signs do not exceed the maximum wall area.</li> <li>· Illuminated signs are permitted.</li> </ul>
	Attached	25% of building wall	Wall height	
PR, AL	Freestanding	32 sq. ft.	18 ft.	<ul style="list-style-type: none"> <li>· The number of freestanding signs per zoning site in the PR zoning district shall be determined by Council, while the AL zoning district shall be limited to one freestanding sign per zoning site.</li> <li>· Illuminated signs are permitted, but restricted to business hours if adjacent to a residential property.</li> </ul>
	Attached	10% of building wall	Wall height	

<sup>A</sup> Accessory Attached and Freestanding sign forms do not include billboard advertising signs.

### 2.26.3 Portable Signs

All portable signs are subject to the following provisions:

- a) Portable signs shall only be permitted in the Commercial, Mixed-Use, and Industrial use class areas, subject to the issuance of a Development Permit.
- b) Portable signs shall comply with the yard requirements of the zoning district within which it is located.
- c) The maximum sign surface for a portable sign shall be 50 square feet and the maximum height shall be 10 feet.
- d) Flashing portable signs shall not be permitted in any zoning district.
- e) Portable signs shall only be established on a temporary basis and shall be subject to such terms and conditions as determined by the Designated Officer. Each permit issued for a portable sign shall be valid for a period specified by the Designated Officer, up to six (6) months in duration, after which renewal will be required at the discretion of the Designated Officer.
- f) No property owner may erect more than one (1) portable sign per use on a zoning site. The maximum number of portable signs on any zoning site shall not exceed two (2) at any one time, regardless of the number of uses present on that zoning site.
- g) Portable signs located on adjacent properties must be separated from each other by a distance of at least 30 feet as measured along the applicable site line, or at a distance deemed suitable by the Designated Officer to prevent visual clutter and maintain community character.

### 2.26.4 Roof Signs

All roof signs are subject to the following provisions:

- a) Roof signs shall only be permitted on mansard style roofs, attached to the sloping portions of the roof, but not extending beyond the parapet height or onto the horizontal portion of the roof.
- b) Freestanding signs on flat style roofs shall not be permitted.
- c) Roof signs shall not be permitted in addition to fascia signs, but rather, as an alternative of.

### 2.26.5 Digital Signs

All digital signs are subject to the following provisions:

- i. Digital signs shall only be permitted as a conditional use, with the size, orientation, copy design, and brightness subject to terms and conditions resulting therefrom.
- ii. Digital signs are not permitted in any Residential zoning district.
- iii. No owner or person responsible for a digital sign may operate it on a zoning site adjacent to a residential property, or on a wall that projects light onto a residential property in any manner.

### 2.26.6 Abandoned and Unlawful Signs

- a) All signs and sign structures shall be maintained in a state of good repair, as determined by the Designated Officer. Signs that have become obsolete because of a business or activity being

discontinued, and have not been removed or relocated within thirty (30) days following such condition, may be designated as *abandoned* and removed by the Town at the owner's expense.

- b) In cases where a sign contravenes the regulations established in this By-law, the Designated Officer may, by notice in writing, order the owner or person responsible for the contravening sign to take such measures as specified in the notice to alter the sign so that it conforms to this By-law, or to remove the sign from the subject site.

#### **2.26.7 Signs Not Requiring a Development Permit**

The following signs shall not require a Development Permit:

- a) Signs posed by duly constituted public authorities in the performance of their public duties, such as official public notices.
- b) Memorial signs or tablets and flags or emblems of a political, civic, educational, or religious organization.
- c) Temporary signs, as defined herein, not exceeding 10 square feet in sign surface area and not posted for a period longer than two (2) months. Larger temporary signs may be authorized at the discretion of the Designated Officer, subject to their review of supporting materials.
- d) "No Trespassing", "Private Property", or similar signs not exceeding 4 square feet in surface area.
- e) Construction signs not exceeding 25 square feet in sign surface area when placed on construction sites or attached to a site fence on a temporary basis.
- f) Signs required for direction and convenience of the public not exceed 8 square feet in sign surface area, including signs identifying restrooms or building entrances / exits.
- g) Awning signs with signage originally incorporated in the design or awning material.
- h) Window signs, except where the sign occupies more than twenty-five percent (25%) of the total window surface area, in which case it will be regulated as a fascia sign; window signs occupying more than fifty percent (50%) of the total the window surface area shall not be permitted, unless otherwise provided for herein.
- i) On-site identification signage indicating the address or name of occupant not exceeding 4 square feet in sign surface area.

#### **2.26.8 Determining Sign Surface Area**

- a) If attached, sign surface area includes the entire area of the smallest rectangle(s) that encloses the extreme limits of any writing, representation or emblem forming part of the display copy, together with any material or colour forming an integral part of the display background that is used to differentiate the sign from the wall or surface to which it is affixed.
- b) If freestanding, sign surface area includes the entire area of the smallest rectangle(s) that encloses the extreme limits of any writing, representation or emblem forming part of the display copy, together with its ornamental shell or frame and supporting structure or base. The supporting structure or base may be excluded from the sign surface area calculation if:

- i. It is less than 2 feet in height; and/or,
  - ii. It is less than 1.5 feet in width.
- c) When calculating the area of a wall upon which a sign may be attached, it shall be determined by multiplying the length of the building or individual unit by the height of the building or individual unit. In cases where the building is more than three (3) storeys in height, only the first three (3) storeys of the building may be used for the purpose of the area calculation.
  - d) In cases where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except when two such faces are placed back-to-back and are at no point more than 2 feet from one another.
  - e) In cases where the surface area of a sign, due to an irregular shape or design, cannot be determined, it shall be at the discretion of the Designated Officer as to how it will be measured.

## **2.27 PARKING AND LOADING**

- a) When any new development is proposed, including a change of use of an existing development, or when an existing development is enlarged or increased in capacity, off-street vehicular parking shall be provided in accordance with the regulations contained in this section.

### **2.27.1 General Regulations for Off-Street Parking**

- a) The minimum number of parking spaces provided for each use shall be in accordance with Table 2-3 Accessory Off-Street Parking.
- b) Where a proposed use is not listed in Table 2-3, the parking requirement shall be determined by the Designated Officer.
- c) Accessory off-street parking stalls and aisles shall be designed and constructed in accordance with Table 2-4 Parking Stall and Aisle Dimensions.
- d) Where an off-street parking facility is provided for six (6) or more vehicles, which is at-grade and visible from an abutting or adjacent site in a Residential zoning district, or from a public roadway other than a lane, the parking area shall provide screening in accordance with subsection 2.18.4.
- e) Where the parking space requirement is determined by the floor area of the use, this shall refer to the gross floor area of the principal building, excluding:
  - i. Any area used for parking within the principal building; or,
  - ii. Any area used for incidental service storage, mechanical equipment, or similar uses.
- f) Where the parking space requirement is determined by reference to a unit such as number of bedrooms or seats, or the size of a building floor area, and the calculation results in a fractional number, the resulting fractional portion shall be rounded down to the nearest whole number.
- g) In the case of a multiple use site, the Designated Officer shall calculate the parking required for each individual use and the total shall be deemed the required parking for the site, unless the applicant can demonstrate through a parking demand study, to the satisfaction of the Designated Officer, that there is a complementary use of the parking facilities that would warrant a reduction of parking requirements.

- h) In the case of a multiple use building, floor area shall not be counted more than once for the purpose of determining parking requirements for all uses served.
- i) All accessory off-street parking spaces shall be located on the same site as the use served unless, subject to the approval of the Designated Officer, the following conditions are met:
  - i. An agreement to provide the shared parking arrangement on an ongoing basis is in place.
  - ii. Such spaces are located no further than 400 feet from the site of the principal use.
- j) Off-street parking facilities may be open to the sky or enclosed within a structure.
- k) Accessory off-street parking, where required, shall not be occupied by portable signs.
- l) Entrance and egress to an accessory off-street parking area must be provided by means of an unobstructed driveway, designed and constructed in accordance with subsection 2.27.3, having access to a street or, where permitted, to a public lane.
- m) Portions of vehicular driveways providing access or egress to an off-street parking area located within the public right-of-way shall be subject to other applicable municipal by-laws of the Town.

#### **2.27.2 Minimum Off-Street Parking Requirements**

- a) Accessory off-street spaces shall be provided in accordance with the following:

**Table 2-3 – Accessory Off-Street Parking Requirements**

Use Class and Type	Minimum Parking Spaces Required
<b>Residential and Residential Related</b>	
Dwelling Unit as Part of a Commercial Development	1 space per dwelling unit.
Bed and Breakfast	1 space per dwelling unit, plus: 1 space per sleeping accommodation.
Group Home	1 space per 4 beds or dwelling units.
Live-Work Unit	1 space per dwelling unit, plus: required spaces for work component.
Multiple-Unit Dwelling - Bachelor, One-Bedroom, and Two-Bedroom - Three-Bedroom +	1 visitor space for every 10 occupant spaces, plus: 1 space per dwelling unit. 1.5 spaces per dwelling unit.
Row Housing	1 space per dwelling unit.
Single-Unit Dwelling	1 space per dwelling unit.
Two-Unit Dwelling	1 space per dwelling unit.
<b>Commercial</b>	
Hotel or Motel	1 space per guest room or sleeping unit.
Restaurants and Drinking Establishments	1 space per 4 seats, or 1 for every 200 sq. ft. of floor area, whichever is greater.
Professional, Financial, or Office Services	1 space per 400 sq. ft. of floor area.
Warehouse Sales	1 space per 1,000 sq. ft. of floor area
All Other Commercial Uses	1 space per 500 sq. ft. of floor area.
<b>Cultural and Entertainment</b>	
Library, Museum, Art Gallery, Amusement and Entertainment Establishments	1 space per 5 seating spaces.
Private Club, Casino or Gaming Establishment, Media or Performing Arts Studio	1 space per 100 sq. ft. of floor area.
<b>Community and Institutional</b>	
Childcare, Health, Education Support and Social Services	1 space per 2 employees on shift.
Institutional Residence	1 space per 4 beds or dwelling units.
Primary and Secondary Schools	1 space per classroom, plus one space for every 10 grade 12 classroom seats.
Recreation Facility, Religious Assembly, Community Centre, Funeral Services, General Community Service	1 space per 5 seating spaces or 10 ft. of bench space; Where there are no fixed seats, 1 space per 100 sq. ft. of assembly area.
Research Institutions, Colleges and Trade Schools	1 space for every 5 classroom seats, or 1 space per 500 sq. ft. of floor area, whichever is greater.
<b>Industrial</b>	
General	1 space per 1,000 sq. ft. of floor area.
<b>Basic Service and Utility</b>	
Government and Protective and Emergency Services	1 space per 500 sq. ft. of floor area.
Hospital	2 spaces per bed

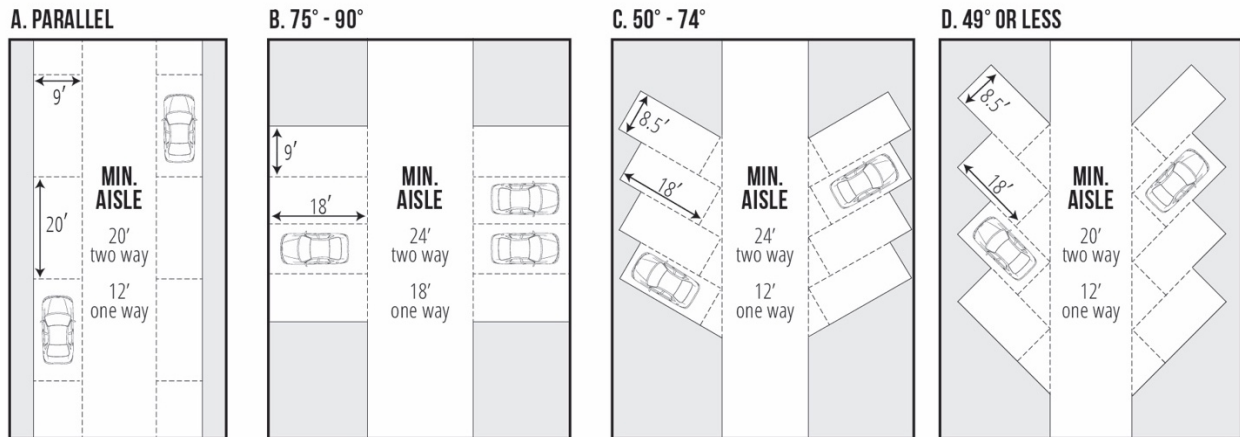
**2.27.3 Design and Dimensions of Driveways, Aisles, and Spaces**

- a) Accessory off-street parking areas, including parking spaces and aisles, shall be surfaced with concrete, asphalt, or a similar all-weather material approved by the Designated Officer, as to prevent the rising of dust or similar loose particles, and must be designed in such a manner as to prevent the free flow of water onto adjacent properties or public sidewalks.
- b) Driveways in the RS-S, RS-L, and RT zoning districts shall meet the following standards:
  - i. Minimum 10 feet in width.
  - ii. Maximum 26 feet in width, or forty-five percent (45%) of the site frontage measured along the street, whichever is the lesser.
  - iii. Minimum of 23 feet in length, as to ensure parked vehicles do not encroach on the sidewalk or the public right-of-way.
  - iv. Surfaced with concrete, asphalt, paving stones, or a similar all-weather material approved by the Designated Officer.
- c) Driveways in all zoning districts not listed in clause (b) above shall meet the following standards:
  - i. Minimum 12 feet in width for one-way use and 24 feet in width for two-way use.
  - ii. Maximum 20 feet in width for one-way use and 35 feet in width for two-way use.
  - iii. Surfaced with concrete, asphalt, paving stones, or a similar all-weather material approved by the Designated Officer.
- d) All required parking spaces shall be located at the rear or side of the principal building or use whenever possible.
- e) Design of parking areas and access aisles must take into consideration service vehicle access, snow storage capability, sight lines from adjacent sites, accessibility, and pedestrian circulation routes, limiting the number of intersecting points with sidewalks.
- f) Off-street parking areas shall comply with all landscaping and lighting standards of this By-law.
- g) The parking space and aisle dimensions shall be in accordance with Table 2-4 below:

Table 2-4 – Parking Space and Aisle Dimensions					
Angle of Parking	Reference Illustration	Minimum Space Dimensions		Minimum Aisle Dimensions	
		Space Width	Space Depth	One-Way	Two-Way
Parallel	A	9 ft.	20 ft.	12 ft.	20 ft.
75 – 90°	B	9 ft.	18 ft.	18 ft.	24 ft.
50 – 74°	C	8.5 ft.	18 ft.	12 ft.	24 ft.
49° or less	D	8.5 ft.	18 ft.	12 ft.	20 ft.



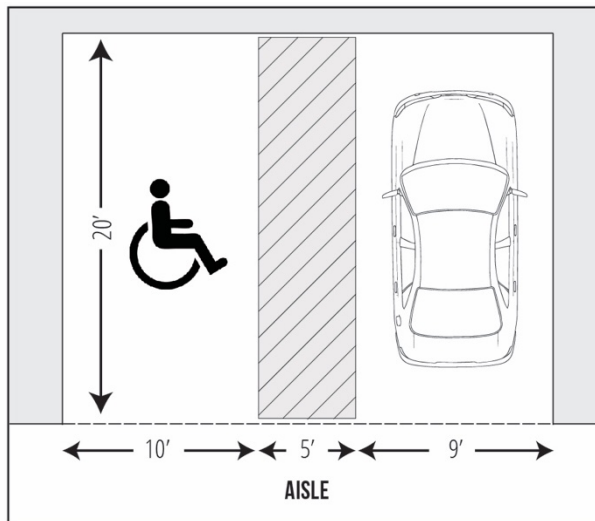
Figure 4 – Standard Parking Space and Aisle Dimensions



2.27.4 Accessible Parking Spaces

- a) All accessible parking spaces must be a minimum of 10 feet in width, plus a 5 feet wide adjacent access aisle, and a minimum of 20 feet in length. Two such adjacent stalls may be served by the same access aisle.

Figure 5 – Accessible Parking Space Dimensions



- b) All accessible parking spaces must be located within 200 feet of a major building entrance used by residents, employees, or the public.
- c) All accessible parking spaces must provide signage or adequate representation to ensure the space is reserved for persons with mobility issues.
- d) All accessible spaces must be accompanied by an accessible route to a principal entrance, ensuring a curb ramp is provided not more than 100 feet from the parking space, which must connect to a hard surface sidewalk or walkway that is a minimum width of 3.25 feet.

- e) The portion of required off-street parking spaces that must be accessible for any new development, exclusive of single-unit dwellings and two-unit dwellings, is as follows:

<b>Table 2-5 – Accessible Parking Space Requirements</b>	
<b>Number of On-Site Standard Parking Spaces</b>	<b>Minimum Number of Accessible Parking Spaces</b>
1 – 25	1
26 – 50	2
51 – 75	4
76 – 100	6
101 – 200	8
201 and above	10 plus 1 for every 50 additional spaces

#### 2.27.5 Bicycle Parking

- a) Bicycle parking facilities shall be required for all Community and Institutional and Cultural and Entertainment Use Class developments, with a minimum of one (1) lockable bicycle space provided for every five (5) off-street automobile parking spaces required under this By-law.
- b) Additional bicycle spaces may be required, as determined by Council or the Designated Officer, with consideration for the nature and capacity of the proposed development.

#### 2.27.6 Off-Street Loading Spaces

When any new development is proposed, including a change of use or when an existing development is enlarged or increased in capacity, then off-street vehicular loading spaces shall be provided in accordance with the regulations contained in this section of the By-law as follows:

- a) Where a proposed use is not listed in Table 2-6 Accessory Off-Street Loading, the provision of a loading space shall not be required, subject to the approval of the Designated Officer.
- b) Loading spaces shall not be permitted in any required front yard or side yard unless otherwise provided for herein, but shall be located with convenient access to a principal building entrance.
- c) In no case shall the length of the loading space be such that a vehicle, while occupying the space, projects into any street, lane, or public right-of-way.
- d) All loading spaces shall have access to a public street or lane.
- e) Accessory off-street loading areas shall be surfaced with concrete, asphalt, or a similar all-weather material approved by the Designated Officer, as to prevent the rising of dust or similar loose particles, and must be designed in such a manner as to prevent the free flow of water onto adjacent properties or the public right-of-way.
- f) Off-street loading spaces may be open to the sky or enclosed within a structure.
- g) All off-street loading spaces shall be located on the same zoning site as the use being served.
- h) Portions of vehicular driveways providing access and egress to an off-street loading area located within the public right-of-way shall be subject to the Town's municipal by-laws.
- i) The dimensions of each required off-street loading space shall be:

- i. Minimum 12 feet in width and 33 feet in depth.
  - ii. Minimum 14 feet in vertical clearance.
- j) The minimum number of loading spaces provided for each use shall be as follows:

<b>Table 2-6 – Accessory Off-Street Loading</b>		
<b>Use Class and Type</b>	<b>Floor Area</b>	<b>Minimum Required Loading Spaces</b>
Commercial or Industrial Use Class Developments (excluding Professional, Financial, and Office Services)	Less than 5,000 sq. ft.	0
	Between 5,001 and 15,000 sq. ft.	1
	Each additional 20,000 sq. ft. or fraction thereof	1 additional
Cultural/Entertainment and Community/Institutional Use Class Developments, and Professional, Financial, and Office Services	Less than 7,500 sq. ft.	0
	Between 7,501 and 20,000 sq. ft.	1
	Each additional 20,000 sq. ft. or fraction thereof	1 additional
Hospitals	Less than 15,000 sq. ft.	1
	Each additional 20,000 sq. ft. or fraction thereof	1 additional
Uses not classified above but primarily concerned with the handling of goods	Less than or equal to 7,500 sq. ft.	1
	Greater than 7,500 sq. ft.	Determined by Designated Officer

**2.28 OUTDOOR STORAGE**

When permitted in association with any approved use, outdoor storage of vehicles, equipment, machinery, waste, etc. in all zoning districts shall be subject to the following requirements:

- a) No yard, required or otherwise, shall be used for the storage or collection of hazardous materials.
- b) Unless otherwise specified in this By-law, garbage and waste material shall be stored in weatherproof and animal-proof containers, and shall be visually screened from all adjacent sites or public roadways other than lanes, consistent with subsection 2.18.4.
- c) The landowner shall provide adequate space in a required yard for snow storage, as to prevent the use of municipal or adjacent properties for such purposes, subject to approval from the Designated Officer.
- d) Any new development may, at the discretion of Council or the Designated Officer, be subject to additional standards regarding the location and screening of outdoor storage areas.

**2.28.1 Outdoor Storage in Residential Zoning Districts**

- a) No outdoor storage shall be located in a front yard.
- b) No person may store a vehicle outdoors within any yard of a property except for a driveway.

- c) Outdoor storage shall be permitted in a side or rear yard only when accessory and incidental to the principal residential use.

#### **2.28.2 Outdoor Storage in Non-Residential Zoning Districts**

- a) No outdoor storage shall be located in the front yard except for:
  - i. Items arranged in an organized fashion, to the satisfaction of the Designated Officer, for sale or rental.
  - ii. Materials associated with an approved storage yard shall be required to provide suitable screening measures, consistent with subsection 2.18.4, subject to Council approval.

# PART 3 ZONING DISTRICTS

## 3.1 ESTABLISHMENT OF ZONING DISTRICTS

a) Land use in the Town shall be regulated in accordance with the following zoning districts:

<b>Table 3-1 – Zoning Districts Established</b>		
<b>Zone Type</b>	<b>Zone Name</b>	<b>Zone Code</b>
Residential	Residential Single-Family Small	RS-S
	Residential Single-Family Large	RS-L
	Residential Two-Family	RT
	Residential Multiple-Family Medium Density	RM-M
	Residential Multiple-Family High Density	RM-H
Commercial	Commercial Central	CC
	Commercial Neighbourhood	CN
	Commercial Mixed-Use	CMU
	Commercial Highway	CH
Industrial	Industrial General	MG
Community	Parks and Recreation	PR
	Open Space	OS
	Institutional	I
Agricultural	Agriculture Limited	AL

### 3.1.1 Zoning District Boundaries

The zoning districts established above in Table 3.1 shall apply in accordance with the Zoning Map, which forms PART 8 of this By-law, and are subject to the following rules of interpretation:

- a) Boundaries indicated as approximately following the centre-lines of streets, lanes, highways, rivers, or railway or public utility lines or rights-of-way shall follow such lines;
- b) Boundaries indicated as approximately following parcel limits shown on a registered plan or by reference to the Dominion Government Survey shall follow such limits; and,
- c) Boundaries indicated as following municipal limits shall be construed as following those limits.
- d) Boundaries indicated as approximately following a topographic contour line or a top-of-bank line shall be deemed to follow such line and, in the event there is a change to the location of that line, the

boundary shall be deemed to have moved with the line, as determined by the Designated Officer. The applicant may appeal the Designated Officer's interpretation of the boundary location, in which case Council shall make the final determination.

- e) Where 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.

## **3.2 PERMITTED AND CONDITIONAL USES**

### **3.2.1 Use Tables**

- a) The permitted and conditional uses prescribed for parcels within each zoning district shall be consistent with those established in the Use Table under the applicable section. Permitted uses are indicated on this table with the letter P. Conditional uses are indicated on this table with the letter C. Where a use is not listed and is not similar to a permitted or conditional principal use, or a permitted or conditional accessory use, as determined by the Designated Officer, the use shall not be allowed in the zone.

### **3.2.2 Use Class Categories**

- a) Land use types in this By-law are categorized into "Use Classes" based on common functional or physical characteristics. Use Classes organize a range of uses that are permitted, conditional, or accessory within different zoning districts in the Town. The types of uses listed under each use class are not exhaustive and do not represent every use that may exist within the category.

Use Classes include:

#### **Residential and Residential-Related Use Class**

Consists of uses associated with housing accommodations, including various types of dwelling units and living arrangements, such as group homes, boarding houses, and live-work units.

#### **Commercial Use Class**

Consists of uses associated with the sale, lease, and/or rental of new and used goods, as well as the provision of personal, hospitality, or professional services, including associated offices.

#### **Cultural and Entertainment Use Class**

Consists of uses associated with the viewing and/or creation of cultural and artistic materials, as well as facilities used for social activities, including entertainment and amusement venues.

#### **Community and Institutional Use Class**

Consists of uses associated with public assembly, education, recreation, and worship, as well as uses serving more specialized community needs, such as social, health, and veterinary services.

#### **Private Motor Vehicle Use Class**

Consists of uses associated with the repair, storage or movement of private motor vehicles, as well as vehicle service stations, drive-through establishments, and non-accessory parking areas.

**Basic Service and Utilities Use Class**

Consists of uses associated with serving basic public needs, such as government, emergency and protective services, as well as utilities providing water, wastewater, gas, and power services.

**Industrial Use Class**

Consists of uses associated with the manufacturing, processing, and production of goods, as well as warehousing, freight movement, waste handling, and other industrial related services.

**Agricultural Use Class**

Consists of uses associated with farming, including the planting, cultivating, and harvesting of crops, as well as associated storage, wholesale services, and machinery and equipment repair.

**3.2.3 Use Specific Standards**

- a) As indicated in the Use Tables, permitted and conditional uses, whether principal or accessory, may be subject to the use specific standards established in Part 4 of this Zoning By-law. If a use specific standard does apply, a reference to the applicable section is provided in the Use Tables.

**3.3 DIMENSIONAL STANDARDS**

**3.3.1 Dimensional Standards Tables**

- a) 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 regulations described in the applicable Dimensional Standards Table, unless otherwise specified herein.

### 3.4 RESIDENTIAL ZONING DISTRICTS

#### 3.4.1 Intent

**Residential Single-Family Small (RS-S)** –Provides primarily for smaller single-unit detached dwellings and compatible or associated uses to allow for a greater variety of housing sizes.

**Residential Single-Family Large (RS-L)** –Provides primarily for larger single-unit detached dwellings and compatible or associated uses in lower density neighbourhoods.

**Residential Two-Family (RT)** –Provides for the development of two-unit dwellings, including semi-detached dwellings and duplexes, as well as compatible or associated uses in lower density areas.

**Residential Multiple-Family Medium Density (RM-M)** – Provides for various types of multiple-unit residential developments of a more moderate density and compatible or associated uses.

**Residential Multiple-Family High Density (RM-H)** – Provides for various types of higher density multiple-unit residential developments in appropriate areas and compatible or associated uses.

#### 3.4.2 Land Use

- a) No new use or expansion of an existing use in any Residential zoning district may be established except in conformity with Table 3-2 Residential District Uses.



**Table 3-2 – Residential District Uses**

Use Class and Type	Residential Zoning Districts					
	RS-S	RS-L	RT	RM-M	RM-H	Use Specific Standard
<b>Legend</b>						
P = Permitted						
C = Conditional						
- = Not Permitted						
* = Use Specific Standard Applies						
<b>Principal Uses</b>						
<b>Residential and Residential Related</b>						
Boarding House	C	C	-	-	-	
Group Home	C	C	C	C	C	
Multiple-Unit Dwelling	-	-	C*	P*	P*	Section 4.7
Planned Unit Development	C*	C*	C*	C*	C*	Section 4.8
Row Housing	C	C	C	P	P	
Single-Unit Dwelling	P	P	C	C	C	
Two-Unit Dwelling	C	C	P	P	P	
<b>Cultural and Entertainment</b>						
Library / Museum / Gallery	C	C	C	C	C	
<b>Community and Institutional</b>						
Community Centre	C	C	C	C	C	
Community Garden	P	P	P	P	P	
Institutional Residence	C	C	C	P	P	
Public Park / Playground	P	P	P	P	P	
Religious Assembly	C*	C*	C*	C*	C*	Section 4.10
School, Primary / Secondary	C	C	C	C	C	
<b>Basic Service and Utility</b>						
Public Utility Services	P*	P*	P*	P*	P*	Section 4.20
<b>Accessory Uses</b>						
Bed and Breakfast	C*	C*	-	-	-	Section 4.13
Garden Suite	-	C*	-	-	-	Section 4.3
Home-Based Business	P*	P*	P*	P*	P*	Section 4.2
Home-Based Daycare	P	P	P	C	C	
Home-Based Industry	-	C*	-	-	-	Section 4.6
Private Swimming Pool	P*	P*	P*	P*	P*	Section 4.9
Secondary Suite	C*	C*	-	-	-	Section 4.4
Solar Collector	P*	P*	P*	P*	P*	Section 4.14

### 3.4.3 Dimensional Standards

- a) No person shall erect a building or structure in any Residential zoning district unless the building or structure complies with Table 3-3 Residential District Dimensional Standards, in addition to other applicable regulations contained in this By-law, except by an approved variance order.

<b>Table 3-3 – Residential District Dimensional Standards</b>										
<b>Zoning District</b>	<b>Site</b>			<b>Yards</b>				<b>Form</b>		
	Minimum Site Area (sq. ft.)	Minimum Site Area Per Dwelling Unit (sq. ft.)	Minimum Site Width (ft.)	Minimum Front Yard (ft.)	Minimum Side Yard (ft.)	Minimum Corner Side Yard (ft.)	Minimum Rear Yard (ft.)	Minimum Dwelling Unit Area (sq. ft.)	Maximum Building Height (ft.)	Maximum Site Coverage (%)
<b>Permitted / Conditional Uses</b>										
RS-S	4,500	-	45	25	5/10 <sup>A</sup>	10	25	750	40	45
RS-L	6,000	-	60	30	5/10 <sup>A</sup>	10	25	800	40	40
RT	5,000	2,500	50	25	5/10 <sup>A</sup>	10	25	750	40	50
RM-M	7,500	1,250	75	25	10 <sup>B</sup>	15	25	600	40	60
RM-H	7,500	750	75	25	10 <sup>B</sup>	15	25	600	40	60
<b>Accessory Buildings / Structures</b>										
RT, RS-S, RS-L	-	-	-	-	2	10	2	-	20	30 <sup>C</sup>
RM-M, RM-H	-	-	-	-	2	15	2	-	20	15 <sup>D</sup>
<b>Notes</b>										
<sup>A</sup> Where a garage is attached to the dwelling, both side yards may be a minimum of 5 feet (unless it is a corner side yard), but when a garage is not attached to the dwelling and not served by a lane, one (1) side yard must be a minimum of 10 feet to allow for vehicular access to the rear yard.										
<sup>B</sup> When abutting a RS-S, RS-L, or RT zoning district, the applicable side yard shall be 10 feet or half the principal building height, whichever is greater.										
<sup>C</sup> The maximum floor area of any single detached accessory building / structure in the RT, RS-S, and RS-L zoning districts shall be 800 square feet.										
<sup>D</sup> The maximum floor area of any single detached accessory building / structure in the RM-M and RM-H zoning districts shall be 600 square feet.										

### 3.4.4 Additional Design Standards in Residential Zoning Districts

- a) For any development proposed in a Residential zoning district, the proponent shall, as far as is reasonably practicable, demonstrate to the satisfaction of Council or the Designated Officer that the building design, exterior finishing materials, and construction methods will be of a standard that is consistent with, or better than, the standard of existing development surrounding the site.

### 3.4.5 Additional Development Standards in Residential Zoning Districts

- a) Excluding reverse corner sites, where a new single-unit or two-unit dwelling or an addition to an existing dwelling is proposed on a street block where at least eighty percent (80%) of the sites have been developed with principal residential buildings, and the front yard setbacks of those buildings are not consistent with the regulations of this By-law, the required front yard for the proposed building shall be consistent with the average of all existing front yards on that block.

- b) Cultural and Entertainment and Community and Institutional Use Class developments in all Residential zoning districts, excluding community gardens and public parks / playgrounds, shall be subject to the dimensional standards established for the Institutional zoning district.

#### **3.4.6 Additional Standards for Bareland Condominium Developments in Residential Zoning Districts**

- a) Each bareland unit, as defined in *The Condominium Act*, which is delineated by horizontal land boundaries, shall be considered a zoning site under this By-law for the purposes of determining the applicable dimensional standards.
- b) Dwelling units on multiple zoning sites within bareland condominium developments may share access to a public road by way of a street defined as a common element in *The Condominium Act*, provided the following conditions are met:
  - i. The minimum width of the street must be 20 feet;
  - ii. The street must be surfaced with concrete, asphalt, paving stones, or some combination of those materials, as to prevent the rising of dust or similar loose particles;
  - iii. The street shall be designed to accommodate the turning radius of emergency vehicles;
  - iv. The private driveways providing access from the dwellings to the street must be designed, constructed, and maintained in accordance with subsection 2.27.3; and,
  - v. The maintenance and repair of the street shall be the responsibility of the owner, unless the street is constructed to the Town's municipal standards, and the Town accepts responsibility for maintenance and repair during the development approval process.

#### **3.4.7 Standards for Conditional Uses**

- a) Council will consider conditional use applications in the Residential zoning districts with respect to the intent, uses, and development standards of this By-law, in addition to the following:
  - i. The conditional use application evaluation criteria in subsection 6.4.2;
  - ii. Any relevant General Regulations in PART 2; and,
  - iii. Any relevant regulations for Specific Uses in PART 4.

### 3.5 COMMERCIAL ZONING DISTRICTS

#### 3.5.1 Intent

**Commercial Central (CC)** – Provides for a wide range of local scale, low intensity commercial uses and development types in the Town Centre, with a built form supporting an attractive public realm.

**Commercial Neighbourhood (CN)** – Accommodates small scale commercial uses within or abutting Residential zoning districts in existing and emerging neighbourhoods, which provide goods and services to satisfy the daily household or personal needs of community members.

**Commercial Mixed-Use (CMU)** – Provides for development types featuring a mixture of uses along major Town Corridors and in the Town Centre, with uses of a public nature primarily located at grade and uses of a more private nature, such as residences or offices, located on upper levels.

**Commercial Highway (CH)** – Accommodates commercial developments serving a regional population or requiring a larger site, located outside of the Town Centre along major roadways.

#### 3.5.2 Land Use

- a) No new use or expansion of an existing use in a Commercial zoning district may be established except in conformity with Table 3-4 Commercial District Uses.

**Table 3-4 – Commercial District Uses**

Legend P = Permitted C = Conditional - = Not Permitted * = Use Specific Standard Applies	Commercial Zoning Districts				
	CC	CN	CMU	CH	Use Specific Standard
<b>Principal Uses</b>					
<b>Residential and Residential Related</b>					
Live-Work Unit	C*	C*	C*	-	Section 4.5
Multiple-Unit Dwelling	C*	-	P*	-	Section 4.7
Planned Unit Development	C*	-	C*	C*	Section 4.8
<b>Commercial</b>					
Auction Establishment	-	-	-	C	
Automotive / Recreational Vehicle Sales and Rentals	-	-	C	P	
Business Support Services	P	-	C	P	
Cannabis Retail Store	C*	-	C*	C*	Section 4.16
Eating / Drinking Establishment	P*	C*	P*	C*	Section 4.15
Greenhouse / Plant Nurseries	-	-	-	P	
Hotel / Motel	C	-	C	P	
Market	P	-	P	P	
Pawn Shop / Payday Loan Services	C	-	C	C	
Personal Services	P	P	P	P	
Pet Grooming Establishment	P	C	C	P	
Professional, Financial, and Office Services	P	P	P	P	
Retail Store, Convenience	-	P	P	-	
Retail Store, General	P	-	P	P	
Sign, Billboard Advertising	-	-	-	C*	Section 4.18
Studio, Fitness / Wellness	P	-	P	P	
Warehouse Sales Facility	-	-	-	P	
<b>Cultural and Entertainment</b>					
Amusement Establishment, Indoor	P	-	C	P	
Amusement Establishment, Outdoor	C	-	C	P	
Casino / Gaming Establishment	C	-	C	C	
Entertainment Establishment, Indoor	P	-	C	P	
Entertainment Establishment, Outdoor	C	-	-	P	
Library / Museum / Gallery	P	P	P	-	
Private Club	C	-	C	C	
Studio, Media	P	-	C	P	
Studio, Performing Arts	P	C	C	P	
<b>Community and Institutional</b>					

Childcare Services	P	P	P	-	
Community Centre	P	-	-	P	
Education Support Services	P	C	P	-	
Funeral Services	-	-	-	C	
Health Services	P	-	C	P	
Institutional Residence	C	-	C	-	
Public Park / Playground	P	P	P	C	
Recreation Facility, Indoor	C	-	-	P	
Recreation Facility, Outdoor	-	-	C	C	
Religious Assembly	C*	-	-	P*	Section 4.10
Research Institution	C	-	-	C	
School, College / Trade	C	-	-	P	
Social Services Facility	P	-	C	P	
Veterinary Clinic / Animal Shelter	C	-	-	P	
<b>Private Motor Vehicle</b>					
Automotive and Equipment Repair Services	-	-	-	P	
Car Wash	C*	-	-	P*	Section 4.11
Fuel Sales	C*	-	-	P*	Section 4.12
Rapid Vehicle Service Establishment	-	-	-	C*	Section 4.11
Service Station	-	-	-	P*	Section 4.12
Trucking Operation	-	-	-	P	
<b>Basic Service and Utility</b>					
Government Services	P	-	C	P	
Hospital	C	-	-	C	
Protective / Emergency Services	P	-	-	P	
Public Utility Services	P*	P*	P*	P*	Section 4.20
<b>Industrial</b>					
Agricultural Implement Sales / Services	-	-	-	C	
Contractor Services	-	-	-	P	
Heavy Equipment Sales / Rentals	-	-	-	C	
Manufacturing Establishment, Light	-	-	-	C	
Micro-Brewery / Distillery / Winery	C	-	-	P	
Transport Terminal / Freight Yard	-	-	-	C	
Warehouse Self-Storage Facility	-	-	-	C	
<b>Accessory Uses</b>					
Drive-Through Facilities	C*	-	C*	P*	Section 4.11
Home-Based Business	-	-	P*	-	Section 4.2
Farmers' Market	P	-	C	P	
Shipping Container	-	-	-	C*	Section 4.17
Solar Collector	P*	P*	P*	P*	Section 4.14

### 3.5.3 Dimensional Standards

- a) No person shall erect a building or structure in any Commercial zoning district unless the building or structure complies with Table 3-5 Commercial District Dimensional Standards, in addition to other applicable regulations of this By-law, except by an approved variance order.

Table 3-5 – Commercial District Dimensional Standards								
Zoning District	Site		Yards				Form	
	Minimum Site Area (sq. ft.)	Minimum Site Width (ft.)	Minimum Front Yard (ft.)	Minimum Side Yard (ft.)	Minimum Corner Side Yard (ft.)	Minimum Rear Yard (ft.)	Maximum Building Height (ft.)	Maximum Site Coverage (%)
<b>Permitted / Conditional Uses</b>								
CC	2,500	25	0	0 <sup>A</sup>	5	10	40	80
CN	2,500	25	20	10	15	20	40	60
CMU	5,000	50	0/5 <sup>B</sup>	10	10	20	40	60
CH	10,000	100	25	10	15	25	40	60
<b>Accessory Buildings / Structures</b>								
CC	-	-	-	0	5	2	20	10
CN	-	-	-	2	10	5	20	15
CMU, CH	-	-	-	10	15	5	20	15 <sup>C</sup>
<i>Notes</i>								
<sup>A</sup> Minimum side yard requirement shall be increased from 0 to 10 feet if the proposed development is located adjacent to a RS-S, RS-L, or RT zoning district. <sup>B</sup> Where a development in the CMU zoning district does not include a residential use, the minimum front yard shall be 0 feet, but when a residential use is included, the minimum front yard shall be 5 feet. <sup>C</sup> The maximum floor area of any single detached accessory building / structure in the CH zoning district shall be 1,000 square feet.								

### 3.5.4 Additional Development Standards in the CC Zoning District

- a) For any new development proposed in the CC zoning district, Council shall:
- i. Ensure the design, exterior finishing materials, and siting of all principal buildings makes a positive contribution to the established character and aesthetic of the Town Centre.
  - ii. Require principal buildings to activate frontage along the public right-of-way by including landscaping elements, urban furnishings, windows, and/or other permeable features.
  - iii. Ensure principal entrances, public uses, and accessory signs are easily identifiable and visible from the public right-of-way.
- b) For sites fronting on Central Avenue and Dawson Road, off-street parking requirements for Commercial Use Class developments shall be reduced in accordance with the number of eligible on-street parking spaces located immediately adjacent to the site, meaning one (1) required parking space shall be satisfied by every 25 feet of linear street frontage.

- c) Vehicular access to sites in the CC zoning district should, wherever possible, be provided from side streets or rear lanes to reduce the need for pedestrians to cross parking aisles and limit the number of access points along Centrale Avenue.

### **3.5.5 Standards for Conditional Uses**

- a) Council will consider conditional use applications in the Commercial zoning districts with respect to the intent, uses, and development standards of this By-law, in addition to the following:
  - i. The conditional use application evaluation criteria in subsection 6.4.2;
  - ii. Any relevant General Regulations in PART 2; and,
  - iii. Any relevant regulations for Specific Uses in PART 4.



### 3.6 INDUSTRIAL ZONING DISTRICT

#### 3.6.1 Intent

**Industrial General (MG)** – Provides for a range of industrial uses, primarily of a lower intensity, as to reduce the potential for creating undue nuisances to nearby commercial and residential uses.

#### 3.6.2 Land Use

- a) No new use or expansion of an existing use in any Industrial zoning district may be established except in conformity with Table 3-6 Industrial District Uses.

<b>Table 3-6 – Industrial District Uses</b>		
<b>Legend</b> P = Permitted C = Conditional - = Not Permitted * = Use Specific Standard Applies	<b>Industrial Zoning District</b>	
<b>Use Class and Type</b>	<b>MG</b>	<b>Use Specific Standard</b>
<b>Principal Uses</b>		
<b>Commercial</b>		
Agricultural Implement Sales / Services	C	
Auction Establishment	C	
Automotive / Recreational Vehicle Sales	P	
Eating / Drinking Establishment	P*	Section 4.15
Sign, Billboard Advertising	C*	Section 4.18
Warehouse Sales Facility	P	
<b>Community and Institutional</b>		
Funeral Services	C	
Protective / Emergency Services	P	
Research Institution	C	
Veterinary Clinic / Animal Shelter	P	
<b>Private Motor Vehicle</b>		
Automotive and Equipment Repair Services	P	
Car Wash	P*	Section 4.11
Fuel Sales	P*	Section 4.12
Parking, Non-Accessory	C	
Service Station	P*	Section 4.12
Trucking Operation	P	
<b>Basic Service and Utility</b>		
Public Utility Services	P*	Section 4.20
<b>Industrial</b>		
Bulk Storage Facility	C	
Contractor Services	P	
Fleet Services	P	
Heavy Equipment Sales / Rentals	P	
Manufacturing Establishment, Heavy	C	
Manufacturing Establishment, Light	P	
Micro-brewery / Distillery / Winery	P	
Recycling Facility	C	

Salvage Operation / Yard	C	
Transport Terminal / Freight Yard	C	
Warehouse Self-Storage Facility	P	
<b>Agricultural</b>		
Agricultural Storage Facility	C	
<b>Accessory Uses</b>		
Drive-Through Facilities	P*	Section 4.11
Shipping Container	P*	Section 4.17
Solar Collector	P*	Section 4.14

### 3.6.3 Dimensional Standards

- a) No person shall erect a building or structure in any Industrial zoning district unless the building or structure complies with Table 3-7 Industrial District Dimensional Standards, in addition to other applicable regulations contained in this By-law, except by an approved variance order.

Table 3-7 – Industrial District Dimensional Standards								
Zoning District	Site		Yards				Form	
	Minimum Site Area (sq. ft.)	Minimum Site Width (ft.)	Minimum Front Yard (ft.)	Minimum Side Yard (ft.)	Minimum Corner Side Yard (ft.)	Minimum Rear Yard (ft.)	Maximum Building Height (ft.)	Maximum Site Coverage (%)
<b>Permitted / Conditional Uses</b>								
MG	10,000	100	25	10	15	10	40	-
<b>Accessory Buildings / Structures</b>								
MG	-	-	-	10	15	5	30 <sup>A</sup>	20
<i>Notes</i>								
<sup>A</sup> If abutting a Residential zoning district the maximum height of a detached accessory building / structure shall be 20 feet.								

### 3.6.4 Additional Development Standards in the MG Zoning District

- a) Notwithstanding the standards set out above in Table 3-7, when the side site line of any property in the MG zoning district abuts the side site line of any property in a Residential zoning district, Council shall:
- i. Require the MG zoning district property to provide a minimum buffer of 25 feet along the entire side site line that abuts the Residential zoning district property.
  - ii. Ensure the required buffer is not used for on-site operations of any kind, including but not limited to accessory off-street parking and loading, materials storage, or manufacturing.
  - iii. Require the MG zoning district property to erect and maintain a fence that is a minimum of 6 feet in height and/or a landscaped buffer in accordance with section 2.17.

- b) For any development in the MG zoning district, Council or the Designated Officer may, as far as is practicable, impose additional screening requirements from adjacent sites and roadways to ensure the visual appearance of the property remains consistent with the character of the area.

### **3.6.5 Standards for Conditional Uses**

- a) Council will consider conditional use applications in the Industrial zoning district with respect to the intent, uses, and development standards of this By-law, in addition to the following:
  - i. The conditional use application evaluation criteria in subsection 6.4.2;
  - ii. Any relevant General Regulations in PART 2; and,
  - iii. Any relevant regulations for Specific Uses in PART 4.

### 3.7 COMMUNITY ZONING DISTRICTS

#### 3.7.1 Intent

**Parks and Recreation (PR)** – Provides for a range of indoor and outdoor recreational amenities, as well as public and private parks, entertainment facilities, and compatible or associated uses.

**Open Space (OS)** – Accommodates public sites with physical development limitations, unique natural features, or significance for the environment to be conserved in an undeveloped state.

**Institutional (I)** – Provides for a range of institutional uses, including protective, educational, health, civic, and government services accessible to the public, as well as facilities for religious assembly.

#### 3.7.2 Land Use

- a) No new use or expansion of an existing use in any Community zoning district may be established except in conformity with Table 3-8 Community District Uses.

**Table 3-8 – Community District Uses**

Use Class and Type	Community Zoning Districts			
	PR	OS	I	Use Specific Standard
<b>Legend</b>				
P = Permitted				
C = Conditional				
- = Not Permitted				
* = Use Specific Standard Applies				
<b>Principal Uses</b>				
<b>Commercial</b>				
Campground	C*	-	-	Section 4.19
Eating / Drinking Establishment	C*	-	P*	Section 4.15
<b>Cultural and Entertainment</b>				
Amusement Establishment, Outdoor	P	-	-	
Entertainment Establishment, Outdoor	P	-	C	
Library / Museum / Gallery	P	-	P	
<b>Community and Institutional</b>				
Cemetery	-	-	C	
Community Centre	P	-	P	
Community Garden	C	C	P	
Education Support Services	-	-	P	
Funeral Services	-	-	C	
Health Services	-	-	P	
Institutional Residence	-	-	C	
Public Park / Playground	P	C	P	
Recreation Facility, Indoor	P	-	P	
Recreation Facility, Outdoor	P	-	C	
Religious Assembly	-	-	P*	Section 4.10
Research Institution	-	-	C	
School, Primary / Secondary	-	-	P	
School, College / Trade	-	-	P	
<b>Basic Service and Utility</b>				
Government Services	-	-	P	
Hospital	-	-	P	
Protective and Emergency Services	-	-	P	
Public Utility Services	P*	P*	P*	Section 4.20
<b>Accessory Uses</b>				
Aircraft Landing Field	-	-	C	
Farmers' Market	P	C	C	

### 3.7.3 Dimensional Standards

- a) No person shall erect a building or structure in any Community zoning district unless the building or structure complies with Table 3-9 Community District Dimensional Standards, in addition to other applicable regulations of this By-law, except by an approved variance order.

Table 3-9 – Community District Dimensional Standards								
Zoning District	Site		Yards				Form	
	Minimum Site Area (sq. ft.)	Minimum Site Width (ft.)	Minimum Front Yard (ft.)	Minimum Side Yard (ft.)	Minimum Reverse Corner Side Yard (ft.)	Minimum Rear Yard (ft.)	Maximum Building Height (ft.)	Maximum Site Coverage (%)
Permitted / Conditional Uses								
PR	-	-	20	10	15	10	40	-
OS	-	-	20	10	15	10	40	-
I	10,000	100	20	15	15	25	40	-
Accessory Buildings / Structures								
PR	-	-	-	10	15	5	20	-
OS	-	-	-	10	15	5	20	-
I	-	-	-	10	15	5	20	10

### 3.7.4 Special Development Standards in the OS Zoning District

- a) Prior to accepting any new public reserve lands as a dedication to the Town under the OS zoning district, Council shall evaluate the proposal in accordance with the following criteria:
- i. Lands are visible and accessible from a public right-of-way;
  - ii. Lands offer ecological or cultural significance;
  - iii. Lands serve as a buffer between incompatible adjacent uses;
  - iv. Lands are of a size and configuration to be of practical public use; and/or,
  - v. Lands will not pose undue costs to the Town for ongoing maintenance.
- b) Council may require a landscape plan consistent with section 2.17 to be prepared, installed, and maintained for an established period of time for all lands dedicated under the OS zoning district.

### 3.7.5 Standards for Conditional Uses

- a) Council will consider conditional use applications in Community zoning districts with respect to the intent, uses, and development standards of this By-law, in addition to the following:
- i. The conditional use application evaluation criteria in subsection 6.4.2;
  - ii. Any relevant General Regulations in PART 2; and,
  - iii. Any relevant regulations for Specific Uses in PART 4.

### 3.8 AGRICULTURAL ZONING DISTRICT

#### 3.8.1 Intent

**Agriculture Limited (AL)** – Accommodates lower intensity agricultural activities for an interim period while reserving lands for future urban uses, consistent with the Town Development Plan.

#### 3.8.2 Land Use

- a) No new use or expansion of an existing use in any Agricultural zoning district may be established except in conformity with Table 3-10 Agricultural District Uses.

<b>Table 3-10 – Agricultural District Uses</b>		
<b>Legend</b> P = Permitted C = Conditional - = Not Permitted * = Use Specific Standard Applies	<b>Agricultural Zoning District</b>	
	<b>AL</b>	<b>Use Specific Standard</b>
<b>Use Class and Type</b>		
<b>Principal Uses</b>		
<b>Residential</b>		
Single-Unit Dwelling	P	
<b>Commercial</b>		
Greenhouse / Plant Nurseries	P	
<b>Community and Institutional</b>		
Community Garden	P	
Public Park / Playground	P	
Veterinary Clinic / Animal Shelter	C	
<b>Basic Service and Utility</b>		
Public Utility Services	P*	Section 4.20
<b>Agricultural</b>		
Agricultural Activities, Limited	P	
Agricultural Storage Facility	C	
<b>Accessory Uses</b>		
Home-Based Business	P*	Section 4.2
Home-Based Daycare	P	
Home-Based Industry	C*	Section 4.6
Farmers' Market	P	
Secondary Suite	P*	Section 4.4
Shipping Container	C*	Section 4.17
Solar Collector	P*	Section 4.14



**3.8.3 Dimensional Standards**

- a) No person shall erect a building or structure in any Agricultural zoning district unless the building or structure complies with Table 3-11 Agricultural District Dimensional Standards, in addition to other applicable regulations of this By-law, except where a variance has been issued.

<b>Table 3-11 – Agricultural District Dimensional Standards</b>								
<b>Zoning District</b>	<b>Site</b>		<b>Yard</b>				<b>Form</b>	
	Minimum Site Area (acres)	Minimum Site Width (ft.)	Minimum Front Yard (ft.)	Minimum Side Yard (ft.)	Minimum Corner Side Yard (ft.)	Minimum Rear Yard (ft.)	Maximum Height (ft.)	Maximum Site Coverage (%)
<b>Permitted / Conditional Uses</b>								
AL	5	300	30	15	15	25	40	-
<b>Accessory Buildings / Structures</b>								
AL	-	-	-	15	15	10	30 <sup>A</sup>	-
<i>Notes</i>								
<sup>A</sup> If abutting a Residential zoning district the maximum height of a detached accessory building / structure shall be 20 feet.								

**3.8.4 Special Regulations in the AL Zoning District**

- a) Notwithstanding the dimensional standards outlined above in Table 3-11, the minimum site area for residential dwellings in the AL zoning district shall be two (2) acres, and additional yard requirements may be imposed to allow the site to be subdivided for future infill development.
- b) No development shall be approved in the AL zoning district if, in Council's opinion, it would:
- i. Substantially alter the existing state of the land;
  - ii. Require the introduction of structures, footings, or foundations that could not be removed by the applicant or owner in an economical and/or expeditious manner; or,
  - iii. Restrict the potential to subdivide, service, and develop the subject lands for future urban uses in accordance with the policies and objectives of the Town's Development Plan.
- c) Council may, as a requirement for approving any conditional use in the AL zoning district, specify the length of time that use is permitted to be established.

## PART 4 USE SPECIFIC STANDARDS

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### 4.1 APPLICABILITY

- a) In accordance with the Use Tables contained in PART 3 of this By-law, regardless of whether a use is allowed as a permitted or conditional use, and regardless of the zoning district in which the use is located, the following standards for specific uses must be complied with, except as otherwise provided for in this By-law or by an approved conditional use or variance order.

### 4.2 HOME-BASED BUSINESSES

Home-based business shall be subject to the following regulations:

- a) The owner and main operator of the home-based business shall be a full-time resident of the principal dwelling.
- b) Any work or activities conducted on the premises in relation to the home-based business shall be carried out entirely within the principal residential dwelling with no outdoor storage, display, or processing of goods.
- c) Notwithstanding section 2.26 and the applicable zoning district sign regulations, a home-based business may be permitted one (1) non-illuminated sign for business identification, which shall not exceed 4 square feet, provided the sign is attached to the principal building.
- d) Home-based businesses shall not change the external appearance of the principal residence to distinguish it as a business or substantially alter its character from surrounding dwellings.
- e) Home-based businesses shall not generate pedestrian and/or vehicular traffic and/or parking in excess of that which is characteristic of the zoning district in which it is located.
- f) In addition to the information listed in section 6.3, applications for home-based businesses shall include: a description of the proposed business; an indication of the number of business related visits per day; parking provision details; and, number of on-site employees.
- g) Applications for home-based businesses may not be approved if, at the discretion of the Designated Officer, the proposed business would be more appropriately located in a different zoning district, having regard for traffic generation, noise, and other such factors.
- h) Home-based businesses shall not be permitted for any use that, at the discretion of Council, is deemed to have a potentially negative effect on the surrounding neighbourhood, including escort services, tow-truck operations, or the storage and/or use of any toxic materials.
- i) The maximum floor area of a home-based business shall be 350 square feet or thirty percent (30%) of the floor area of the principal dwelling to which it is accessory, whichever is lesser.
- j) The maximum number of employees for a home-based business who are concurrently working on-site shall be two (2).
- k) The sale of goods and services related to the Home-Based Business is permitted, but the maximum number of on-site clients at one time shall be two (2), or five (5) in the case of instructional services.

- l) A Development Permit for a Home-Based Business is not transferable to a new homeowner.

### **4.3 GARDEN SUITES**

Garden suites shall be subject to the following regulations:

- a) Garden suites shall have a minimum floor area of 600 square feet and a maximum floor area of 850 square feet.
- b) Garden suites shall maintain a minimum separation distance of 10 feet from the principal dwelling to which it is an accessory use.
- c) Garden suites shall be required to provide one (1) off-street parking space.
- d) Garden suites shall comply with the dimensional standards established for accessory buildings and structures in the applicable zoning district, notwithstanding the side yard requirements, which shall be in accordance with the minimum side yards established for principal buildings.
- e) Garden suites shall not be permitted on properties smaller than 5,000 square feet in area.
- f) The garden suite shall be connected to the Town's municipal wastewater system.
- g) Vehicular access to the garden suite shall be provided via an existing driveway.
- h) Only one (1) garden suite may be established per zoning site.
- i) The exterior of the garden suite shall incorporate building materials, textures, and colours that are similar to those found on the principal dwelling as determined by the Designated Officer.
- j) Garden suites shall comply with the Manitoba Building Code and any amendments thereto.

### **4.4 SECONDARY SUITES**

Secondary suites shall be subject to the following regulations:

- a) A maximum of one (1) secondary suite shall be permitted per zoning site.
- b) Secondary suite shall have a maximum floor area of 800 square feet, or forty percent (40%) of the total habitable space of the principal dwelling, whichever is less.
- c) No secondary suite shall have a floor area less than 350 square feet.
- d) A minimum of one (1) off-street parking space must be provided for a secondary suite, in addition to the parking requirements for the principal dwelling, as outlined in section 2.27.
- e) Secondary suites shall not be permitted in detached accessory buildings, including Garden Suites.
- f) The secondary suite shall have an entrance separate from the entrance of the principal dwelling, either from a common indoor landing or directly from the side or rear of the house.
- g) Secondary suites shall comply with the Manitoba Building Code and any amendments thereto.

#### **4.5 LIVE-WORK UNITS**

Live-work units shall be subject to the following regulations:

- a) The residential portion of the live-work unit shall be located above the ground floor or to the rear of the building.
- b) There shall be internal access between the dwelling and work portions of the unit, in addition to separate entrances from the exterior.
- c) A home-based business shall not be permitted in the residential portion of the live-work unit.
- d) The allowable non-residential uses shall be limited to the permitted uses of the zoning district in which the live-work unit is located.
- e) The minimum floor area of the residential portion of the live-work unit shall be 600 square feet, or twenty-five percent (25%) of the floor area of the live-work unit, which is greater.
- f) The maximum floor area of the non-residential portion of the live-work unit shall be 800 square feet, or seventy-five percent (75%) of the floor area of the live-work unit, whichever is lesser.
- g) A minimum of one (1) parking stall must be provided for the dwelling portion of the live-work unit in addition to the parking requirements for the work portion.
- h) Notwithstanding section 2.26 and the applicable zoning district sign regulations, a live-work unit may be permitted one (1) non-illuminated sign for business identification, which shall not exceed 12 square feet, provided the sign is attached to the wall of the work portion of the unit.
- i) The sale of goods and services related to the non-residential portion of the live-work unit is permitted.
- j) Outside storage of goods and materials shall be located to the rear of a line adjacent to and parallel with the front wall of the accessory building, and the storage area shall be fenced or screened from public view to the satisfaction of the Designated Office.
- k) The non-residential portion of the live-work unit shall not be permitted if, in the opinion of the Designated Officer, such use would be more appropriately located in another zoning district, having regard for traffic generation, noise, neighbourhood character, and other such factors.
- l) A permit for a live-work unit is not transferable to a new property owner.

#### **4.6 HOME-BASED INDUSTRY**

Home-based industries shall be subject to the following regulations:

- a) The owner and main operator of the home-based industry shall be a full-time resident of the principal dwelling.
- b) Any work or activities conducted on the premises in relation to the home-based industry shall be carried out entirely within an accessory building to the principal residential dwelling and shall not exceed a maximum floor area permitted for accessory buildings in the applicable zoning district.
- c) The sale of goods and services related to the home-based industry is permitted.

- d) The character of the home-based industry shall not create objectionable impacts on adjacent sites, as determined by the Designated Officer.
- e) Notwithstanding section 2.26 and the applicable zoning district sign regulations, a home-based industry may be permitted one (1) non-illuminated sign for business identification, which shall not exceed 8 square feet, provided the sign is attached to the wall of the accessory building.
- f) Outside storage of goods and materials shall be located to the rear of a line adjacent to and parallel with the front wall of the accessory building, and the storage area shall be fenced or screened from public view to the satisfaction of the Designated Office.
- g) In addition to the information listed in section 6.3, applications for home-based businesses shall include: a description of the proposed business; an indication of the number of business related visits per day; parking provision details; and, number of on-site employees.
- h) Applications for home-based businesses may not be approved if, at the discretion of the Designated Officer, the proposed business would be more appropriately located in a Commercial or Industrial zoning district, having regard for traffic, noise, and similar factors.
- i) A permit for a Home Industry is not transferable to a new homeowner.

#### **4.7 MULTIPLE-UNIT DWELLINGS**

Multiple-unit dwellings shall be subject to the following regulations:

- a) Multiple-unit dwellings in the CC and CMU zoning districts shall only be permitted when located above the ground floor with a Commercial, Cultural and Entertainment, or Community and Institutional Use Class development located on the ground floor.
- b) Multiple-unit dwellings in the CC and CMU zoning districts shall be subject to the “minimum site area per dwelling unit” and “minimum dwelling unit area” standards of the RM-H zoning district, in addition to the dimensional standards established for the zoning district in which it is located.

#### **4.8 PLANNED UNIT DEVELOPMENTS**

Planned unit developments shall be subject to the following regulations:

- a) Specific use regulations and dimensional standards of the zoning districts shall not directly apply to planned unit developments. However, the uses and standards of a planned unit development shall incorporate the minimum equivalent performance standards applicable in this By-law.
- b) A development application for the establishment of a planned unit development shall, in addition to providing all standard supporting materials and information outlined in section 6.3, be required to produce a detailed Concept Plan and Analysis that addresses the following:
  - i. Economic costs and benefits for the Town;
  - ii. Community contributions through added amenities and public facilities;
  - iii. Impact on municipal infrastructure, including wastewater and transportation systems;
  - iv. Impact on surrounding neighbourhoods and the natural environment;
  - v. Proposed alternative standards for the planned unit development and the existing standards of the applicable zoning district they are to supersede;
  - vi. Detailed plan for lot grading, drainage, and landscaping.

- vii. Other information as requested by Council.
- c) The alternative standards for the planned unit development shall be regulated through a Development Agreement and registered as caveats against the applicable land titles.
- d) The minimum site area permitted for a planned unit development shall be 20,000 square feet.

#### **4.9 PRIVATE AND SEMI-PRIVATE SWIMMING POOLS**

Private and semi-private swimming pools shall be subject to the following regulations:

- a) Private swimming pools and similar features must meet the setback standards established for the applicable zoning district, with consideration for the permitted projections in section 2.9.
- b) Under no circumstances shall a swimming pool or any similar feature be located closer than 5 feet to a rear site line or side yard site line.
- c) Unenclosed outdoor swimming pools and similar features must be protected by a fence that is minimum 6 feet in height, lockable to prevent unauthorized entry, and constructed in such a manner as to prevent entry from underneath.
- d) Semi-private pools shall comply with regulations governing swimming pools under the Public Health Act and the Manitoba Building Code.

#### **4.10 RELIGIOUS ASSEMBLIES**

Religious Assemblies shall be subject to the following regulations:

- a) Any existing religious assembly that features a caretaker's residence, as defined herein, may continue to operate such residence so long as it remains incidental to and directly associated with the principal use of the site and is not expanded, enlarged, and/or structurally altered. However, as of the effective date of this Zoning By-law, no new caretaker's residences shall be permitted.

#### **4.11 DRIVE-THROUGH FACILITIES**

Drive-through facilities shall be subject to the following regulations:

- a) Drive-through facilities shall only be permitted on sites with a property frontage and depth of 100 feet.
- b) For eating/drinking establishments featuring a drive-up window service, a minimum of four (4) in-bound stacking spaces and two (2) out-bound stacking space shall be provided.
- c) For carwashes and rapid vehicle service establishments, a minimum of six (6) in-bound stacking spaces and four (4) out-bound stacking spaces shall be provided for each service bay.
- d) For financial service establishments featuring a drive-up automated teller machine, a minimum of three (3) in-bound stacking spaces and one (1) out-bound stacking space shall be provided.
- e) Stacking spaces for all drive-through facilities shall be provided as follows:
  - i. All stacking spaces shall be a minimum of 18 feet long and 10 feet wide.

- ii. All stacking spaces shall be located so as not to block or interfere with the smooth flow of traffic to and from required off-street parking spaces or the driving aisles providing access to those spaces, or any adjacent street or lane through an approved access point.

#### **4.12 SERVICE STATIONS AND FUEL SALES**

Service stations and fuel sales shall comply with the following regulations:

- a) Service stations and fuel sales shall only be permitted on sites with a minimum property frontage and depth of 100 feet.
- b) All pump islands and underground storage tanks shall be located a minimum of 20 feet from any boundary of the site, parking area on the site, or laneways intended to control traffic circulation on the site, not including canopies situated above said pumping islands.
- c) Pump islands or fuelling stations are not permitted in a required parking area.
- d) Stacking spaces for all drive-up/through operations shall be provided as follows:
  - i. A minimum of five (5) in-bound and three (3) out-bound stacking spaces shall be provided for each service bay.
  - ii. All stacking spaces shall be a minimum of 18 feet long and ten 10 feet wide.
  - iii. All stacking spaces shall be located so as not to block or interfere with the smooth flow of traffic to and from required off-street parking spaces or the driving aisles providing access to those spaces, or any adjacent street or lane through an approved access point.

#### **4.13 BED AND BREAKFASTS**

Bed and breakfasts shall be subject to the following regulations:

- a) The operator of the bed and breakfast must be a full-time resident of the principal dwelling to which it is an accessory use.
- b) No more than three (3) bedrooms shall be used for the bed and breakfast operation.
- c) In addition to the parking requirements for the principal dwelling, one (1) additional on-site parking space shall be provided for each bedroom being use for the bed and breakfast.
- d) Signs for bed and breakfasts shall be in accordance with the regulations for home-based businesses set out in section 4.2.
- e) No cooking facilities shall be allowed in bedrooms used for the bed and breakfast.
- f) The bed and breakfast shall not generate vehicular traffic and/or parking in excess of that which is characteristic of the zoning district in which it is located.
- g) The bed and breakfast shall not change the principal residential character or external appearance of the dwelling unit.

#### **4.14 SOLAR COLLECTORS**

Solar collectors shall be subject to the following regulations:

- a) Any solar collector not attached to a building shall adhere to the same dimensional standards for accessory buildings and structures in the zoning district in which the installation is situated.
- b) A roof or wall-mounted solar collector shall not exceed, in size, the total square footage of the principal structure to which it is attached.
- c) A solar collector that is mounted on a roof may project a maximum of 6.5 feet from the surface of the roof and must not extend beyond the outermost edge of the roof.
- d) The appropriate engineering approvals must be obtained as required by the Designated Officer, in addition meeting all design and installation standards established by provincial authorities.
- e) A solar collector that is mounted on a wall may project a maximum of 2 feet from the surface of that wall and must be located a minimum of 8 feet above grade.
- f) Solar collectors shall not be used for the commercial off-site sale and distribution of energy in any Residential zoning district.

#### **4.15 EATING AND DRINKING ESTABLISHMENTS**

Eating and drinking establishments shall be subject to the following regulations:

- a) Eating and drinking establishments in the I and PR zoning districts shall only be permitted in association with a Cultural and Entertainment, Community and Institutional, and/or Basic Service and Utility Use Class development.
- b) When abutting any Residential zoning district, eating and drinking establishments shall be considered a conditional use and be subject to approvals as such.
- c) Outdoor patios accessory to eating / drinking establishments shall not be located within 5 feet of the side site line of an abutting residential property and may, at the discretion of the Designated Officer, be required to provide a fence and/or planting screen to attenuate noise.

#### **4.16 CANNABIS RETAIL STORES**

Cannabis retail establishments shall be subject to the following regulations:

- a) Cannabis retail stores shall be licensed under the Liquor, Gaming, and Cannabis Authority of Manitoba and operate in accordance with applicable provincial legislation and regulations.
- b) Cannabis retail stores shall not be located within 1,000 feet of a primary/secondary school.

#### **4.17 SHIPPING CONTAINERS**

Shipping containers shall be subject to the following regulations:

- a) A shipping container used for storage must meet the requirements for accessory buildings in the zoning district in which it is located. Shipping containers, when stacked, must not exceed the maximum height for accessory buildings for the applicable zoning district.
- b) Shipping containers serving as temporary buildings or structures shall comply with section 2.6.



- c) Shipping containers shall not be located in the front or side yard of any principal structure.
- d) Shipping containers permanently located on a site shall be restricted to the rear yard of the principal building and must be kept in good repair to the satisfaction of the Designated Officer.
- e) Shipping containers intended for uses other than storage shall adhere to the Manitoba Building Code and be subject to all permits and requirements applicable to the proposed use or uses.

#### **4.18 BILLBOARD ADVERTISING SIGNS**

Billboard advertising signs shall be subject to the following regulations:

- a) No billboard advertising sign may be located or operated in such a manner as to materially impede the view of any street or highway intersection, or in such a manner as to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- b) The maximum surface area per billboard advertising sign shall be 200 square feet.
- c) If freestanding, the maximum height of a billboard advertising sign shall be 25 feet.
- d) No billboard advertising sign may feature an electronic message board, video screen, or any other means of electronic copy.

#### **4.19 CAMPGROUNDS**

Campgrounds shall be subject to the following regulations:

- a) More than one (1) campsite may be permitted on a zoning site in a campground development.
- b) Campgrounds shall provide an all-weather internal roadway to serve all campsites, the driving width and surfacing material of which will be subject to the approval of the Designated Officer.
- c) A campground must provide clear numbered identification and boundaries of each campsite.
- d) A campground must provide storage of refuse in a sanitary manner, which shall be no closer than 500 feet to a campsite or permanent dwelling on any adjacent site, in addition to meeting all other requirements as set out under provincial legislation and regulations.
- e) Campgrounds shall provide tenants of campsites with toilet facilities and potable water in accordance with the requirements of the Campgrounds Regulation under The Environment Act.

#### **4.20 PUBLIC UTILITY SERVICES**

Public utility services shall be subject to the following regulation:

- a) The dimensional standards of the zoning district in which the public utility service is located shall not apply to the facilities associated with such service, subject to Council approval.

# PART 5 SPECIAL AREAS

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## 5.1 APPLICABILITY

- a) The regulations contained in this PART shall apply to the specific geographic areas of the Town as described herein which, due to special site conditions or other unique attributes, require additional provisions to ensure development is carried out in a safe and responsible manner.

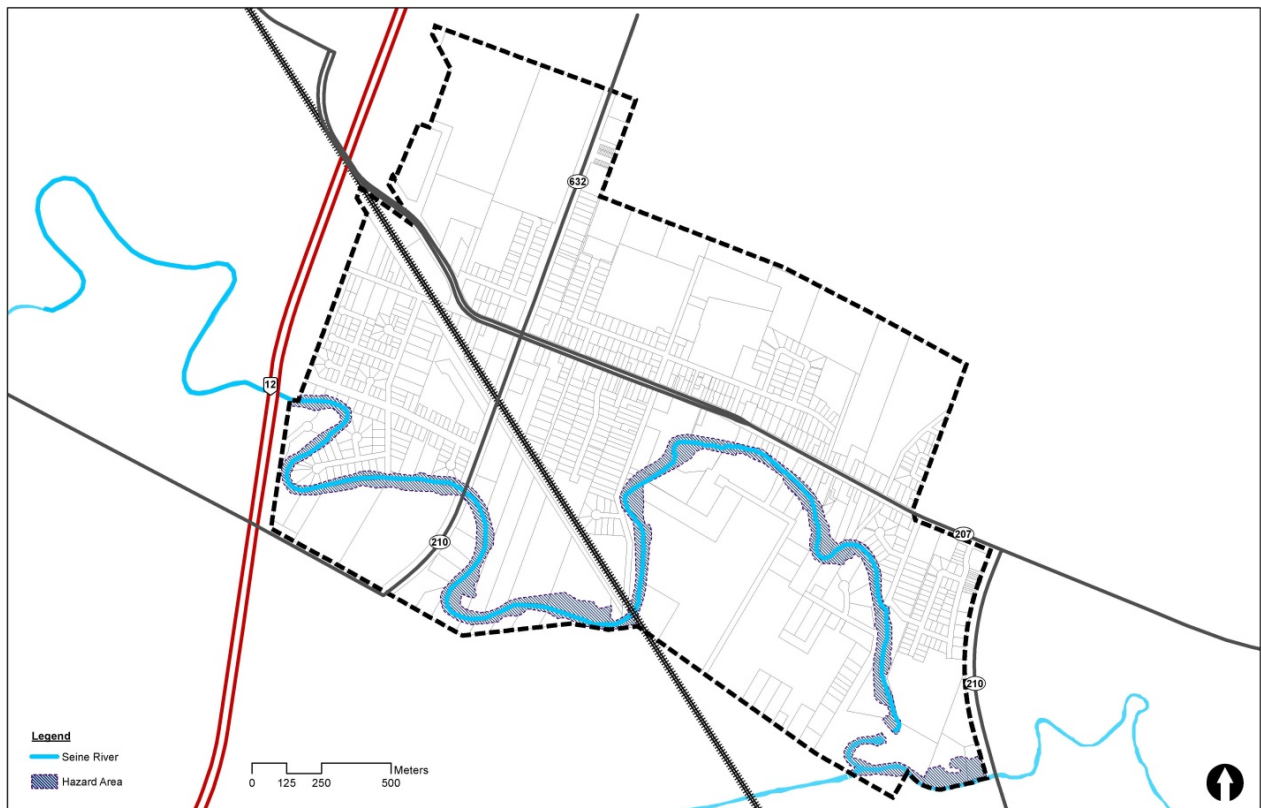
## 5.2 PROVINCIAL HIGHWAYS

- a) Permits from Manitoba Infrastructure shall be required for any new development proposed within the controlled area of PTH 12, including the construction or alteration of any building or structure, and for the introduction, modification, or intensification of any access to PTH 12.
- b) Permits shall be required from Manitoba Infrastructure for any new, modified, or relocated access, or to intensify the use of an existing access, to PR 207 and PR 210, excluding the portion of PR 207 between Traverse Road and Caledonia Road under municipal jurisdiction.

## 5.3 FLOOD HAZARD AREAS

- a) The Designated Officer may refuse to issue a Development Permit for any permanent building or structure located within the Hazard Area, as shown on Map 1, where it has been determined the potential for periodic flooding would pose an added risk to public safety and/or property.
- b) Notwithstanding clause (a) above, in such cases where, as determined by Council, it is not practical or desirable to restrict development within Hazard Areas, the applicant shall be required to satisfy the following conditions prior to being issued a Development Permit:
  - i. All permanent structures and accesses must be located on sites which have been raised with fill to the Flood Protection Level, which is an elevation at least 2 feet above the 200-year flood level, as determined by the appropriate provincial authority.
  - ii. Any permanent structure featuring a basement shall be required to use impervious fill to raise the site and shall be restricted from including habitable space.
  - iii. The elevation of the main floor of any permanent principal structure must be located 1 foot above the Flood Protection Level.
  - iv. Accessory structures or basements within the Hazard Area shall not be used for the storage of immovable or hazardous materials that are toxic, flammable, or explosive.
  - v. Other conditions as deemed necessary in order to negate the effects of the hazard.
- c) Further to clause (b), the Designated Officer may require the applicant to provide, at their own expense, information prepared by a certified engineer of Manitoba on flood levels, elevations, soil conditions, and/or other geotechnical data that is needed to assist in the review process.
- d) Council or the Designated Officer may, prior to the issuance of a Development Permit, consult with the appropriate provincial authority regarding the Hazard Area.

Map 1 – Flood Hazard Areas



#### 5.4 RIPARIAN AREAS

- a) All permanent structures must be set back a minimum of 98.5 feet upslope from the normal high water level of the Seine River, as determined by the appropriate provincial authority, where erosion, bank instability, or slumping may pose an added risk to public safety and/or property.
- b) Notwithstanding clause (a) above, in such cases where, as determined by Council, it is not practical or desirable to restrict development within the prescribed setback of 98.5 feet from the normal high water level of the Seine River, the applicant shall be required to provide, at their own expense, a geotechnical report prepared by a certified engineer of Manitoba that recommends an alternative setback or, having determined conditions do pose an added risk to public safety and/or property, recommends appropriate measures to be taken in order to mitigate such risks.
- c) Applicants shall be required, as recommended by a geotechnical report or review thereof, to take any required measures to halt the erosion process within a proposed development area, which must be verified by a certified engineer prior to the issuance of a Development Permit.
- d) The Town shall obtain a third party engineering review of all geotechnical reports prepared for proposed development within the prescribed setback of 98.5 feet and, if the development is within the Hazard Area shown on Map 1, consult with the appropriate provincial authority.

## 5.5 RAILWAY OPERATIONS

- a) No dwelling unit shall be located within 98.5 feet of an active railway line, measured from the edge of the railway property line to the nearest wall of the dwelling unit.
- b) For any development proposed in proximity to an active railway line, Council may require mitigative measures to be implemented in accordance with FCM-RAC guidelines, as deemed necessary.

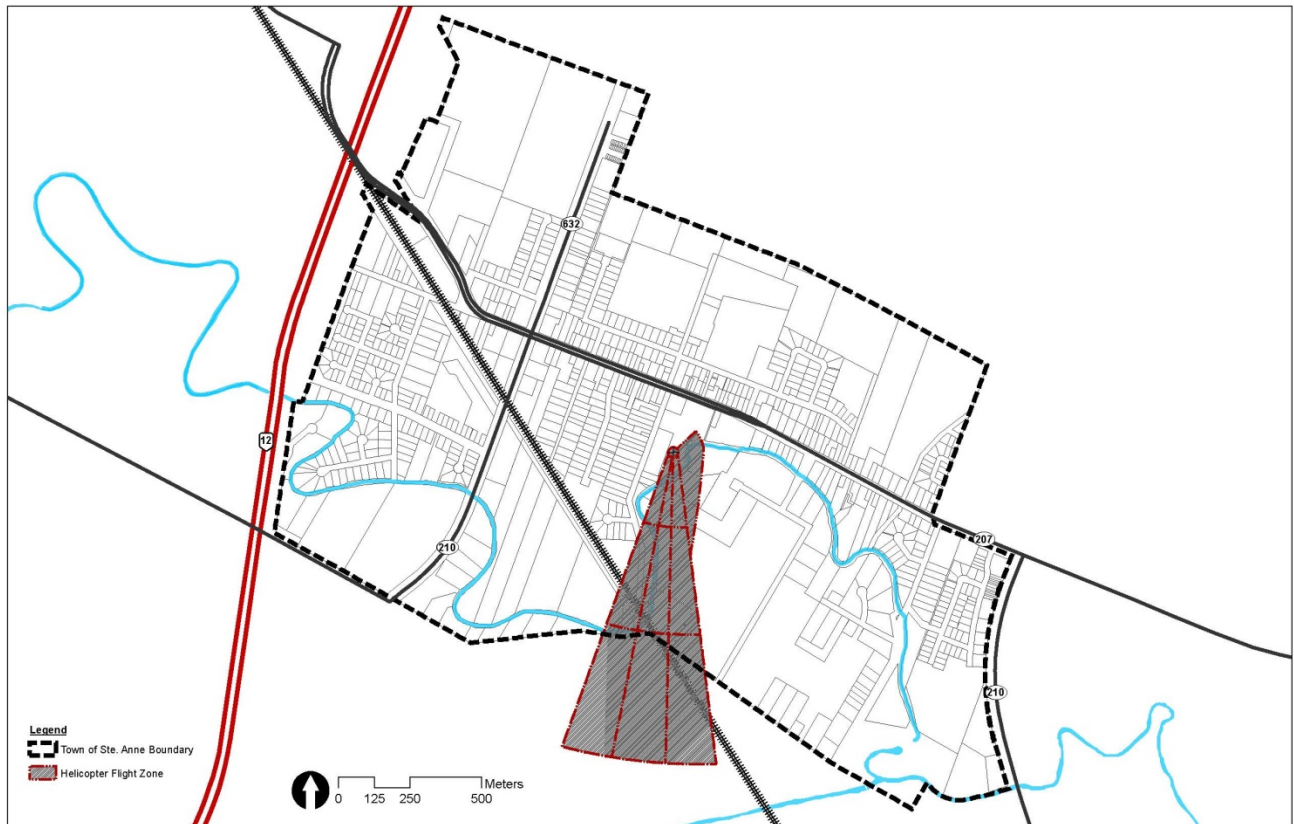
## 5.6 WASTEWATER TREATMENT FACILITIES

- a) No dwelling unit shall be located within 1,500 feet from the boundary of a municipal sewage lagoon, pursuant to provincial legislation and regulations.

## 5.7 HELICOPTER FLIGHT ZONE

- a) All new development proposed within the Helicopter Flight Zone, as shown in Map 2, shall be required to consult with NAV CANADA prior to submitting a Development Permit application.
- b) All new development within the Helicopter Flight Zone may be subject to any such conditions, as prescribed by NAV CANADA, required to ensure the flight zone for aircrafts is not obstructed.

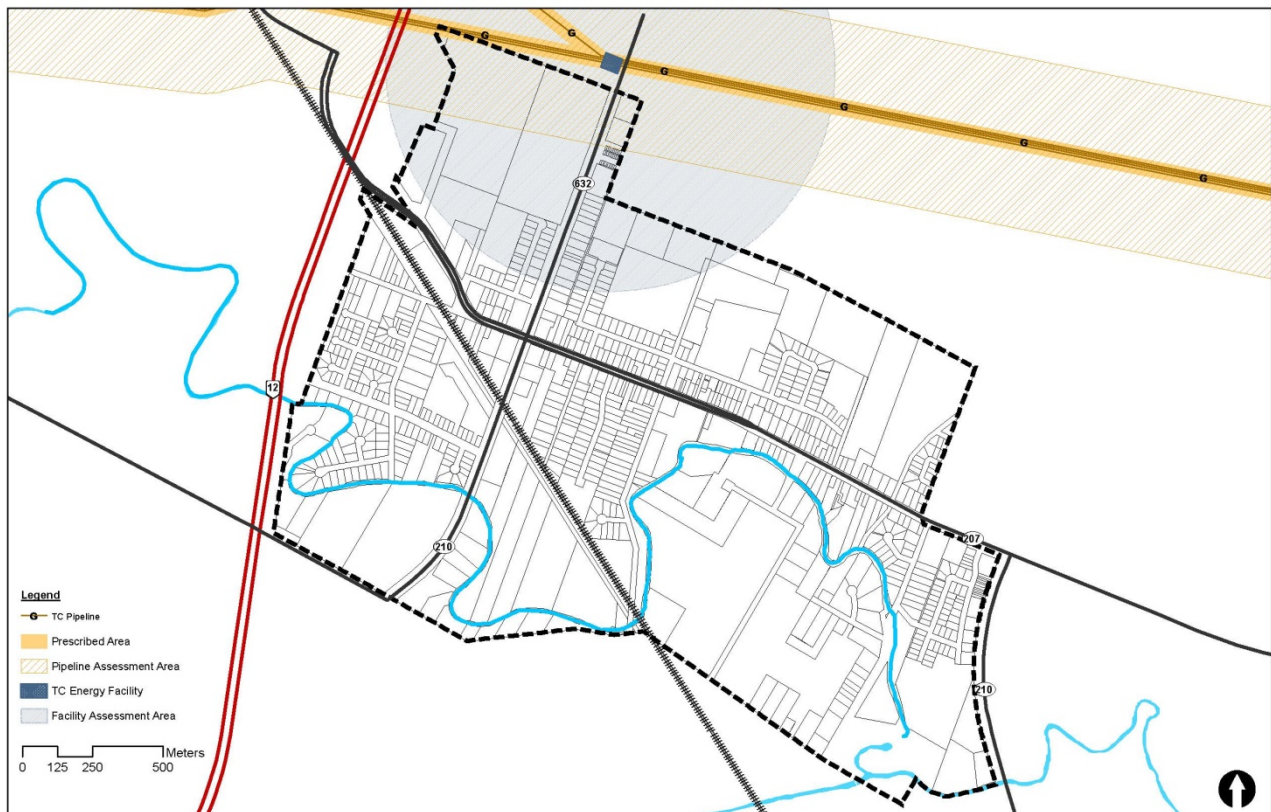
Map 2 – Helicopter Flight Zone



## 5.8 HIGH PRESSURE NATURAL GAS UTILITIES

- a) No dwelling unit shall be located within 50 feet from the edge of the TC Pipeline right-of-way.
- b) Permanent structures shall not be located anywhere on the TC Pipeline right-of-way and should be setback at least 23 feet from the edge of the right-of-way and 40 feet from the edge of the pipeline.
- c) Temporary structures shall not be located anywhere on the Pipeline right-of-way and should be setback at least 10 feet from the edge of the right-of-way and 26 feet from the edge of the pipeline.
- d) Applicants proposing development on any site that is completely or partially located within 98.5 feet from TC Pipeline, shown as the Prescribed Area on Map 3, shall be required to obtain written consent from the pipeline operator prior to any ground disturbance taking place.
- e) Any proposed development on a site that is completely or partially located within 2,625 feet from the TC Energy Facility, shown as the Facility Assessment Area on Map 3, or 985 feet from the TC Pipeline, shown as the Pipeline Assessment Area on Map 3, shall be referred to the pipeline operator for review and input.
- f) For any development proposed on a site that is completely or partially located within the TC Pipeline right-of-way, applicants shall be required to obtain a Crossing Agreement from the pipeline operator prior to submitting a Development Permit application, or provide verification to the satisfaction of the Designated Officer that a Crossing Agreement is not required.

Map 3 – High Pressure Natural Gas Utility Locations



## **5.9 HYDRO TRANSMISSION UTILITIES**

- a) No dwelling unit shall be located within 50 feet from the edge of a right-of-way established for the transmission of high pressure hydro-electricity in excess of 100 kilovolts.
- b) For any development located within 656 feet of such utilities, measured from the centre line of the right-of-way, consultation with the appropriate utility company or operating authority must be initiated prior to the submission of a Development Permit application.

## **5.10 CROP PROTECTION WAREHOUSES**

- a) No dwelling unit shall be located within 328 feet from a licensed crop protection warehouse, measured from the nearest wall of the warehouse to the nearest wall of the dwelling unit.

# PART 6 ADMINISTRATION

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## 6.1 ADMINISTRATION AND ENFORCEMENT

- a) The authority responsible for administering, enforcing, amending and/or repealing this By-law shall be the Town of Ste. Anne Council, in accordance with and subject to the provisions of *The Planning Act*.

## 6.2 CONTROL OF DEVELOPMENT

No person shall:

- a) Unless otherwise stated in this By-law, no development shall be undertaken in the Town unless a Development Permit has been issued.
- b) Where an application for a Development Permit is determined to contain incorrect information, no Development Permit shall be issued until the applicant corrects such information.
- c) Any Development Permit issued on the basis of incorrect information contained in the application shall be invalid.
- d) The issuing of a Development Permit shall not prevent the Designated Officer from thereafter requiring the correction of errors, nor from prohibiting the development from being carried out unless and until such errors are corrected.
- e) A Development Permit for an accessory use, building or structure shall not be issued unless and until a Development Permit for the principal use, building or structure has been issued.

## 6.3 DEVELOPMENT PERMITS

### 6.3.1 When a Development Permit is Required

A Development Permit is required for any of the following, except as otherwise provided for in this By-law:

- a) The erection, construction, enlargement, structural alteration or placing of a principal or accessory building or structure.
- b) The demolition, removal, and/or relocation of any building or structure.
- c) The establishment of a use of land or a building or structure.
- d) The change of a use of land and/or a principal or accessory building or structure.

### 6.3.2 When a Development Permit is Not Required

A Development Permit is not required for the following, provided that all other provisions of this By-law and other applicable by-laws of the Town are complied with, and that any required approvals, permits, or licenses from other government agencies are obtained:

- a) Incidental alterations, including the regular maintenance or repair of any development.



- b) Agricultural cropping of land, including the use of vacant farmland, buildings and structures for agricultural cropping, and a change from one permitted agricultural cropping activity to another.
- c) Private driveways and sidewalks which are accessory to a development.
- d) The erection, construction, enlargement, alteration or placement of the following structures:
  - i. A fence, wall, or gate not exceeding 6 feet in height;
  - ii. Signs exempted by the By-law in subsection 2.26.7;
  - iii. Accessory buildings or structures not exceeding 120 square feet in area and 15 feet in height, provided they are not considered a hazard by the Designated Officer; and,
  - iv. Unenclosed patios at grade level and decks and wheelchair ramps below 2 feet in height.
- e) Landscaping where the existing grade and surface drainage patterns are not materially altered.
- f) Temporary buildings, structures, or uses associated with festivals, farmers' markets, or similar community events at the discretion of the Designated Officer.

### 6.3.3 Development Permit Application Requirements

In addition to a fully completed application form, the following information must be submitted by the property owner(s), or a person authorized in writing on behalf of the property owner(s), unless the Designated Officer determines that the development is of such a nature as to enable a decision to be made on the application without all of the information required in this Section of the By-law:

- a) Description of the scale of development including the following information if applicable:
  - i. Total area of the subject development site;
  - ii. Gross floor area of the development;
  - iii. Height and number of floors/storeys; and,
  - iv. Number of dwelling units, if applicable.
- b) Site Plan drawn to a minimum scale of 1:100 showing the following information:
  - i. Legal description of property and civic address;
  - ii. Directional north arrow and scale bar;
  - iii. Site boundaries and dimensions;
  - iv. Location and dimensions of any easements on the site;
  - v. Location and dimensions of all existing and/or proposed buildings and structures in relation to site lines;
  - vi. The use or uses of each existing and proposed building, structure, and/or land parcel;
  - vii. Identification of existing streets, lanes or public right-of-way providing access to and egress from the site;
  - viii. Setbacks, yard dimensions and/or separation distances required by this By-law;
  - ix. Location and dimensions of proposed driveways, parking areas, loading areas, vehicle entrances and exits, and public streets;
  - x. Number of required parking and loading spaces required and provided;
  - xi. Location of sidewalks, walkways, fences, screening, retaining walls, trees, and other physical features, both existing and proposed, as required by the Designated Officer;
  - xii. Utility connections and well location(s); and,



- xiii. Signage information, including the location and dimensions, the clearance from grade, the projections beyond the building wall, an illustration of the proposed copy, the sign materials, the method of illumination (if any), and the method to be used to structurally support or anchor the sign.
- c) Landscape Plan and Drainage Plan, if applicable, in accordance with Sections 2.16 and 2.17.
- d) Floor plans drawn to scale indicating all uses/occupancies, storage and garbage holding areas.
- e) Elevations and drawings drawn to scale indicating sections and bulk of proposed buildings.
- f) Status of Title issued within thirty (30) days of submitting the application.
- g) Building location certificate prepared by a Manitoba Land Surveyor.
- h) Payment of all applicable fees prescribed by the Town of Ste. Anne.
- i) Any additional information as required by the Designated Officer to ensure compliance with this By-law or any other applicable by-law, policy or regulation.

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

- a) Council may impose, with respect to a conditional use, such conditions as deemed appropriate to ensure compliance with the provisions of this By-law, other municipal, provincial, and federal regulations, as well as any matters raised at the associated public hearing.
- b) Applicants may be required to make satisfactory arrangements for the supply of electricity and/or natural gas, for pedestrian and vehicular access, and for lot grading in accordance with the Town's Building By-law.
- c) The Designated Officer may request an inspection following the construction, enlargement, alteration or placement of any building or structure, or the establishment or change in use of any land, building, or structure, prior to its occupation.
- d) Pursuant to a conditional use order, variance order, or zoning by-law amendment, Council or the Designated Officer may require the applicant to enter into a Development Agreement, which shall be attached and form part of the Development Permit, to carry out any of the following:
  - i. To construct, or pay for the construction of or improvement to, a public roadway required to provide access to the applicable development;
  - ii. To specify the number and location of vehicular access points to sites from public roadways, as well as when the access points are to be constructed in relation to other development activities occurring on the site;
  - iii. To install, or pay for the installation of, utilities that are necessary to serve the development, or pay the recovery costs of services which have already been installed;
  - iv. To repair, improve or reinstate, or pay for the repair, improvement or reinstatement, of any street furniture, curbing, sidewalks, boulevard landscaping, and/or trees which may be damaged or destroyed by the development or building operations occurring on the site, as determined by the Designated Officer.
  - v. To construct, or pay for the construction of or improvement to, land drainage works which are necessary to serve the development; and,
  - vi. To register the agreement as a caveat on the land title to the site at the Land Titles Office.

### **6.3.5 Other Permits Required**

- a) The issuance of a Development Permit in respect to a building or structure does not affect a person's obligation to obtain a Building Permit, Occupancy Permit or any other permit required for the proposed work under the Town's Building By-law, or any other by-law, law, or regulation.

## **6.4 CONDITIONAL USES**

- a) A property owner or person authorized in writing by the property owner may submit an application for a use listed as a conditional use in PART 3 of this By-law.
- b) Any change in a conditional use, including an enlargement, expansion, or extension, shall be subject to the provisions of this section.
- c) An application for a conditional use shall be processed and approved or rejected in accordance with the provisions of *The Planning Act*.

### **6.4.1 Conditional Use Application Requirements**

- a) An application for a conditional use shall be submitted in proper form to the Designated Officer, which must be accompanied by payment of the applicable fee prescribed by the Town of Ste. Anne, as well as the following:
  - i. Plans drawn to scale showing the relevant information specified in subsection 6.3.3(b);
  - ii. Description of the use or uses of each existing and proposed building or structure;
  - iii. Location of adjacent buildings and structures, including their height / number of storeys;
  - iv. Description of exterior finishing materials;
  - v. Description of why the conditional use is being requested;
  - vi. Description of how the conditional use complies with the other provisions of this By-law and the policies and objectives of the Town of Ste. Anne Development Plan; and,
  - vii. Any additional information as required by Council or the Designated Officer to ensure compliance with this By-law or any other applicable by-law, policy or regulation.

### **6.4.2 Review Criteria for Conditional Uses**

- a) Reviews of conditional use applications shall consider, but not be limited to, the following impact criteria:
  - i. Compatibility with the surrounding area, including land uses, scales of development, traffic impacts, municipal infrastructure, environmental conditions, and public or private utilities.
  - ii. Consistency with the vision, goals, objectives and policies of the Town's Development Plan;
  - iii. The potential effects on the environment and public health and the proposed mitigation measures in response thereto;
  - iv. Any documented concerns of community members raised at the public hearing; and,
  - v. The standards for conditional uses outlined in PART 3 of this By-law.

### **6.4.3 Conditions Attached to Conditional Use Approval**

- a) If warranted, Council or the Designated Officer may impose conditions to ensure that the proposed development will not negatively affect the Town, which could include the following:

- i. Measures to buffer the proposed use from surrounding properties, including increased yard setbacks, screening, earth berms, or fences.
- ii. Measures to mitigate potential negative impacts, including noise, odour, or vibration.
- iii. Limiting the permitted hours of operation.
- iv. Imposing design or siting requirements related to landscaping, outdoor lighting, refuse and storage areas, and building design or architectural appearance.
- v. Requiring the owner / applicant upgrade municipal services including roads and ditches.
- vi. Requiring a letter of credit for municipal improvements including roads or drainage works.
- vii. Requiring special studies to be prepared by qualified professionals including a traffic impact study or a geotechnical report.
- viii. Liability insurance protecting the Town from any future legal claims arising from the development
- ix. Entering into a Development Agreement between the owner or applicant and the Town.

#### **6.4.4 Expiry of Conditional Use Approval**

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

### **6.5 VARIANCE ORDERS**

- a) Any property owner who believes that this By-law adversely affects their property rights may apply for an order varying specific provisions of this By-law insofar as they apply to the affected property and, in making an application, must demonstrate the adverse effect.
- b) An application for a variance order shall be processed and approved or rejected in accordance with the provisions of *The Planning Act*.

#### **6.5.1 Variance Order Application Requirements**

- a) An application for a variance order shall be submitted in proper form to the Designated Officer, which must be accompanied by payment of the applicable fee prescribed by the Town of Ste. Anne, as well as any of the information specified in subsection 6.4.1.

#### **6.5.2 Variance Order Review Criteria**

- a) Reviews of variance order applications shall consider, but not be limited to, the following criteria:
  - i. Compatibility with the surrounding area, including land uses, scales of development, traffic impacts, municipal infrastructure, environmental conditions, and public or private utilities.
  - ii. Consistency with the vision, goals, objectives and policies of the Town's Development Plan;
  - iii. The potential effects on the environment and public health and the proposed mitigation measures in response thereto;
  - iv. Any documented concerns of community members raised at the public hearing; and,
  - v. The proposed variance is the minimum modification required to relieve the adverse effect on the applicant's property.

### **6.5.3 Conditions Attached to a Variance Order**

- a) In making a variance order, Council or the Designated Officer may impose any conditions on the applicant or owner of the affected property that they consider necessary to meet the criteria specified in subsection 6.5.2, including entering into a Development Agreement with the Town.

### **6.5.4 Expiry of a Variance Order**

- a) A variance order made by Council shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the decision, unless it is renewed at the discretion of Council for one additional period not exceeding twelve (12) months.

## **6.6 ZONING AMENDMENTS**

- a) Subject to the procedural requirements outlined in *The Planning Act*, an amendment to this By-law may be initiated by a resolution of Council, or by application of one or more owners of the affected property, or a person authorized in writing by the property owner(s).

### **6.6.1 Zoning Amendment Application Requirements**

- a) Any person applying to amend any PART of this By-law shall apply in writing to the Designated Officer, demonstrating reasons in support of the application and requesting it be submitted to Council, which must be accompanied by payment of the applicable fee prescribed by the Town of Ste. Anne, as well as any of the information specified in subsection 6.4.1.

### **6.6.2 Review of Zoning Amendment Applications**

- a) Upon receipt of an application for a zoning amendment, the Designated Officer shall forward the application to Council for review, which has no obligation to give the application first reading if:
  - i. It is found to be without merit;
  - ii. It is inconsistent with the Town's Development Plan; or,
  - iii. It is substantially similar to a previous application that was rejected within the last year.
- b) If Council deems it appropriate to give the proposed amendment first reading, it shall be reviewed and approved or rejected in accordance with the provisions of *The Planning Act*.

### **6.6.3 Conditions Attached to a Zoning Amendment**

- a) In amending this By-law, Council may impose any conditions on the applicant or the owner of the affected property that they consider necessary to ensure the proposed development will not adversely affect the Town, including but not limited to the conditions listed in subsection 6.4.2.

## **6.7 SUBDIVISIONS**

- a) No subdivision of a parcel of land, including splitting a parcel of land into two or more sites, rearranging property boundaries, or consolidating multiple parcels of land, shall be approved unless each site conforms to the regulations of the zoning district in which it is located.
- b) All subdivisions shall conform to the provisions of the Town of Ste. Anne Development Plan, and the provisions of *The Planning Act*, where applicable.

- c) In approving a subdivision, Council may impose any conditions on the applicant or the owner of the affected property that they consider necessary to ensure the proposed development will not adversely affect the Town, including but not limited to the conditions listed in subsection 6.4.2.

## **6.8 RESPONSIBILITIES OF COUNCIL**

Pursuant to the provisions of *The Planning Act*, Council shall be responsible for:

- a) The enactment of this By-law.
- b) Approving or rejecting applications to amend or repeal this By-law.
- c) Approving or rejecting conditional use order applications and considering revoking authorized conditional use orders for violation of any conditions imposed by it.
- d) Approving or rejecting variation order applications.
- e) Holding public hearings related to proposed conditional uses, variance orders, zoning amendments, or subdivisions.
- f) Appointing a Designated Officer.

## **6.9 RESPONSIBILITIES OF THE DESIGNATED OFFICER**

The Designated Officer shall have the authority to:

- a) Assist and advise members of the public with respect to the requirements of this By-law.
- b) Receive, review, and process completed applications for Development Permits, conditional uses, variance orders, and zoning amendments.
- c) Review each Development Permit application to determine whether it conforms to the Town of Ste. Anne Development Plan, the applicable regulations of this By-law, and any other Town By-laws, as well as the conditions of any caveat, covenant, site plan, development agreement, variance or conditional use order, easement or any other instrument affecting a building or land.
- d) Refer a Development Permit application to any federal, provincial, or municipal department or any other agency deemed appropriate to obtain comments on the application.
- e) Issue Development Permits in accordance with this By-law.
- f) Defer the issuance of a Development Permit until all fees prescribed by the Town are paid.
- g) Refuse to issue a Development Permit where:
  - i. The Development Permit application, or any information accompanying the Development Permit application, is incorrect or incomplete.
  - ii. The proposed building, structure or use does not comply with this Zoning By-law or any other applicable by-law, policy or regulation.
- h) Revoke a Development Permit where the Development Permit was issued in error.
- i) Make a variance order, without the need for a public hearing, for any proposed modification that varies:

- i. Any height, distance, area, size or intensity of use requirement in this By-law by no more than fifteen percent (15%).
- ii. The number of parking spaces required by this By-law by no more than fifteen percent (15%).
- j) Issue zoning memoranda or such other documents necessary for administering this By-law.
- k) Perform other such duties as prescribed elsewhere in this By-law or as required by Council.
- l) Enter any buildings, structures, or premises at all reasonable hours, after giving sufficient notice to the owner or occupier of the building, structure, or premise to be entered, in order to exercise the powers of administration, inspection, remedy and enforcement provided in *The Planning Act*.
- m) Notwithstanding clause (l) above, in an emergency or in extraordinary circumstances, the Designated Officer need not give reasonable notice or enter at a reasonable time in order to undertake inspection, remedy or enforcement activities referred to in this By-law.

## 6.10 DUTIES OF THE OWNER

- a) Neither the granting of a Development Permit nor the approval of drawings and specifications or inspections made by the Designated Officer shall in any way relieve the owner of the responsibility of complying with the regulations of this By-law or any other relevant By-laws of the Town of Ste. Anne.
- b) Every owner shall:
  - i. Permit the Designated Officer to enter any building, structure, or premises for the purpose of administering or enforcing this By-law at all reasonable times and must not obstruct or interfere with the Designated Officer in the discharge of their duties under this By-law.
  - ii. Provide such documentation as may be required by the Designated Officer and obtain their approval before development continues to be carried out if, after the development application has been approved and the Development Permit has been issued, changes are to be made to the approved documents filed.
  - iii. Ensure the installation and ongoing maintenance of buildings, structures, signs, landscaping, and other matters established in this By-law, in addition to any conditions imposed by Development Permits, conditional use or variance orders, Development Agreements, or other such instruments intended to ensure compliance; and,
  - iv. Obtain permits and licenses from the appropriate authorities relating to the buildings, grades, sewers and water supply systems, plumbing, blasting, signs, streets, occupancy, electrical, highways, and any other permits required in connection with the proposed work.

## 6.11 NON-CONFORMITIES

- a) A lawfully existing non-conforming use, building, structure, or parcel of land shall be regulated in accordance with the provisions of *The Planning Act*, unless otherwise provided for herein.

### 6.11.1 Continuance of Lawfully Existing Non-Conformities

- a) Any building, structure, parcel of land, and use thereof that lawfully existed on the effective date of this By-law shall be deemed to be in compliance with the dimensional standards and use requirements of the zoning district in which it is located and may continue to exist as such.

### 6.11.2 Non-Conforming Uses

- a) A legal non-conforming use of a building, structure, or parcel of land may be continued, but if that use is discontinued for a period of twelve (12) consecutive months or more, any future use of the parcel of land, building, or structure shall conform to the regulations of this By-law.
- b) The use of an existing non-conforming building, structure, or parcel of land shall only be changed to a use that is permitted under this By-law for the zoning district in which it is located.
- c) The use of a building or parcel of land shall not be affected by change of ownership, tenancy, or occupancy of the building or parcel of land, so long as the non-conformity is not intensified.
- d) A non-conforming use occupying a portion of a site shall not be extended or transferred in whole or in part to any other portion of the site and no additional buildings shall be erected upon the site while the non-conforming use continues.

### 6.11.3 Non-Conforming Parcels

- a) A site area, site width, or yard reduced below the minimum requirements of this By-law by virtue of a public works, street, or public utility shall be deemed to be in conformance with this By-law.
- b) An existing undersized site may be increased in area and/or frontage, so as to decrease its non-conformity, while still remaining undersized with respect to the requirements of this By-law.
- c) A non-conforming parcel of land may be occupied by a building, structure, or use provided that:
  - i. The use is listed as a permitted or conditional use for the zoning district it is located in;
  - ii. All dimensional standards of the zoning district it is located in are complied with; and/or,
  - iii. Variance orders are obtained as needed to modify the requirements of the zoning district.

### 6.11.4 Non-Conforming Buildings and Structures

- a) Repairs and/or incidental alterations may be made to non-conforming buildings and structures subject to approval and issuance of a Development Permit, where required.
- b) A building containing a non-conforming use shall not be expanded, enlarged or structurally altered, except in the following circumstances:
  - i. A single-unit or two-unit dwelling where the expansion, enlargement, or alteration conforms to the dimensional standards of the applicable zoning district in which it is located; or,
  - ii. The expansion, enlargement or alteration is necessary to bring the building into compliance with Manitoba Building Code standards, as determined by the Designated Officer.
- c) Where a building or structure that does not conform to the provisions of this By-law or amendments thereto is destroyed or damaged to an extent that is fifty percent (50%) or more of the assessed value of the building or structure above its foundation, the building or structure shall not be repaired or rebuilt except in conformity with the provisions of this By-law.

### 6.11.5 Non-Conforming Signs

- a) Any lawfully existing sign that does not conform to one or more of the applicable regulations of this By-law, either on the effective date of this By-law or any amendments thereto, shall be deemed to be a permitted sign and shall be used as if it conformed to all such regulations.

- b) A change in the subject matter represented on a sign shall not be considered a change in use.
- c) A non-conforming sign may be structurally altered or reconstructed in the same location and position provided that such structural alteration or reconstruction does not result in:
  - i. The creation of a new non-conformity or an increase in the existing non-conformity;
  - ii. An increase in the sign surface area; or,
  - iii. An increase in the degree of illumination.

**6.11.6 Variance Orders for Non-Conformities**

- a) Notwithstanding the provisions of this section, a non-conformity may be altered by way of variation order by Council, as per *The Planning Act*.
- b) A variance order shall not be required in such cases where a non-conforming use, building, structure, sign, or parcel of land is being altered without causing the non-conformity to increase, even though the resulting alteration does not fully comply with the requirements of this By-law.

**6.11.7 Development Permits for Non-Conformities**

- a) In such cases where a Development Permit has been issued on or before the day on which this By-law comes into force, and the enactment of the By-law would render the development for which the permit was issued a non-conforming building, structure, use, or parcel of land, the permit shall remain in effect despite the enactment of this By-law, as per subsection 6.3.5.

**6.12 PREVIOUS VIOLATIONS**

- a) Unless otherwise provided for herein, an existing building, structure, or use that was illegal under the provisions of the previous Zoning By-law in force on the effective date of this By-law and any amendments thereto shall not become or be made legal solely by the enactment of this By-law.
- b) 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 hereafter.

**6.13 REMEDIES AND PENALTIES**

**6.13.1 Offences**

- a) Any owner, lessee, tenant, or occupant of land or of a building or a structure thereon who, with respect to such land, building, structure, or sign contravenes or causes, suffers, or permits a contravention of any provision of *The Planning Act*, a Development Permit, a Development Agreement, or this By-law commits an offence.
- b) Any contractor, worker, or other person who constructs or establishes a building, structure, or sign, or makes an addition or alteration thereto, commits an offence if:
  - i. A Development Permit is required but has not been issued or is not recognized in accordance with the provisions this By-law; or,
  - ii. A condition of a Development Permit issued under this By-law is contravened.



### **6.13.2 Suspension or Revocation of Permits**

- a) The Designated Officer may suspend or revoke a Development Permit, Lot Grading Permit, Occupancy Permit, Building Permit, or other such permit issued for a development where:
  - i. The applicant fails to comply with conditions of issuance associated with the permit;
  - ii. Any person undertakes, causes, or permits any development or use on a site contrary to the terms upon which the permit was issued, including the plans, specifications, and descriptions provided with the application;
  - iii. The development has not commenced and reasonably been continued within six (6) months after issuance of the permit; and,
  - iv. The permit was issued in error or based on incorrect information.
- b) Any person who undertakes, causes, or allows any development or use on a site without a required permit, or after a permit has been suspended or revoked, shall discontinue such development or use upon notice in writing by the Designated Officer, and shall not resume such development or use unless a permit has been issued or the permit has been reinstated.

### **6.13.3 Fines and Penalties**

- a) In addition to the measures for suspension and revocation outlined under subsection 16.3.2, fines and penalties for offences shall be imposed as provided for in *The Planning Act*.

### **6.14 EFFECTIVE DATE**

- a) This By-law shall be in full force and effect when it has received 3<sup>rd</sup> Reading from the Council of the Town of Ste. Anne.

### **6.15 TRANSITION FROM PREVIOUS BY-LAW**

- a) Once enacted this By-law repeals and replaces the Town of Ste. Anne Zoning By-law No. 8-2010.
- b) Where a development application has been submitted for any type of approval covered in this By-law, but final approval has not been granted by the approving authorities prior to the effective date of this By-law, the application shall be reviewed and considered in accordance with the provisions of the By-law that was in effect at the time the application was submitted.
- c) 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.

# PART 7 DEFINITIONS

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## 7.1 GENERAL DEFINITIONS

### A

**Abut / Abutting:** means immediately contiguous to or touching and, when used with respect to a lot or site, means the lot or site touches upon another lot, site, right-of-way, or piece of land and shares a property line or boundary with it.

**Accessibility:** means that all individuals regardless of their physical abilities can safely and freely enter or use a space without having to encounter and navigate obstacles that are not inherent to the facility design.

**Accessory Building or Structure:** means a building or structure erected in conjunction with or subsequent to the erection or establishment of the principal building or use to which it is accessory, and is subordinate or naturally and normally incidental to, and located on the same zoning site as, the principal building or use.

**Accessory Building or Structure, Attached:** means an accessory building or structure that is substantially attached to and treated the same as the principal building to which it is accessory.

**Accessory Building or Structure, Detached:** means an accessory building or structure that is entirely detached from and treated differently than the principal building to which it is accessory.

**Accessory Use:** means a subordinate or incidental use of a building or site that may only be established in conjunction with or subsequent to the establishment of the principal use or uses to which it is accessory.

**Act, the:** means *The Planning Act* (C.C.S.M. c. P80) of Manitoba and any amendments thereto.

**Adjacent:** means contiguous or would be contiguous if not for a river, rail line, road, utility right-of-way, and/or any other land identified in this By-law as adjacent land for the purpose of notification.

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

**Alteration, Incidental:** means changes or replacements in the non-structural parts of a building or structure, including but not limited to the following:

- I. An addition, alteration, removal, reconstruction or replacement on the non-structural exterior of a residential building;
- II. An addition, alteration, removal, reconstruction or replacement of any unroofed driveway, sidewalk, patio or any accessory building floor;
- III. Alteration of non-load bearing interior partitions in all types of buildings;

- IV. Replacement of, or changes in, the capacity of utility pipes, ducts or conduits;
- V. Replacement and placement of necessary roofing materials, awnings, eaves, overhangs and related structures, provided the area and height of the roof are not increased;
- VI. The addition and replacement of interior structures such as furnaces, fuel tanks, water heaters, fireplaces or wood stoves; and,
- VII. Replacement of exterior building facades.

**Alteration, Structural:** means any change, which prolongs the life of the supporting members of a building or structure, which includes, but is not limited to, bearing walls, columns, beams or girders.

**Applicant:** means a registered owner or an owner's authorized agent, who has filed an application subject to the provisions of this By-law.

**Awning / Marquee:** means any roof-like structure, which may be constructed as an integral part of a building or attached in such a manner as not to be an integral part of a building, but is so constructed to provide shelter or shade over an entrance way or a window.

## B

**Bareland Condominium:** means a condominium plan upon which one or more units are defined by delineation of horizontal boundaries of the unit without reference to any buildings.

**Basement:** means the portion of a building or structure which is wholly partially below grade, with not more than one-half of its height from finished floor to finished ceiling located above grade.

**Boarder:** means a person who is provided lodging in exchange for a fee or services at another's residence.

**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, Height of:** means the total number of storeys in a building or the vertical distance measured from grade to the highest point of the roof surface for flat and shed roofs, to the deck for a mansard roof, and to the mean height level between eaves and ridge for gable and hip roofs.

**Building Location Certificate:** means survey performed by a Manitoba Land Surveyor for the location of buildings on a property including any buildings or structure that encroach from neighbouring properties.

**Building Site Grade:** means the site grade elevation of the finished ground surface immediately adjacent to the foundation of a building.

**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 providing 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.

## C

**Caliper:** means the trunk diameter of a tree measured at a point 1 foot above the top of the root ball.

**Cannabis:** means cannabis as defined in *The Cannabis Act* (Canada).

**Caretaker's Residence:** means an accessory dwelling on a non-residential property occupied by one or more persons who operate or oversee the principal use of the site; namely places of religious assembly.

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

**Controlled Area:** means, in the case of a limited-access highway or freeway, the area on each side of the highway that is within 125 feet of the outer edge of the road allowance, and any additional area established as a controlled area under the Controlled Areas and Limited-Access Highways Regulation under *The Transportation Infrastructure Act* and any amendments thereto.

**Conditional Use:** means a use of a building or site identified as a conditional use in this By-law that may be approved in accordance with *The Planning Act*. Conditional uses are uses that may have unique or widely varying operating characteristics, potential operational or other impacts on adjacent properties, or unusual site development demands, which require special consideration and the opportunity for public feedback.

**Conditional Use Order:** means an order in respect of an application for a conditional use.

**Condominium:** means *condominium* as defined in the *The Condominium Act*.

**Council:** means the elected council for the Town of Ste. Anne.

## D

**Density:** means the total number of dwelling units in relation to the total land area to be developed, expressed as a ratio of dwelling units per land area in square feet.

**Designated Officer:** means the person appointed by the Town of Ste. Anne Council to carry out duties and responsibilities assigned to that person by the Council, included but not limited to those outlined herein.

**Development:** means *development* as defined in *The Planning Act*.

**Development Permit:** means a permit authorizing development that is subject to the Town's zoning by-law, issued by the Town of Ste. Anne.

**Development Plan:** means the Town of Ste. Anne Development Plan, as adopted by By-law, and any amendments thereto.

**Dimensional Standards:** means a development requirement that establishes standards for site sizes, the form of buildings and structures on a site, and the buildable area within which buildings and structures can be located, including lot coverage, required yards, height, site area, and other standards defined in PART 3.

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

## E

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

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

**Exterior Wood Burning Furnace:** means an outdoor solid fuel combustion unit that is used to heat the interior of a principal building, but does not include fire pits or enclosures intended for recreational use.

## F

**Family:** means one or more persons voluntarily associated, plus any dependents, living together as an independent, self-governing single housekeeping unit.

**Flood Proofed:** means measures taken to ensure that a structure or building is safe from the effects of flooding and includes prohibiting openings of any kind such as windows, doors and vents, or electrical equipment below the flood datum.

**Flood Protection Level:** means, in reference to a building site's elevation, a point that is 2 feet above the two-hundred year flood level as determined by the Government of Manitoba.

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

**Floor Area:** means the sum of the gross horizontal areas of all floors of the buildings and structures located on a zoning site, measured from the exterior faces of exterior walls, or from the centre line of partitions, excluding spaces in a basement, cellar, penthouse or on a rooftop used for the storage of mechanical or heating equipment, and any space within the building used for accessory parking or loading.

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

## G

**Garage:** means an accessory building or part of a principal building designed and used primarily for the storage of motor vehicles and may also include the incidental storage of other personal property. The term garage includes carports.

## H

**Habitable Room / Space:** means a room or enclosed space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, corridors, closets, storage rooms, and rooms in basements or cellars used only for recreational purposes.

**Hazardous Areas:** means an area of land having inherent environmental hazards that have caused or may cause risk to health, safety, life, and property, which includes, but is not limited to, the following conditions:

- (I) Flooding of local watercourses or water bodies;
- (II) Erosion or cutting of land due to the action of water in an adjacent watercourse or water body;
- (III) River bank instability or slumping;
- (IV) Landslides, including mudslides;
- (V) Subsidence; and,
- (VI) Local ponding due to improper surface drainage.

**Hazardous Materials:** means any materials that are buoyant, flammable, toxic, or explosive.

## I

**Infill Development:** means any type of development occurring on unused and/or underutilized lands within the existing built-up area of the Town which is currently serviced with municipal infrastructure.

## J

[reserved]

## K

**Kennel:** means *kennel* as defined in Town of Ste. Anne Animal Control By- Law. The term kennel does not include veterinary clinics, animal hospitals, or pet grooming establishments.

## L

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

**Lane:** means a public thoroughfare not more than 33 feet in width that affords only a secondary means of access to abutting sites and which is not intended for general traffic circulation.

**Livestock Operation:** means livestock operation as defined in *The Planning Act*.

**Loading Aisle:** means that portion of a loading facility or area that provides vehicular access to a loading space, not directly from a driveway or street. May be shared with a parking aisle.

**Loading Area:** means an open area of land, not including within a public right-of-way, or an area within a structure used for the loading and unloading of materials, merchandise, or people from motor vehicles.

**Loading Driveway:** means that portion of a loading facility or area that provides vehicular access to a loading aisle or space. May be shared with a parking driveway.

**Loading Space:** means that portion of a loading facility or area, excluding vehicle manoeuvring areas such as aisles and driveways, that will accommodate one motor vehicle.

**Lot:** see *parcel of land* definition.

**Lot Line:** means one of the fixed boundaries defining the area of the lot.

## M

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

**Mobile Home:** means, as defined in CSA standards, a portable dwelling unit that is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached for transportation purposes, whether or not such structure actually has at any time such wheels, or is jacked up or skirted. Does not include campers, motor homes, or similar recreational vehicles.

**Modular Home:** means a dwelling which is manufactured or fabricated off-site in two or more near complete standardized sections or units, and then assembled on a foundation at the building site.

**Motor Home:** means a certified and licensed vehicular structure, as defined in *The Highway Traffic Act*, that is used for recreational travel and temporary accommodation, and is not connected to municipal services.

## N

**Non-Conforming / Non-Conformity:** means any use, structure, sign, or parcel of land, individually or in combination, which lawfully existed prior to the effective date of this By-law, but that does not conform to one or more of the applicable standards on the effective date of this By-law.

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

## O

**Outdoor Storage:** means the storage of merchandise, goods, inventory, materials or equipment or other items that are not intended for immediate sale outdoors rather than in a completely enclosed structure.

**Owner:** means owner as defined in *The Planning Act*.

## P

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

**Parking Aisle:** means that portion of a parking facility or area that provides vehicular access to a parking space, not directly from a driveway or street.

**Parking Area:** means an open area of land, not including on a street or lane, or an area within a structure used primarily for the parking of vehicles.

**Parking Driveway:** means that portion of a parking facility or area that provides vehicular access to a parking aisle or space.

**Parking Space:** means that portion of a parking facility or area, excluding vehicle manoeuvring areas such as aisles and driveways, that will accommodate one motor vehicle.

**Parking Space, Accessible:** means that portion of a parking facility or area, excluding vehicle manoeuvring areas such as aisles and driveways, that will accommodate one motor vehicle and that has been designed and dimensioned in order to accommodate persons with disabilities, consistent with *The Accessibility for Manitobans Act* and the associated standards herein.

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

**Performance Standard:** means a standard established to control appearance, quality of materials, noise, odour, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by, or inherent in, the use or use of a site, building, or structure.

**Permitted Use:** means the use of a site, building, or structure permitted in a zoning district by this By-law for which a Development Permit may be issued without the need for special administrative review or approval, upon satisfaction the use is in conformance with the standards and requirements of this By-law.

**Portable Garage:** means an accessory structure composed of a membrane material, including but not limited to canvas, plastic, nylon, or visqueen, which is supported by a rigid framework of poles, ropes, and/or pegs and commonly used for storing goods, covering vehicles, or other uses of a similar nature.

**Principal Building:** means the primary or predominant building on any site.



**Principal Use:** means the primary or predominant use on any site or within any building or structure.

**Prohibited Use:** means a use that is not permitted in a zoning district.

## Q

[reserved]

## R

**Riparian Area:** means an area of land on the banks of or near a water body that are capable of naturally supporting an ecosystem that is distinct from the ecosystem of the adjacent upland areas.

**Road Allowance:** means a registered public street right-of-way.

## S

**Site:** means an area of land comprised of one or more abutting lots in a registered plan of subdivision under the same landowner, or the aggregate of all contiguous land described in a certificate of title or in more than one certificate of title, provided both certificates of title are under the same landowner.

**Site, Corner:** means a site situated at the intersection of two or more public streets, where the interior angle of such intersection does not exceed 135 degrees.

**Site, Flag:** means a site lacking the required minimum site width or frontage on an existing or proposed street but having direct access to that street by means of a narrow access corridor.

**Site, Interior:** means any site other than a corner, reverse corner or through site.

**Site, Irregular:** means an irregularly shaped site, the front, rear, and/or side site lines of which cannot be defined as provided for herein, and shall be determined by the Designated Officer.

**Site, Reverse Corner:** means a corner site, the rear site line of which abuts the side site line of another site.

**Site, Through:** means a site that abuts two or more public streets but does not abut the intersection of those streets.

**Site, Zoning:** means a site that is occupied, or is intended to be occupied, by a permitted or conditional use and any approved buildings or structures associated therewith, together with any yards and setbacks required by this By-law; and, has frontage on a public street, an unimproved public street that will be improved pursuant to an agreement with the Town, or other lawful means of access permitted by this By-law; and, which conforms to the site area and width requirements of the zoning district within which it is located, unless otherwise provided for by this By-law.

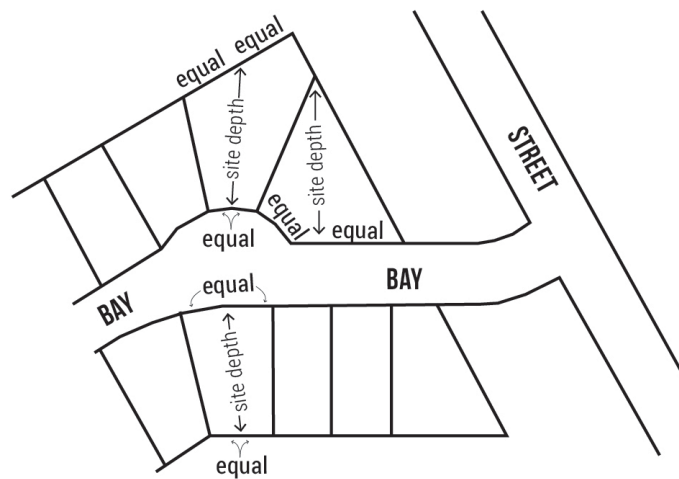
**Site Area:** means the amount of gross land area contained within the site lines.

**Site Coverage:** means the percentage of the total site area covered by buildings. It is calculated by dividing the square footage of all the building footprints on the site, measured at the lowest storey above grade, by the square footage of the site area, excluding the following non-enclosed structures and site features:

- (I) Areas covered by open outdoor swimming pools and hot tubs;
- (II) Open decks, landings, and stairs less than 4 feet above grade;
- (III) Accessory structures with a cumulative site coverage of less than 125 square feet; and,
- (IV) Any permitted projections.

**Site Depth:** means the horizontal distance between the centre points of the front and rear site lines.

Figure 6 – Site Depth



**Site Grade Elevation:** means either the elevation of the finished ground surface at any specific reference point, at any point on the slope between two specific reference points on a site, or a combination thereof as determined by the Designated Officer.

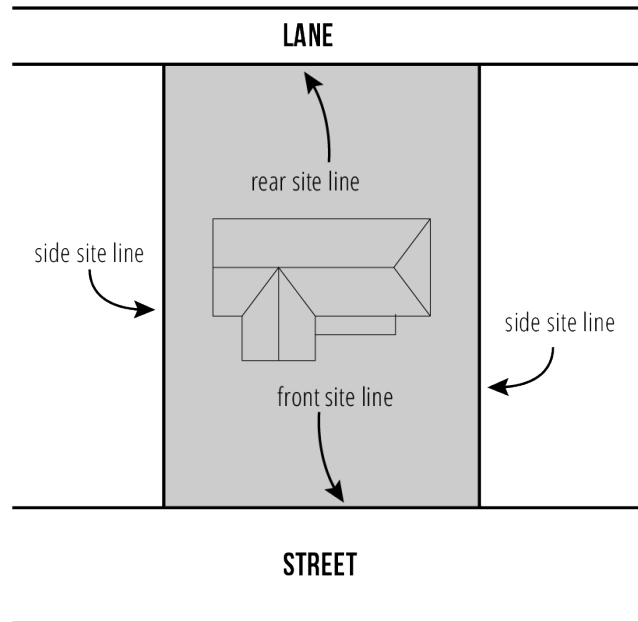
**Site Line:** means one of the fixed boundaries defining the area of the site.

**Site Line, Front:** means, in the case of an interior site, the site boundary that abuts the public street; or, in the case of a through site, both site boundaries that abut public streets; or, in the case of a corner site, the frontage that is a continuation of the front site line of an abutting interior site or, if none, those frontages that, as front site lines, accord with the intent and purposes of yard and site requirements.

**Site Line, Rear:** means the site boundary that is most nearly parallel to the front site line; or, any site boundary that is in whole or in part the rear site line of an abutting site and as a rear site line accords with the intent and purpose of yard and site requirements; or, in the case of a site where the side site lines intersect, the rear site line is deemed to be a line 10 feet in length, located within the site, parallel to and at the maximum distance from the front site line.

**Side Line, Side:** means any boundary of a site which is not a front or rear site line.

Figure 7 – Site Lines



**Site Width:** means the horizontal distance between the side site lines, measured at right angles to the site depth at a point midway between the front and rear site lines, or 50 feet from the front site line, whichever is the lesser.

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

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

**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 cellar.

**Street:** means a public thoroughfare or highway, but does not include a public lane.

**Structure:** means a feature constructed or erected with a fixed location on or below the ground or attached to something with such a fixed location. It includes, but is not limited to, buildings, walls, fences, signs, light standards, decks, and antennas.

## T

**Temporary Buildings / Uses:** means an incidental use, building or structure for which a Development Permit has been issued for a limited time only by the Designated Officer.

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

**Two-Hundred Year Flood:** means a flood that, on average, is statistically expected to happen once in 200 years, as the probability of it occurring in any given year is 0.5%.

**U**

**Use:** means the purpose or activity for which a parcel of land, building, or structure is designed, arranged, developed or intended, or for which it is occupied or maintained.

**V**

**Variance:** means the modification of a regulation in this By-law.

**Variance Order:** means an order in respect of an application for a variance.

**W**

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

**X**

[reserved]

**Y**

**Yard:** means an open area unobstructed from the ground to the sky, unless otherwise provided for herein, measured from the closest exterior wall of a building to the boundary of the site on which it is located.

**Yard, Corner Side:** means the yard extending along the side site line of a reverse corner site from the front yard to the rear yard, the depth of which is measured perpendicularly from the nearest wall of the principal building to the side site line.

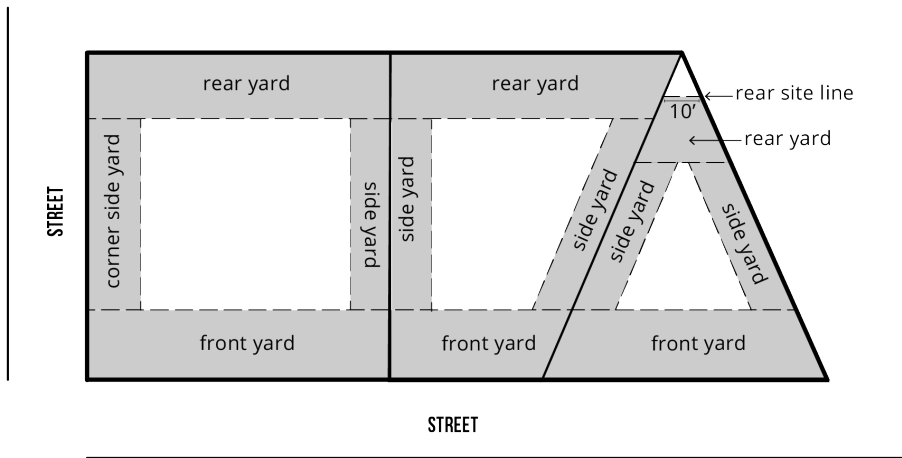
**Yard, Front:** means the yard extending along the full length of the front site line, the depth of which is measured perpendicularly from the nearest wall of the principal building to the front site line.

**Yard, Side:** means the yard extending along the side lot line from the front yard to the rear yard, the depth of which is measured perpendicularly from the nearest wall of the principal building to the side site line.

**Yard, Rear:** means the yard extending along the full length of the rear site line, the depth of which is measured perpendicularly from the nearest wall of the principal building to the rear site line.

**Yard, Required:** means the 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, unless permitted herein.

Figure 8 – Yards



## Z

**Zoning District:** means an area for which this by-law has established uniform regulations and requirements governing the use, dimensions, and operational characteristics of buildings and premises located within the zoning district, as depicted on the zoning map or maps.

## 7.2 SIGN DEFINITIONS

**Sign:** means any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol or trademark), banner, pennant or any other figure of similar character, which directs attention to a building, use, business, commodity, service, or entertainment.

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

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

**Sign, Advertising:** means a sign directing attention to a business, commodity, service, or entertainment conducted, sold, or offered on a different site than where the sign is located.

**Sign, Attached:** means a sign that is structurally attached to the exterior of a building, including awning, fascia, wall, projecting, and other attached or wall-mounted forms.

**Sign, Awning:** means a sign that is incorporated into the material of an awning and does not extend vertically or horizontally beyond the extent of the awning.

**Sign, Billboard Advertising:** see *Use Class* definitions.

**Sign, Building Identification:** means a sign that identifies a building by name, logo, or address.

**Sign, Construction:** means a sign which identifies a construction project and information relative thereto that is temporary in nature.

**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, Directional:** means a sign directing or regulating vehicular traffic, pedestrians, and other members of the traveling public by indicating street names, points of access and egress, routes, and similar information.

**Sign, Event:** means a sign that indicates the time, date, and type of event or events scheduled for a venue located on the same site or lands.

**Sign, Fascia / Wall:** means a sign attached to or inscribed on a wall or other exterior surface, and having the exposed face of the sign on a plane approximately parallel to the plane of such wall or exterior surface, and projecting not more than 1.5 feet from the face of such wall. May include a sign attached to a marquee.

**Sign, Flashing:** means an illuminated sign which contains an intermittent or flashing artificial light source rather than maintaining the illumination at a constant intensity and colour.

**Sign, Freestanding:** means a sign that is designed as a unit with a permanent, independent structural support that is not attached to a building, including pylon and ground oriented signs.

**Sign, Illuminated:** means a sign that transmits or reflects light from an artificial source.

**Signs, Non-Conforming:** any sign found to be in contravention of the regulations of this By-law.

**Sign, Portable:** 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, Projecting:** means a sign attached to a building, which extends perpendicularly beyond the surface of that portion of the building to which it is attached.

**Sign, Real Estate:** means a sign advertising the sale, rental or lease of the premises on which it is located.

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

**Sign, Sandwich Board:** means a sign that is not permanently affixed to the ground or attached to a building or structure and that includes a top hinge, to allow for an A-frame configuration, with sign faces on either side of the hinged joint.

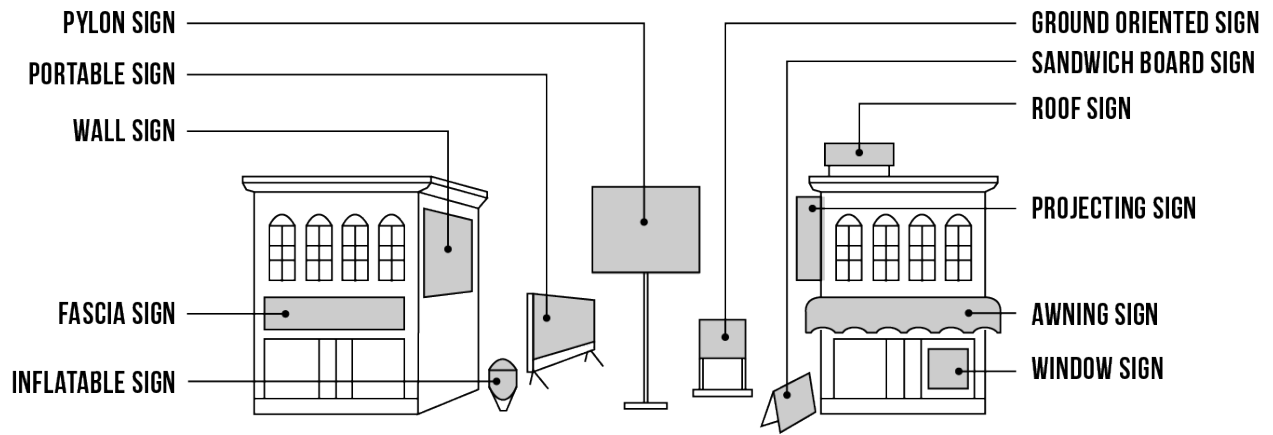
**Sign, Temporary:** means a sign which is not permanently anchored to a footing extending below grade or permanently affixed to, or painted on, a building or structure. Temporary signs include political campaign signs, real estate signs, construction signs, sandwich board signs, garage sale signs, community event signs, and inflatable signs, but do not include portable signs.

**Sign, Use Identification:** means a sign that identifies a business, service, institution, owner, or resident by name, logo, slogan, or any combination thereof and which may direct attention to a business, service, or commodity conducted, offered, or sold on the same site or lands.

**Sign, Wayfinding:** means a sign located on or off-site providing direction to, and information about, a specific attraction, enterprise or activity, which does not contain general advertising.

**Sign, Window:** means a sign which is painted on, attached to, or installed on a window, or displayed near a window, for the purpose of being viewed from outside the premises.

Figure 9 – Sign Examples



**Sign Copy:** means letters, graphics, or characters that comprise the sign message.

**Sign Copy Area:** means the area of a sign covered by a single rectangle drawn around the extremities of the message contained on the sign.

**Sign Height:** means the vertical distance measured from the highest point of the sign or sign structure to grade.

**Sign Surface Area:** means the entire area of the sign on which copy is intended to be placed, together with any material, colour, shell, frame, base or structure that is used to differentiate the sign from its backdrop.



## 7.3 USE CLASS DEFINITIONS

### 7.3.1 Principal Uses

#### Residential and Residential Related

**Boarding House:** means a building, including but not limited to a single-unit dwelling or portion thereof, in which living units with sleeping areas and some combination of shared or separated bath, toilet and cooking facilities are provided for tenants in exchange for compensation. May otherwise be commonly referred to as a lodging house or rooming house, but does not include hotels, motels, or group homes.

**Group Home:** means a residential dwelling in which individuals, exclusive of supervisory staff, live as a residential unit under the responsible supervision consistent with the particular requirements of its residents. Each home must meet applicable Provincial licenses and requirements.

**Live-Work Unit:** means a residential dwelling unit that includes working space or a commercial business establishment, regularly used by one or more residents of the dwelling unit, and whereby each “live” and “work” component within the unit has an independent entrance from the outside in addition to interior access between the “live” and “work” components, but does not include a home-based business.

**Multiple-Unit Dwelling:** means a building located on a single site containing three or more principal dwellings, such as apartment buildings and condominium complexes.

**Planned Unit Development (PUD):** means a land development project planned as an entity in accordance with a unitary site plan, which permits flexibility in the siting of buildings, mixing of uses, and housing types, and which may feature usable open spaces, multiple building owners, and preserved natural areas.

**Row Housing:** means a development consisting of a building containing a row of three or more principal dwellings joined in whole or in part at the side only, with none of those dwellings being placed over another in whole or in part, and with each dwelling having separate, individual, and direct access to ground level.

**Single-Unit Dwelling:** means a building located on a single site containing one residential dwelling unit, which is separate from any other dwelling or building, but does not include mobile homes.

**Two-Unit Dwelling:** means a building located on a single site containing two dwellings horizontally divided along a party wall or vertically divided at the ceiling of the ground-floor dwelling, with each dwelling having its own independent entrance, such as a duplex or side-by-side.

#### Commercial

**Auction Establishment:** means a use that is specifically intended for the auctioning of goods and equipment, including the temporary storage of such goods and equipment.

**Automotive / Recreational Vehicle Sales and Rentals:** means the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, utility trailers, boats, travel trailers or similar light

recreational vehicles or crafts, together with incidental maintenance services and sale of auto parts. This use includes automobile dealerships, car rental agencies, and motorcycle dealerships.

**Business Support Services:** means an establishment providing support services to businesses such as the printing, duplicating and binding of documents or the sale, rental, repair or servicing of office equipment and furnishings, as well as maintenance, custodial, or security services for related facilities. Typical Uses include printing establishments, janitorial firms and office equipment sales and repair establishments.

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

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

**Catering Service Establishment:** means the use of a premises for the preparation of food or beverages on-site, strictly for the consumption of these products off-site.

**Eating / Drinking Establishment:** means a use involving the preparation of food or drink to be consumed by the public, whether on or off the premises, including drinking establishments licensed under the *Liquor and Lotteries Act*, restaurants, cafes, delicatessens, commercial catering kitchens, lunchrooms, and bakeries.

**Greenhouse / Plant Nurseries:** means a development used primarily for the propagation, storage, and distribution of plants, but does not include cannabis production or the sale of landscaping related products.

**Hotel / Motel:** means a building or portion of a building used for the provision of rooms or suites for temporary sleeping accommodation in exchange for a fee, which may or may not include kitchen facilities within the rooms or suites, and where access to rooms and suites is provided by means of a common interior corridor or individual exterior entrance. Hotels and Motels may include incidental or associated Eating and Drinking Establishments, meeting rooms, and establishments offering Personal Services.

**Market, Indoor:** means a development used for the sale of new or used goods by multiple vendors renting tables or space in an enclosed building. Vendors may vary from day to day, although the general layout of space to be rented remains the same. The goods sold typically include general household items, tools, electronic equipment, food products or concessions, plants, clothing, art pieces, and furniture.

**Pawnshop / Payday Loan Services:** means a use where money is loaned on security of personal property left in pawn and pledged as collateral for the loan and where such property may be redeemed by the seller in a fixed period of time or sold to the general public, or an establishment offering an advance of money in exchange for a post-dated check, a pre-authorized debit payment, or future payment of a similar nature.

**Personal Services:** means a business predominantly providing a service directly to a client, such as a hair salon, spa, laundromat, dry-cleaner, and other establishments of this nature, but does not include health services. The sale of goods, if applicable, shall be accessory to and related to the service business.

**Pet Grooming Establishment:** means an establishment used for the grooming of domestic animals, including bathing, cutting of hair, trimming of nails, and other services associated with the act of grooming. This use may include the incidental sale of related items, but does not include animal shelters or kennels.

**Professional, Financial, and Office Services:** means a use related to the provision of professional, management, administrative, consulting, and financial services, but does not include health services or government services, nor the processing, storing, or selling of goods for any associated businesses. Typical uses include, but are not limited to: the offices of lawyers, accountants, engineers, and other professions; banks, credit unions, and similar financial institutions; and, clerical, secretarial, or administrative services.

**Retail Store, Convenience:** means a development used for the retail sale of those goods required by area residents or employees on a day to day basis, from business premises which are of a neighbourhood scale. Typical uses include but are not limited to small-scale grocers, drug stores, and variety stores selling confectionary, beverages, pharmaceutical and personal care items, as well as hardware or printed matter.

**Retail Store, General:** means a development used for the retail or consignment sale of new goods or merchandise within an enclosed building, including groceries and beverages, household goods, furniture and appliances, recreation equipment, hardware, printed matter, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationary, domestic animal supplies, and similar types of goods. Incidental uses may include the assembly or repair of products sold on site, or minor public services such as a post office or pharmacy. This use does not include the sale of gasoline, cannabis, heavy agricultural or industrial equipment, or adult movies, nor does it include pawnshops or massage parlours.

**Sign, Billboard Advertising:** means a sign displaying copy that directs attention to a business, activity, product, or service that are not the principal products sold or the principal business, activity, or service that is provided onsite. This use Includes attached and free-standing sign forms.

**Studio, Fitness / Wellness:** means a commercial establishment equipped for exercise and/or leisure-time activities which may be conducted independently or at the direction of an instructor within an enclosed facility. Typical uses include gymnasiums, health clubs, yoga studios, spas, and similar types of facilities.

**Warehouse Sales Facility:** means a use involving the wholesale or retail sale of a limited range of bulky goods where the size and nature of the goods being sold typically requires large floor areas for direct display to the purchaser, including furniture, gardening supplies, flooring, appliances, and building materials.

## **Cultural and Entertainment Use Class**

**Amusement Establishment, Indoor:** means a use involving one or more participants playing table, video, cooperative, or interactive games in an enclosed facility. Typical uses include bowling alleys, escape rooms, pool halls, arcades, bingo halls, and similar participant activities. This use does not include casinos or other licensed gaming establishments.

**Amusement Establishment, Outdoor:** means a development providing primarily outdoor facilities for one or more participants to engage in activities for general amusement. Typical uses include race tracks, paintball facilities, miniature golf courses, watercraft rentals, amusements parks, and similar participant activities.

**Casino / Gaming Establishment:** means a development providing facilities for patrons to participate in gaming opportunities as the principal use. Typical uses include casinos or gaming centres and clubs licensed under the Liquor, Gaming and Cannabis Authority of Manitoba. This use does not include facilities used for infrequent bingo or other community gaming activities, nor establishments with accessory VLTs.

**Entertainment Establishment, Indoor:** means a use that is primarily spectator-oriented involving the showing of motion pictures or live dramatic, musical, dance, or interpretive performances within an enclosed facility. Typical uses include cinemas, theatres, concert halls, auditoriums, and similar facilities.

**Entertainment Establishment, Outdoor:** means a use that is primarily spectator-oriented involving the showing of motion pictures or live dramatic, musical, dance, or interpretive performances in an outdoor setting. Typical uses include outdoor stage venues, pavilions, amphitheatres, and similar facilities.

**Library / Museum / Gallery:** means a use involving the collection of literary, artistic, musical, or similar reference materials in the form of books, manuscripts, recordings and films intended for public use through various forms of media. This may also include uses involving the collection, preservation, and exhibition of works or objects of historical, cultural, artistic, or scientific value, as well as uses of a similar nature.

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

**Studio, Media:** means a use intended for the creation, production, and/or circulation of audio or visual materials that are broadcasted or otherwise communicated through technological means to an off-site audience. Typical uses include internet content providers, game designers, and film or television studios.

**Studio, Performing Arts:** means a use intended for those engaged in the application, teaching, or performance of fine arts such as drawing, painting, illustrating, writing, dancing or sculpting, as well as vocal, instrumental, or electronic music, which may or may not be open to members of the public.

## Community and Institutional Use Class

**Childcare Services:** means a use involving care, educational activities, and supervision of children in the daytime and evening, licensed by the Government of Manitoba under The Community Child Care Standards Act. Typical uses include preschools and daycares, but does not include overnight accommodations.

**Community Centre:** means a public facility where residents of the Town and visitors thereto can meet and participate in social, educational, or recreational activities, as well as rent such facilities for special events.

**Community Garden:** means an area managed by a non-profit organization, a community-based entity, or

a public entity where members of the community may grow plants for beautification, education, recreation, community distribution or personal consumption and use.

**Education Support Services:** means a use involving the private instruction of one or more students seeking educational support. Typical uses include, but are not limited to private tutoring, language lessons, and continued learning classes. This use does not include primary, secondary, or post-secondary schools.

**Funeral Services:** means a development used for the preparation of the deceased for burial or cremation, and the holding of funeral services. This use includes funeral homes and undertaking establishments.

**Health Services:** means a use primarily related to the provision of physical and mental health services on an out-patient basis, which may be of a diagnostic, treatment, counselling, rehabilitative, or therapeutic nature. Typical uses include, but are not limited to dental offices, medical clinics, and counseling offices.

**Institutional Residence:** means a use, licensed under applicable provincial legislation and regulations, intended to provide housing and support services for one or more residents who meet the provincial definition for “elderly person” or “infirm person” under The Elderly and Infirm Persons’ Housing Act. Typical uses include nursing homes, personal care homes, assisted living facilities, and rehabilitation homes.

**Public Park / Playground:** means a development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and human-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland. Typical uses include tot lots, interpretive centres, picnic grounds, pedestrian trails and paths, landscaped buffers, play structures, splash pads, natural reserves, and athletic playing fields.

**Recreation Facility, Indoor:** means a private or public facility at which athletic activities take place within an enclosed building. Typical uses include recreation and leisure centres, hockey arenas, curling and skating rinks, swimming pools, climbing walls, racquet clubs, running tracks, and similar types of facilities.

**Recreation Facility, Outdoor:** means a private or public facility at which athletic activities take place in an outdoor setting. Typical uses include soccer, baseball, and football playing fields, skateparks, basketball and tennis courts, swimming pools, golf courses, running tracks, lawn bowling greens, and similar facilities.

**Religious Assembly:** means a place of worship and related activities. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.

**Research Institution:** means a use involving scientific or academic research, product design, development, and testing, and limited manufacturing necessary for the production of prototypes.

**School, Primary / Secondary:** means an accredited education facility under public, private, or religious sponsorship providing instructional services to students from kindergarten through to grade twelve.

**School, College / Trade:** means an accredited education facility providing post-secondary instruction and to students enrolled in university, college, trades, and technical or vocational programs. This use includes incidental or associated student residences, cafeterias, recreation facilities, and research institutions.

**Social Service Centre:** means a use providing social or welfare services to those in need, for no fee or compensation, or at a fee recognized as being significantly less than charged by for-profit organizations. Typical uses include information and referral services, counselling, aid through the provision of food or clothing, life skill and personal development programs, and general drop-in or activity space.

**Veterinary Clinic / Animal Shelter:** means a development used for the accommodation, treatment, and care of animals where veterinary services primarily involve outpatient care and minor medical procedures. This use does not include animal kennels or pet grooming establishments.

### Private Motor Vehicle Use Class

**Automotive and Equipment Repair Service:** means a development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles and/or the sale, installation and servicing of related accessories and parts. This use includes transmission shops, muffler shops, tire shops, upholstery shops, and automotive glass shops, but does not include rapid vehicle service establishments or body repair and paint shops.

**Car Wash:** means a facility for the cleaning of automobiles or other motor vehicles, whether operated by the public or by on-site employees.

**Fuel Sales:** means a use that involves the retail sale of gasoline and other petroleum products to the public, along with the incidental sale of motor vehicle products and/or packaged confectionary and beverages. This use does not include card-lock fuel sales or service stations.

**Parking, Non-Accessory:** means a use involving motor vehicle parking that is not primarily intended for residents, employees, or customers of an onsite development. This use includes unenclosed surface, enclosed surface, and enclosed above and below-grade parking areas.

**Rapid Vehicle Service Establishment:** means a development providing rapid cleaning, lubrication, maintenance or repair services to motor vehicles, where the customer typically remains within their vehicle or waits on the premises. Typical uses include rapid lubrication shops or speciality repair establishments.

**Service Station:** means a highway-oriented operation that includes a combination of fuel sales, vehicle repair services, restaurants, and similar uses intended to serve the trucking industry and travelling public.

**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. This use includes card-lock fuel sales.

### Basic Service and Utility Use Class

**Cemetery:** means a development primarily used for the entombment of the deceased, and may include such incidental uses as crematories, cinerarium, columbarium, mausoleums, and landscaping elements.

**Government Services:** means a development providing Municipal, Provincial or Federal government services directly to the public. Typical uses include government offices, taxation offices, courthouses, correctional centres and jails, manpower and employment offices, and social service offices.

**Hospital:** means a use that involves outpatient and inpatient medical treatment and may include overnight stays. Treatment includes diagnostic, laboratory, surgical, counselling, and rehabilitation of patients.

**Protective / Emergency Services:** means a development used for accommodating staff and operational activities required for the public protection of persons and property from harm, injury, or damage, in addition to storing incidental equipment and vehicles which are necessary for carrying out such services. Typical uses include police stations, fire stations, ambulance services, and ancillary training facilities.

**Public Utility Services:** means a use that involves a system, works, plant, pipeline, transmission line, and/or related facility intended to provide, either directly or indirectly, utility services to the general public under provincial or municipal regulation. Typical uses include sanitary landfill sites, sewage treatment plants, waste compaction and transfer, electrical stations and substations, and water treatment plants. This use does not include private for-profit or commercial scale wind or solar energy generating systems.

## Industrial Use Class

**Agricultural Implement Sales / Services:** means a development used for display, sale and rental of new or used farm implements that includes repair work.

**Bulk Storage Facility:** means a use involving outdoor storage or tank storage of large quantities of raw materials or industrial-related goods such as liquids, fuels, gases, minerals, pipes, fertilizers, and grain.

**Contractor Services:** means a development used for the provision of building construction, landscaping, concrete, electrical, excavation, heating, plumbing, paving, road construction, sewer or services of a similar nature, including the cleaning, servicing, and repairing of household appliances and devices, which may require on-site storage space for materials, construction equipment, or vehicles normally associated with such services. This use may include incidental sales, display, office, or technical support services.

**Fleet Services:** means a development using a fleet of vehicles for the delivery of people, goods or services, where such vehicles are not available for sale or long-term lease. Typical uses include ambulance services, taxi services, bus lines, and messenger and courier services.

**Heavy Equipment Sales / Rentals:** means a use involving the sale, rental, and repair of heavy vehicles, machinery, or mechanical equipment typically used in building, roadway, manufacturing, assembly and/or processing operations and agricultural production.

**Manufacturing Establishment, Light:** means a development used for the assembly, storage, fabrication, and/or modification of goods and materials that have typically already been treated or processed, where outdoor storage is minimal and its operations do not ordinarily create noise, smokes, fumes, odours, or safety hazards outside of the building in which they take place. Typical uses include automotive body repair and paint shops, kitchen cabinet shops, electronics equipment assembly, and commercial printing facilities.

**Manufacturing Establishment, Heavy:** means a development used for the assembly, storage, fabrication, and/or processing of goods and materials that are typically of a raw or semi-finished nature, and which may have impacts on surrounding properties due to noise, smoke, fumes, odours, or safety hazards associated with the operations of such establishments. Typical uses include asphalt or concrete batching plants, foundries, chemical plants, abattoirs, plastics manufacturers, and refineries.

**Micro-Brewery / Distillery / Winery:** means the manufacturing of beer, wine, spirits or other alcoholic beverages. This use may include the sale of alcoholic beverages to the public for consumption within the premises. Retail sales of alcoholic beverages for consumption off-site shall be limited to alcoholic beverages that are manufactured on-site. Incidental uses may include the preparation and sale of food, as well as storage, packaging, bottling, canning and shipping of products manufactured within the premises.

**Recycling Facility:** means a development used for the purchasing and temporary storage of bottles, cans, newspapers and similar household goods for reuse where all storage is contained within an enclosed building. This use does not include salvage operations and yards.

**Salvage Operation / Yard:** means the use of any site where two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license or registration, have been placed for the purpose of obtaining parts for recycling or resale. Building materials, scrap metal, or any other kind of salvage are also included in this definition, in addition to incidental office and warehouse uses.

**Transport Terminal / Freight Yard:** means a use that involves the transfer, temporary storage, and distribution of cargo where trucks and/or trains load and unload on a routine and ongoing basis. This use also includes temporary truck and railcar storage while awaiting cargo, as well as incidental office and warehouse uses.

**Warehouse Self-Storage Facility:** means an enclosed facility that provides storage space to the general public on a for-hire basis and where outdoor storage or display of materials is not permitted. No other business or service may be allowed to operate out of a rented storage space.

## **Agricultural Use Class**

**Agricultural Storage Facility:** means the temporary storage of any agricultural product for future use, delivery or processing as per *The Environment Act*.

**Agricultural Activities, Limited:** means the use of land for lower intensity farming purposes, including the annual planting, cultivation, and harvesting of crops. This use does not include Livestock Operations.



### 7.3.2 Accessory Uses

**Aircraft Landing Field:** means the use of land for the take-off and landing of aircrafts and includes related buildings and structures such as aircraft storage and maintenance hangars, taxiways, and navigational equipment and facilities.

**Bed and Breakfast:** means the use of a principal dwelling unit, having acquired the appropriate license(s) in accordance with provincial regulations, to provide overnight accommodation to the traveling public for a charge, which may or may not include the provision of meals prepared by the owner/occupant for guests.

**Drive-Through Facilities:** means a use designed and operated to allow patrons, while outside on the premises in motor vehicles, to order, request, exchange, or receive goods or services.

**Garden Suite:** means a self-contained accessory dwelling unit separate from, but located on the same site as, a single-unit dwelling building. A garden suite must operate independent from the principal dwelling with its own separate cooking, sleeping, and bath/toilet facilities. This use does not include two-unit dwellings, multiple-unit dwellings, rooming houses, or group homes.

Figure 10 – Garden Suites



**Farmers' Market:** means an occasional or periodic market held in an open area or in a structure where an individual vendor or groups of individual vendors offer for sale to the public such items as fresh produce, arts and crafts, clothing and accessories, and food and beverages dispensed from booths located on-site.

**Home-Based Business:** means an occupation, trade, profession, or craft which is operated entirely within or from a dwelling unit by a full-time resident, being incidental and secondary to its use as a residence, and which does not alter the exterior of the property or negatively affect neighbourhood character.

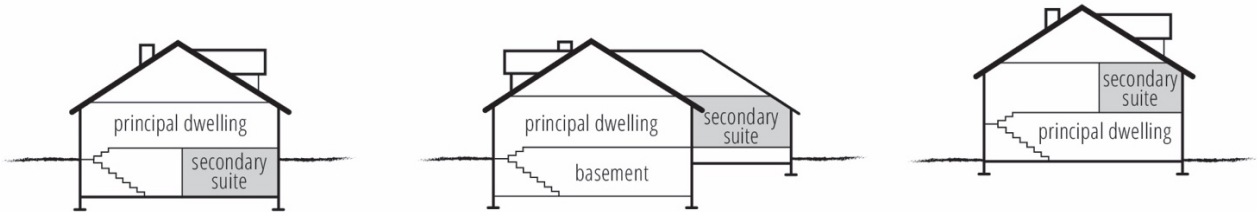
**Home-Based Daycare:** means the provision of child care services within a dwelling unit by a full-time resident, being incidental and secondary to its use as a residence, but does not include overnight accommodations. The operation must meet all applicable Provincial legislation and regulations.

**Home-Based Industry:** means an occupation, trade, profession, or craft which is operated entirely within or from an accessory building to the principal dwelling by a full-time resident, being incidental and secondary to the use of the premises as a residence, and which does not negatively affect neighbourhood character.

**Private Swimming Pool:** means an artificially constructed basin, lined with concrete, fiberglass, vinyl or like material, that is capable of containing a water depth greater than 2 feet (24 inches) and that is located on the property of a single-unit, two-unit, or multiple-unit dwelling. This use includes outdoor hot tubs but does not include public or semi-public swimming pools as provided for under *The Public Health Act*.

**Secondary Suite:** means an accessory and subordinate dwelling unit attached to or located within a principal single-unit dwelling, which provides basic requirements for living, sleeping, cooking and sanitation.

Figure 11 – Secondary Suites



**Shipping Container:** means a portable shipping unit or truck box repurposed for commercial, agricultural, industrial or residential storage purposes.

**Solar Collector:** means a panel or other solar energy device with the purpose of gathering, storing, and distributing solar energy for electricity generation, space heating, space cooling, or water heating, primarily intended to serve the needs of the on-site operator. Typical forms include roof-top solar collectors.

# PART 8 ZONING MAP

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# TOWN OF STE. ANNE ZONING MAP

## By-law No. 8-2020

### ZONE AND ZONE DESCRIPTION

- AL, Agriculture Limited
- CC, Commercial Central
- CH, Commercial Highway
- CMU, Commercial Mixed-Use\*
- CN, Commercial Neighbourhood\*
- I, Institutional
- MG, Industrial General
- OS, Open Space
- PR, Parks and Recreation
- RS-L, Residential Single-Family Large
- RS-S, Residential Single-Family Small\*
- RT, Residential Two-Family\*
- RM-M, Residential Multiple-Family Medium Density
- RM-H, Residential Multiple-Family High Density\*

\* Zones not used on current map

