

**GIMLI**

**ZONING BY-LAW**

**RURAL MUNICIPALITY OF GIMLI**

**ZONING BY-LAW NO. 11-0013**

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

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

AND WHEREAS Gimli is a member of the Eastern Interlake Planning District;

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

AND WHEREAS, it is deemed desirable and expedient to repeal By-Laws 10-95 and 1049, and all amendments thereto and substitute therewith a new Zoning By-Law;

NOW THEREFORE, the Council of Gimli, in meeting duly assembled, enacts as follows:

1. The Zoning By-law No. 11-0013 attached hereto is hereby adopted;
2. The By-law shall be known as the Gimli Zoning By-law No. 11-0013;
3. By-laws 10-95 and 1049 and all amendments thereto are repealed;
4. The Gimli Zoning By-Law No. 11-0013 shall take force and effect on the date of third reading:

DONE AND PASSED in Council duly assembled at the R.M. of Gimli, Manitoba, this 27<sup>th</sup> day of October, 2011.

**RURAL MUNICIPALITY OF GIMLI**

  
Mayor

  
Chief Administrative Officer

READ A FIRST TIME the 9 day of June, 2011.

READ A SECOND TIME this 27<sup>th</sup> day of October, 2011.

READ A THIRD TIME this 27<sup>th</sup> day of October, 2011.

**RURAL MUNICIPALITY OF GIMLI****ZONING BY-LAW No. 11-0013****Table of Contents**

|  |               |
|--|---------------|
| <b>1. Interpretation</b>                             | <b>1</b>      |
| 1.1 Title  | 1             |
| 1.2 The Area   | 1             |
| 1.3 Intent and Purpose                               | 1             |
| 1.4 Minimum Requirements                             | 1             |
| 1.5 Rules For Interpretation                         | 1             |
| 1.6 Relation To Other Authorities, Laws and By-Law   | 2             |
| 1.7 Definitions                                      | 3             |
| <br><b>2. Administration</b>                         | <br><b>24</b> |
| 2.1 Responsible Authorities                          | 24            |
| 2.2 Eastern Interlake Planning District Board        | 24            |
| 2.3 Other Authorities                                | 24            |
| 2.4 Duties Of The Owner                              | 24            |
| 2.5 The Development Officer                          | 25            |
| 2.6 Amendments                                       | 26            |
| 2.7 Conditional Uses                                 | 26            |
| 2.8 Variances  | 27            |
| 2.9 Development Agreements                           | 29            |
| 2.10 Development Permits                             | 29            |
| 2.11 When Development Permit Not Required            | 29            |
| 2.12 Application for Development Permits             | 30            |
| 2.13 Enforcement                                     | 31            |
| <br><b>3. General Regulations</b>                    | <br><b>32</b> |
| 3.1 Intent   | 32            |
| 3.2 Conformance and Permits Required                 | 32            |
| 3.3 Validity of Development Permit                   | 32            |
| 3.4 Buildings Under Construction                     | 32            |
| 3.5 Temporary Buildings and Uses During Construction | 33            |
| 3.6 Travel Trailers During Construction              | 33            |
| 3.7 Accessory Buildings and Uses Permitted           | 33            |
| 3.8 Fences   | 33            |
| 3.9 Projections Into Required Yards                  | 34            |
| 3.10 Planned Unit Development                        | 35            |

|           |  |           |
|-----------|--|-----------|
| 3.11      | Mobile Homes.....  | 35        |
| 3.12      | Truck, Bus, Rail, Coach Bodies and Storage Containers..... | 35        |
| 3.13      | Private Communications Facilities.....                     | 35        |
| 3.14      | Area and Yard Requirements.....                            | 36        |
| 3.15      | Residential or Industrial Yards Abutting Railway.....      | 36        |
| 3.16      | Non-Conformities.....                                      | 36        |
| 3.17      | Only One Main Building Or Use On a Site.....               | 37        |
| 3.18      | Multiple Uses.....   | 37        |
| 3.19      | Buildings to be Moved.....                                 | 37        |
| 3.20      | Noxious or Offensive Uses.....                             | 38        |
| 3.21      | Change of Use, Alternation And Additions to Building.....  | 38        |
| 3.22      | Public Utilities And Services.....                         | 38        |
| 3.23      | Site Reduced by Public Utility, Service or Street.....     | 38        |
| 3.24      | Connecting to Municipal Services.....                      | 38        |
| 3.25      | Public Monuments And Statuary.....                         | 38        |
| 3.26      | Height Exceptions.....                                     | 38        |
| 3.27      | Street, Lane or Road.....                                  | 39        |
| 3.28      | Building Grade.....  | 39        |
| 3.29      | Development on Zoning Site Only.....                       | 39        |
| 3.30      | Land Unsuitable for Development.....                       | 39        |
| 3.31      | Hazard Land.....   | 39        |
| 3.32      | General Sign Regulations.....                              | 41        |
| 3.33      | Exemptions from Sign Regulations.....                      | 45        |
| 3.34      | Parking.....   | 45        |
| 3.35      | Loading.....   | 49        |
| 3.36      | Home Occupations.....                                      | 49        |
| 3.37      | Rules for Bed and Breakfast Facilities.....                | 50        |
| 3.38      | Distance from Sewage Treatment/Waste Disposal Sites.....   | 50        |
| 3.39      | Disposal of Hazardous Waste.....                           | 50        |
| 3.40      | Anhydrous Ammonia Facilities.....                          | 50        |
| 3.41      | Guest House.....   | 51        |
| 3.41      | Rooftop Wind Energy Generating System.....                 | 51        |
| <b>4.</b> | <b>Zones.....</b>  | <b>53</b> |
| 4.1       | Zones.....   | 53        |
| 4.2       | Residential Zones.....                                     | 54        |
| 4.2.1     | Intent And Purpose.....                                    | 54        |
| 4.2.2     | Zones.....   | 54        |
| 4.2.3     | Exceptions.....  | 56        |
| 4.2.4     | Accessory Uses.....  | 56        |
| 4.2.5     | Bulk Requirements.....                                     | 56        |

|       |   |    |
|-------|---|----|
| 4.2.6 | Mobile Home Parks.....                                      | 58 |
| 4.3   | Commercial Aviation and Industrial Zones.....               | 60 |
| 4.3.1 | Intent and Purpose.....                                     | 60 |
| 4.3.2 | Zones.....  | 60 |
| 4.3.3 | Accessory Uses, Buildings and Structures.....               | 62 |
| 4.3.4 | Bulk Regulations.....                                       | 63 |
| 4.3.5 | MP Zone – Development Standards.....                        | 65 |
| 4.3.6 | AD Zone Performance Standards.....                          | 66 |
| 4.4   | Agricultural and Open Space Zones.....                      | 67 |
| 4.4.1 | Intent And Purpose.....                                     | 67 |
| 4.4.2 | Zones.....  | 67 |
| 4.4.3 | Accessory Uses, Buildings and Structures.....               | 70 |
| 4.4.4 | Bulk Regulations.....                                       | 70 |
| 4.4.5 | Aircraft Landing Strips.....                                | 72 |
| 4.4.6 | Livestock Operations.....                                   | 72 |
| 4.4.7 | Mutual Separation of Dwelling and Livestock Operations..... | 74 |
| 4.4.8 | Mineral Extraction Operations.....                          | 74 |
| 4.4.9 | Wind Energy Generation System (WEGS).....                   | 75 |

## Appendix “A” – Zoning Maps

# 1

## Interpretation

### 1.1 Title

This By-Law will be known as “The Gimli Zoning By-Law.”

### 1.2 The Area

The area to which this Zoning By-Law applies is all lands within the limits of the Rural Municipality of Gimli.

### 1.3 Intent and Purpose

The regulations and requirements established by this By-Law are deemed necessary in order to:

- .1 Implement the objectives and policies of the Development Plan.
- .2 Outline the major roles, responsibilities, powers and duties of Council, the Board, the Development Officer and the owner/developer as they relate to this By-Law; and
- .3 Regulate Development

### 1.4 Minimum Requirements

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

### 1.5 Rules For Interpretation

The following rules for interpretation apply to the text of this By-Law:

- .1 Words, phrases and terms defined herein shall be given the defined meaning;
- .2 Words, phrases and terms not defined herein but defined in the Act or in another Gimli By-law shall be interpreted as defined in the Act or by-law;
- .3 Words, phrases and terms neither defined herein nor in the Act nor in another Gimli By-Law shall be given their usual and customary meaning except where, in the opinion of Council, the context indicates a different meaning;
- .4 The phrase “used for” includes “arranged for”, “designed for”, or “occupied for”;
- .5 Unless the context indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction “and”, “or” or “either-or”, the conjunction shall be interpreted as follows:
  - a) “and” indicates that all the connected items, conditions, provisions or events

shall apply in any combination,

- b) “or” indicates the connected items, conditions, provisions or events may apply singly or in combination, and
- .6 The word “includes” shall not limit a term to the specified examples, but is intended to extend the meaning of all instances or circumstances of like, kind or character; and
- .7 The term “shall” is mandatory and not permissive, the word “may” is permissive and not mandatory.

## **1.6 Relation To Other Authorities, Laws, And By-Laws**

When a potential conflict arises between the requirements of this By-Law and any other by-law or law in effect in Gimli, the following shall apply:

- .1 Whenever provisions of any by-law of Gimli, a by-law of the Eastern Interlake Planning District or any requirements of the Provincial or Federal Government impose overlapping regulations, laws, or policies with respect to the use of land or structures, or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest standard shall govern;
- .2 Whenever the provisions of an agreement entered into between Gimli and a land owner or developer impose overlapping requirements over the use of land or structures, or contain any restrictions covering any of the same subject matter contained in this By-Law, the most restrictive or highest standard shall govern, unless otherwise provided herein this By-Law;
- .3 The Province of Manitoba and the Government of Canada are not bound or restricted by any requirement of this By-Law. Said Governments are encouraged however, to permit only those developments and uses of land, which are consistent with the requirements of this By-Law;
- .4 Nothing in this By-Law shall be so interpreted as to interfere with the construction, alteration, extension, addition, service, replacement, maintenance, demolition, removal, cessation, improvement, and/or operation of the facilities of any public utility, public work, public service, or public office as provided by Government, its various agencies, Gimli, the Board, and utility companies, provided that the establishment and operation of such public utility, public work, public service or public office is of a standard compatible with adjacent land use development and provided that any structure erected in any Zone generally complies with the yard and area requirements applicable to that Zone;
- .5 Nothing in this By-Law shall preempt any land owner or developer from obtaining all necessary permission, approvals, licenses, permits, etc., from Gimli, the District or other Government authorities and agencies prior to any Development, resource use or land use taking place; and
- .6 Nothing in this By-Law shall preempt any land owner or developer from conforming to the Development Plan.

## 1.7 Definitions

Following are definitions for some of the words, phrases and terms found in this By-Law:

- .1 **“Accessory Building”** means a subordinate building located on the same zoning site as the principal building or use, the use of which is incidental and accessory to that of the principal building or use:
  - a) **“Accessory Building, Attached”** means an accessory building that is attached to the principal building and in determining the required yards, the attached accessory building shall be treated as being part of the main building.
  - b) **“Accessory Building, Detached”** means an accessory building that is not attached to the principal building and in determining the required yards, the requirements for accessory use, buildings and structures as shown in the Bulk Tables shall be used.
  - c) **“Accessory Building, Semi-Detached”** means an accessory building that is attached in some fashion to the principal building by a structure such as, but not limited to, a breezeway. The required yards for a semi-detached accessory building shall be determined in the same manner as in clause (a) above.
- .2 **“Accessory Use or Structure”** means a use or structure on the same site with, and of a nature customarily incidental and subordinate to, the principal use or structure. The single exception to the above is accessory off-street parking facilities, which are permitted by variance to locate elsewhere than on the same zoning site with the building, structure or use served.
- .3 **“Act, The”** means *The Planning Act*, being Chapter P80 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.
- .4 **“Agricultural Activities, General”** means a use of land for agricultural purposes where said activities result in produce which is to be offered for sale or to be processed for sale, including grain and oil seed farming, hay production, forage, pasturing, apiculture, floriculture, horticulture, market gardening (fruit and vegetable production) and plant and tree nurseries, wildlife farming / ranching, sod farming, and the necessary accessory uses for packing, storing, or treating the produce.
- .5 **“Agricultural Support Industry”** means an industry, commercial service or retail business in which the major product or service being bought, sold or processed is intended mainly for, from or by farmers. Such uses would mean or include: agricultural implement sales, rentals, and repairs, aerial spraying companies, grain storage including grain elevators, feed mills, seed plants, and the like, but does not include or mean food processing operations such as abattoirs, fish or meat packing plants or canneries and the like which are considered manufacturing operations, and does not include bulk fertilizer or anhydrous ammonia plants which are considered as Bulk Oil or Chemical Storage Facilities. For the purposes of this By-Law, an Agricultural Support



Industry may also include tree or crop spraying companies.

- .6 **“Aircraft Sales and/or Rentals”** means development used for the repair, manufacture, storage, sale, charter or rental of aircraft together with incidental maintenance services, including the sale of parts and accessories.
- .7 **“Aircraft Storage Facilities”** means development used for the parking, storage and repair of aircraft, including aircraft storage and tie-down areas, hangars and other related buildings.
- .8 **“Airport”** means any area of land or water that is used or intended for use for the landing or taking-off of aircraft and any appurtenant areas that are used or intended for use for airport buildings or other airport facilities or rights-of-way, including: runways; taxiways; heliports; aprons; aircraft maneuvering areas; air traffic control facilities; flight training schools; navigational aids; markers; airfield maintenance facilities; emergency response facilities; landing systems; meteorological systems; and associated utility services.
- .9 **“Alterations, Incidental”** means:
  - a) changes or replacements in the non-structural parts of a building or structure, including, but not limited to the following:
    - (i) an addition, alteration, removal, reconstruction or replacement on the nonstructural 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;
    - (vii) replacement of exterior building facades.
- .10 **“Alterations, 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.
- .11 **“Amusement Park”** means a place used on a permanent or seasonal basis which may be partially or wholly outdoors and may mean or include: amusement rides, water slides and the like; animal displays and rides; shows; souvenir sales; games of skill and luck; exhibitions; displays; live entertainment; sports activities; batting cages; miniature golf course and driving range when not on the same site as a golf course; and the like; and may also include as accessory uses those uses permitted under: Liquor Licensed Establishment; Recreational Facilities; Athletic, Sports and Recreational Areas; Place of Entertainment (all as defined); and Restaurant.
- .12 **“Animal Unit”** means the number of animals of a particular category of livestock

that will excrete 73 kg of total nitrogen in a 12-month period.

- .13 **“Apartment Building or Apartment Block”** means a multiple family residential building containing 3 or more dwelling units which have a common interior hallway or entry area.
- .14 **“Asphalt Plant”** means a permanent or temporary facility with equipment designed to heat, dry and mix aggregate with asphalt to produce asphalt paving material and includes stockpiling and storage of bulk materials used in the process.
- .15 **“Athletic, Sports and Recreational Areas”** means an unroofed area of land intended primarily for the purposes of non-motorized sports and recreation such as: large playgrounds, outdoor public swimming pools, sports fields, outdoor hockey rinks, outdoor tennis and basketball courts, and track and field areas, and the like, and may include as accessory uses: warm up or change shelters, locker rooms, washroom and shower facilities, spectator seating and food, beverage and souvenir sales.
- .16 **“Autobody Repair Shop”** means a use conducted entirely within an enclosed building for the repair and painting of automobile, light vehicle and/or truck bodies, not generally including mechanical repairs, servicing or automobile wrecking except when these uses are accessory to body repair.
- .17 **“Automobile Sales or Storage Area”** means a commercial premises used for the display, sale, rental, lease or storage of new or used automobiles, light trucks, recreational vehicles, travel trailers, boat and utility trailers and the like and may also include those uses permitted under Autobody Repair Shop and Service Station as defined herein.
- .18 **“Awning, Canopy or 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 a door way, stacking space, aisle or driveway, window, or sidewalk.
- .19 **“Behind the Meter”** means a generating system producing power for use on a grid-connected property, but which system may or may not be capable of sending power back into the utility grid.
- .20 **“Basement”** means that level of a building that is at least 50% below finished grade measured from interior floor to finished interior ceiling, as determined by the Development Officer.
- .21 **“Bed and Breakfast Facility”** means a principal dwelling where sleeping accommodation with or without light meals is provided to members of the traveling public for remuneration.
- .22 **“Blade”** means the part of wind turbine that is part of the airfoil assembly and that extracts, through rotation, kinetic energy from the wind.
- .23 **“Board, The”** means the Board of The Eastern Interlake Planning District as

established under the Act.

- .24 **“Boarding or Rooming House”** means a building or portion thereof, other than Multiple Family Dwelling, Hostel, Hotel, Motel or Motor Hotel without individual cooking facilities in each sleeping unit, where lodging or meals are provided usually by the week or month for compensation for two or more lodgers exclusive of the proprietor and his/her family, but does not include an Institutional Facility and also does not include accessory uses such as Liquor Licensed Establishments, public restaurants, gift shops, and so on.
- .25 **“Building”** means any structure used or intended for supporting or sheltering any use of occupancy and, without restricting the generality of the foregoing, includes residential, commercial and industrial structures,
- .26 **“Building, Main or Principal”** means a building in which is conducted the principal use of the site on which it is situated.
- .27 **“Bulk”** means the following:
- a) The size (including height of building and floor area), of buildings or structures;
  - b) The size of the zoning site (including area, width and depth of site) upon which a building is located, and the number of dwelling units or rooms within such building in relation to the size of the zoning site.
  - c) The location of exterior walls of buildings in relation to site lines, to other walls of the same building, to legally required windows, or to other buildings; and
  - d) All open areas relating to buildings or structures and their relationship thereto.
- .28 **“Bulk Oil or Chemical Storage Facility”** means a premises primarily intended for the storage, sale or distribution of synthetic or petroleum based fluids or chemicals; fertilizers; and other potentially obnoxious, explosive, or hazardous materials, chemicals, gases or fluids. The sale or distribution of such materials, chemicals, gases or fluids are primarily intended to be on a wholesale basis to commercial or industrial users, or to customers such as farmers, who normally buy in large volume or in bulk.
- .29 **“Campground or Travel Trailer Park”** means an area of land planned and improved to accommodate travel trailers, camping trailers, pick-up coaches, motorized homes, tents, tent trailers or other camping accommodations used for travel, recreational and vacation uses.
- .30 **“Cemetery”** means land for the burial of the dead and dedicated for cemetery purposes, including columbaria, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.
- .31 **“Commercial Resort”** means a commercial recreation establishment, which may consist of one or more buildings containing single or multiple-family dwelling units, recreational facilities and service facilities. Other facilities which may be a

part of the resort development include: a camping and tenting grounds, a hotel, condominiums, retail store, an eating establishment, a marina, golf course and other outdoor recreation games courts, areas and trails.

- .32 **“Communications Facilities”** means outdoor communications facilities including antennae, aerials, receiving dishes, transmission beacons, masts, and towers, etc. and other related equipment as may be required for the purposes of transmitting or receiving television, radio, microwave, radar, laser, or like communications signals.
- .33 **“Communications Facilities, Private”** means communications facilities (as defined) intended for the exclusive use of the person(s) residing on or using the premises on which such facilities are located.
- .34 **“Condominium”** means individual ownership of a unit in a multi-unit structure where expenses common to all parties are shared.
- .35 **“Condominium, Bare Land Unit”** means a unit of land defined by delineation of its horizontal boundaries without reference to any building on a condominium plan.
- .36 **“Condominium, Unit”** means a part of the land or building that is designated as a unit by the condominium plan, and is comprised of the space enclosed by its boundaries and all material parts of the land within this space at the time the condominium declaration and plan are registered.
- .37 **“Construction”** includes:
- a) excavating, removing, filling and backfilling for the purpose of preparing or maintaining a site in respect of a building or a proposed building;
  - b) erecting, extending, enlarging, placing, removing, locating and demolishing a building;
  - c) altering, renovating and reconstructing a building;
  - d) moving a building from one site to another; and
  - e) underpinning the foundation of a building.
- .38 **“Contractor’s Establishment”** means a premises where a contractor operates a business and where related equipment and materials may be stored.
- .39 **“Council”** means the Council of the Municipality of Gimli.
- .40 **“Crematorium”** means a facility containing a properly installed, certified furnace or other apparatus intended for use in the incineration of human or animal corpses.
- .41 **“Day Care, Home”** means child care provided or offered, either alone or in combination with parental care, at any time in the home of the person providing

- or offering the child care to not more than eight (8) children, including the children of the person providing the child care and children of other persons.
- .42 **“dB(A)”** or ‘dB’ means decibel and is a measurement for sound pressure. ‘A’ refers to a weighted adjustment of measured sound that matches perception by the human ear.
- .43 **“Developer”** means any person who engages in Development (as defined) or any person who engages in land development including the subdivision of land.
- .44 **“Development”** means the construction of a building or structure on, over or under land, a change in the use or intensity of use of a building, structure or land, the removal of soil or vegetation from land, the deposit or stockpiling of soil or material on land, and the excavation of land.
- .45 **“Development Officer”** means an employee or officer designated by the Board to carry out the power or responsibilities in accordance with the provisions of this By-Law and the Act.
- .46 **“Development Plan”** means the Eastern Interlake Planning District Development Plan adopted by the Board as By-Law No. 02-2010 and all amendments thereto.
- .47 **“Drive-Through Facility”** means a facility designed to provide goods or services to the persons in standing (as opposed to parked) motor vehicles, including but not limited to a drive-through restaurant or bank.
- .48 **“Dwelling”** means a building or portion thereof designed for residential occupancy.
- .49 **“Dwelling, Multiple-Family”** means a dwelling containing three (3) or more dwelling units, each unit designed for and used by not more than one (1) family, and may include: row houses, town houses, and apartment buildings.
- .50 **“Dwelling, Single-Family”** means a detached building designed for and used by one (1) family. This does not include a Travel Trailer, mobile home, manufactured home or modular home.
- .51 **“Dwelling, Two-Family”** means a detached or semi-detached building designed for and used by two (2) families, each having exclusive occupancy of a dwelling unit, and may include a duplex or a side-by-side.
- .52 **“Dwelling Unit”** means one (1) or more rooms in a building designed for one (1) or more persons as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.
- .53 **“Family”** means one or more persons occupying a dwelling unit and maintaining the dwelling unit.
- .54 **“Farm Building or Structure”** means any building or structure existing or erected on land used principally for agricultural activities but not including

dwelling.

- .55 **“Farmers Market”** means the use of land, buildings, structures or part thereof, for the retail sale of locally grown or produced agricultural products by multiple vendors, including, but not limited to, fruit, vegetables, dairy products, meat, seafood, plants, and prepared food products. As a secondary component, farmers markets may also include the sale of local art and crafts.
- .56 **“Fence”** means a vertical physical barrier constructed out of typical fencing materials for the purpose of assuring privacy or protection, and shall include hedges, shrubs and landscaping features which are used for these purposes and shall also include that portion of a retaining wall which projects above the surface of the ground which it supports. The definition shall not include trees.
- .57 **“Floor Area”** (as applied to bulk regulations) means the sum of the gross horizontal areas of all floors in a particular building on a lot, with an average interior height of 6 feet 6 inches or more, measured from the exterior faces of the exterior walls or from the centreline of party walls. In particular, the floor area of a building includes:
- a) Basements when used for residential, recreational, commercial or industrial purposes, but not including space used for storage or the housing of mechanical or central heating equipment;
  - b) Hallways, closets, bathrooms, elevator shafts and stairwells at each storey, except shaft and stair bulkheads and exterior unroofed steps or stairs;
  - c) Penthouses, mezzanines, lofts and attics when improved for human habitation and where there is an average structural headroom of 6 feet 6 inches or more; and
  - d) Attached balconies, decks, patios, sunrooms and porches completely enclosed by walls and a roof but not including an attached garage or carport.
- .58 **“Funeral Home”**
- .1 means a building designed for the purpose of furnishing funeral supplies and services to the public and include facilities intended for the preparation of the dead human body for interment or cremation.
  - .2 means a building or part thereof used for human funeral services. Such building may contain space and facilities for:
    - a) embalming and the performance of other services used in preparation of the dead for burial;
    - b) the performance of autopsies and other surgical procedures;
    - c) the storage of caskets, funeral urns, and other related funeral supplies; and

- d) the storage of funeral vehicles;
  - e) but shall not include facilities for cremation.
- .59     **“Gas Bar”** means the use of land, buildings or structures where motor vehicle fuel, lubricants and automotive accessory items are offered for sale but where no provision is made for the repair of vehicles. A gas bar may include retail sales of convenience foods and other items.
- .60     **“Gimli”** means The Rural Municipality of Gimli.
- .61     **“Grade”** means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Development Officer.
- .62     **“Guest House”** means an accessory detached dwelling located on the same site as a single family dwelling which is intended to be used as an extension to the residential use of the single family dwelling.
- .63     **“Heavy Equipment”** means any vehicle, implement, machine or equipment with a weight exceeding 7000 pounds including but not limited to the following: agriculture equipment and implements, mobile homes, travel trailers, buses. Locomotives, rail cars, trucks, tractors, semi-trailers, cement mixers, bulldozers, front-end loaders, steam rollers, cranes, graders, back hoes, earth-movers and so on.
- .64     **“Heavy Equipment Sales or Storage Area”** means a premises for the display, repair, servicing, sale, rental, lease and/or storage of new or used Heavy Equipment (as defined) and may include service and repairs, but shall not include Scrap Yard. For the purposes of this By-Law, a Heavy Equipment Sales or Storage Area may also include mobile homes sales, a truck or bus terminal (when for more than one bus at a time), a truck wash, a transport or trucking company, a truck card / key lock fuel station, a moving, cartage and storage establishment, a dray, express, parcel delivery or transfer service, a towing establishment, agricultural implement sales, and may include those uses permitted under Automobile Sales or Storage Area and Contractors Establishment, (both as defined).
- .65     **“Height (of Building or Structure)”** means the vertical distance measured from the average grade at the base of the building or structure to the highest point of the roof surface, excluding projections or attachments. Projections or attachments that may be excluded from height restrictions include: chimneys, communication facilities (private), electrical or mechanical works of buildings, elevator shafts or stairway enclosures, flag poles, roof ornaments or lightening rods, ornamental domes (where less than 10% of roof area and no more than 5 feet above maximum building height), sky lights, ventilation fans and church spires or steeples, or the like
- .66     **“Home Occupation”** means any business activity which includes manufacturing, sales, a commercial or professional operation, business, service, trade, practice, office or use which is carried on or in or from a dwelling unit and or its permitted accessory buildings, is intended as a profit making operation, is clearly incidental

to, accessory to, or secondary to the residential use of the dwelling unit.”

- .67     **“Hotel or Motel”** means a permanent building or part thereof containing 3 or more suites or guest cabins, wherein sleeping accommodation (with or without cooking facilities) is provided for transient lodgers usually by the day or week. Permitted accessory uses may include: Restaurants, Liquor Licensed Establishments, gift shops, personal service shops, banquet halls, private Recreational Facilities, private Athletic, Sports and Recreational Areas, halls, ballrooms, and meeting rooms, unless otherwise specified.
- .68     **“Hundred Year Flood”** means a flood that can be expected to occur, on average, once in 100 years, or specifically a flood that has a one percent chance of being equaled or exceeded in any year.
- .69     **“Institutional Facility”** means a premises which is intended for the training, treatment, rehabilitation, housing, care, and/or supervision of children and/or adults not related by blood, marriage or adoption to the operator nor to each other, and may include: public, private and parochial schools, colleges, hospitals, summer camps and recreational camps, nursing homes, senior citizen homes, personal care homes, residential care homes, rehabilitation homes, day care centres, nursery schools, foster homes, group homes, halfway houses, and like uses. Where applicable, such Institutional Facilities are licensed or approved by appropriate Government agencies. Accessory uses may include: dwelling quarters for staff, lounge facilities, Recreational Facilities, Athletic, Sports and Recreational Areas, a gift shop, a cafeteria, office, meeting rooms, halls and auditoria and the like.
- .70     **“Kennel”** means a premises containing pens, enclosures and/or shelters and primarily intended for the keeping, boarding, breeding, training, caring and/or selling of three or more domestic animals such as dogs or cats. A Kennel includes an animal pound but does not include a Veterinary Clinic or any agricultural use.
- .71     **“Kilowatt (kW)”** means the measure of power for electrical current.
- .72     **“Lane”** means a public road (as defined) with a right-of-way width not over thirty-three (33) feet and intended to provide only secondary access to abutting properties.
- .73     **“Liquor Licensed Establishment”** means an establishment licensed by the Manitoba Liquor Control Commission and primarily intended to serve or sell liquor (including beer, wine and spirits) for immediate consumption on the premises, and includes: beverage rooms, cocktail lounges, beer parlours, and bars, pubs, and taverns, and may include as accessory uses, those uses permitted under an Arcade (as defined), and pool / billiard tables, but does not include: Recreational Facilities, Places of Entertainment (as defined), liquor licensed Restaurants, liquor stores, and does not include halls, meeting rooms, auditoriums and the like which obtain only occasional or temporary liquor permits.
- .74     **“Livestock”** means animals that are raised for the purposes of agricultural



production and which do not include pets.

- .75 **“Livestock Operation”** means a permanent or semi-permanent facility or non-grazing area where at least ten (10) animal units of livestock are kept or raised either indoors or outdoors, and includes all associated manure collection facilities, but does not include an auction mart.
- .76 **“Loading Space”** means an off-street space on the same zoning site with a building, or contiguous to a group of buildings, for the temporary parking of a truck or delivery vehicle while loading or unloading goods, merchandise or materials.
- .77 **“Lumber Yard”** means a premises where lumber, construction materials, building products, hardware items, home decorating materials and the like are stored and/or displayed for sale.
- .78 **“Manufactured Home”** means a factory-built dwelling unit certified prior to the placement on the lot as having been built as a modular home in accordance with applicable CSA standards being placed on a permanent foundation, having its chassis or frame permanently removed, and arriving at the lot ready for occupancy apart from incidental operations and connections.
- .79 **“Manufacturing”** means a premises in which a manufacturing, assembly, fabricating, industrial or processing operation of food, beverages, goods, products, materials, machinery, etc. takes place. For the purposes of this By-Law, the two types of Manufacturing Activities are as follows:
- a) **“Heavy Manufacturing”** means any manufacturing or other similar industrial operation which may include outdoor storage and where a certain level of nuisance factor may be accepted as characteristic of the use; and
  - b) **“Light Manufacturing”** means a manufacturing or other similar industrial operation which is confined to an entirely enclosed building and such manufacturing operation is not offensive because of the emission or production of: odour, dust, refuse matter, liquid wastes, vapour, gas, smoke, light, glare, vibrations and/or noise.
- .80 **“Meteorological Tower or Wind Monitoring Tower”** are those towers that are erected primarily to measure wind speed and direction plus other data relevant to siting wind energy generating systems. The tower supports an anemometer, wind vane and other equipment to assess the wind resources at a set height above the ground.
- .81 **“Mobile Home”** means a dwelling unit designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, being located on the site on wheels, jacks or similar supports, or on a permanent foundation, and having been built in accordance with applicable CSA standards. For the purpose of this By-law, the removal of the wheels or the permanent or semi-permanent attachment of a foundation to a mobile home shall not change the classification.

- .82     **“Mobile Home Park”** means a parcel of land upon which mobile home spaces are provided and have been approved by the Council.
- .83     **“Modular Home”** means a building assembly or system of building sub-assemblies manufactured in its entirety, or in substantial part, off-site and transported to the point of use for installation on-site, with or without other specified components, as a finished building or as part of a finished building in accordance with applicable CSA standards. Modular homes need not have electrical, plumbing, heating, ventilation, insulation or other service systems, but when such systems are installed at the off-site manufacture or assembly point, they shall be deemed a part of such building or system of building assemblies. Modular homes do not include open frame construction which can be completely inspected on-site.
- .84     **“Nacelle”** means the frame and housing at the top of the wind tower that encloses the gearbox and generators and protects them from the weather.
- .85     **“Off-Grid”** means a stand-alone generating system not connected to or in any way dependent on the utility grid.
- .86     **“Operations and Maintenance Office (OMO)”** means a local facility constructed for the purpose of operating and maintain the wind farm including the storage of spare parts and consumable materials.
- .87     **“Outdoor Market”** means any retail sales operation where a major portion of the operation involves outdoor display for the purposes of sale; such uses may include such outdoor or partially outdoor uses as: a flea market, second-hand sales, vegetable or fruit market, lawn and garden supplies sales, antique sales, auction mart (not including animal sales), lawn ornament, furniture or monument sales, and like outdoor retail uses.
- .88     **“Parking Area”** means an open area of land other than a road or an area within a structure used for the parking of vehicles.
- .89     **“Parking Space”** means a space in a Parking Area or on a site, for the parking or storage of a motor vehicle.
- .90     **“Participating Property Owner”** means a property owner who is receiving, or has received, compensation in connection with the siting, development, or operation of a commercial wind farm.
- .91     **“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.
- .92     **“Place of Entertainment”** means an indoor use containing amusement devices, amusement machines, amusement rides, amusement shows or exhibitions and includes the following: one or more commercially operated pool/billiard table(s) available to the public , billiards hall, bowling alley, and indoor roller skating or skate boarding area, an indoor golf driving and/or miniature golf courses, archery

or shooting gallery and/or three (3) or more Arcade games. Place of Entertainment may include as accessory uses: Food, liquor licensed facilities, and souvenir sales.

- .93 **“Planned Unit Development”** means a land development project planned as an entity in accordance with a unitary site plan which permits flexibility in siting of building, mixture of housing types and land uses, usable open spaces, and the preservation of significant natural features.
- .94 **“Planning District”** means the Eastern Interlake Planning District.
- .95 **“Produce Sales Limited”** means sales limited to goods produced by market gardeners in nurseries or in greenhouses.
- .96 **“Public Utility”** means any system, works, plant equipment or services which furnishes services and facilities available at approved rates to or for the use of the inhabitants of Gimli, including but not limited to:
- a) Communication, by way of telephone, telegraph, wireless or television.
  - b) Public transportation, by bus or other vehicle.
  - c) Production, transmission, delivery or furnishing of water, gas or electricity to the public at large.
  - d) Collection of sewage, garbage or other waste.
- .97 **“Race Track”** mean a premises intended primarily for the competitive racing of vehicles or animals and may include a stock car track, a drag racing strip, a sports car racing circuit, a vehicle slalom track, a snowmobile, motor cycle or other recreational vehicle race track, go-cart track, harness race track, demolition derby track, tractor or truck pull track, and like uses. Food, beverages and souvenir sales may be permitted as an accessory use when the race track is operating
- .98 **“Recreational Facility”** means premises primarily intended for indoor sports, games, recreation, meetings, relaxation and/or entertainment for the public or for members of a specific club or organization and may include: community halls and auditoria, theatres, dance halls, meeting halls, social halls, community clubs, public art galleries and museums, fraternal organizations, service clubs, union halls, fitness clubs, gyms and spas, children’s organizations (such as Boy Scouts, etc.) and other organization and recreational clubs. Recreational facilities may include as accessory uses: restaurants, pro-shops, gift shops, liquor licensed facilities, office and amusement machines.
- .99 **“Recreational Vehicles”** means, for the purposes of this By-Law, motorcycles, mopeds, snowmobiles, mini-bikes, dirt bikes, other small all-terrain and off-road vehicles, and other small motorized vehicles primarily intended and designed for off road use, and may include boats and Travel Trailers (as defined), but does not include automobiles, vans, buses or trucks.

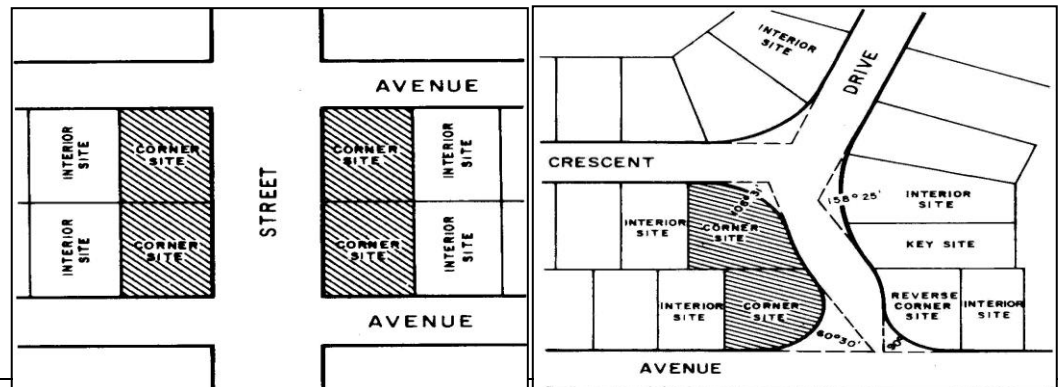
- .100 **“Religious Building”** means a place of worship and related incidental activities; includes church, chapel, mosque, synagogue, and temple.
- .101 **“Restaurant”** means any premises where food and drink are prepared and offered for sale to the public for immediate consumption and may be liquor licensed unless otherwise specified, and may include: cafeterias, tea rooms, donut shops, coffee shops, cafes, hamburger and hot dog stands, pancake houses, fast food restaurants, drive-in and drive-through restaurants, ice cream parlours, pizzeria, dinner theatres, delicatessens, steak houses, take-out and delivery restaurants and the like.
- .102 **“Retail Store, Service or Office”** means any use or premises, where materials, goods, machinery, wares, merchandise, food, beverages, articles, products, instruction, exhibitions, shows, a trade, a practice, a profession, advise, or other services are offered for sale, rent, lease or repair primarily at retail or offered as a public service, to the general public. The operation of a Retail Store, Service or Office is contained entirely within an enclosed building, with no outdoor storage (except as permitted by Council) no outdoor repair work, no keeping or handling of livestock or poultry, and does not include any manufacturing.
- .103 **“Rooftop Wind Energy Generation System”** means a roof mounted wind turbine(s) and associated equipment for converting wind energy to power.
- .104 **“Rotor”** means the blades and hub of the wind turbine that rotate during operation.
- .105 **“Rotor Arc”** means the largest circumference traveled by the wind turbine’s rotor blades.
- .106 **“Scrap Yard”** means an open area where waste or scrap materials are bought, sold, exchanged, stored, crushed, baled, packed, disassembled or handled. A Scrap Yard includes an automobile wrecking or dismantling yard but does not include: uses established entirely within an enclosed building a Bulk Oil or Chemical Storage Area, and shall not include a chemical or liquid or hazardous waste disposal area.
- .107 **“Secondary Suite”** means an accessory dwelling unit detached from, attached to or within a dwelling, that provides basic requirements for living, sleeping, cooking, and sanitation.
- .108 **“Serviced Lot”** means serviced by a municipal sewer system.
- .109 **“Service Station”** means a premises used for the retail sale of petroleum based products and other parts, fuels, goods and products for the servicing, maintenance and operation of automobiles, light trucks, small motors and recreational vehicles; and where said vehicles may be serviced and repaired indoors only; and may mean or include: repair garages, small motor repair shops, recreational vehicle repair shops, muffler shops, tune-up shops, brake shops, auto upholstery shops, lubrication and oil shops, radiator repair shops, transmission repair shops, auto-electric service shops, tire sales and installation shops, and the like, and for the purposes of this By-Law may mean or include an

Autopac claims centre (but not a storage compound), a car wash, and those uses permitted under a Gas Bar as defined herein.

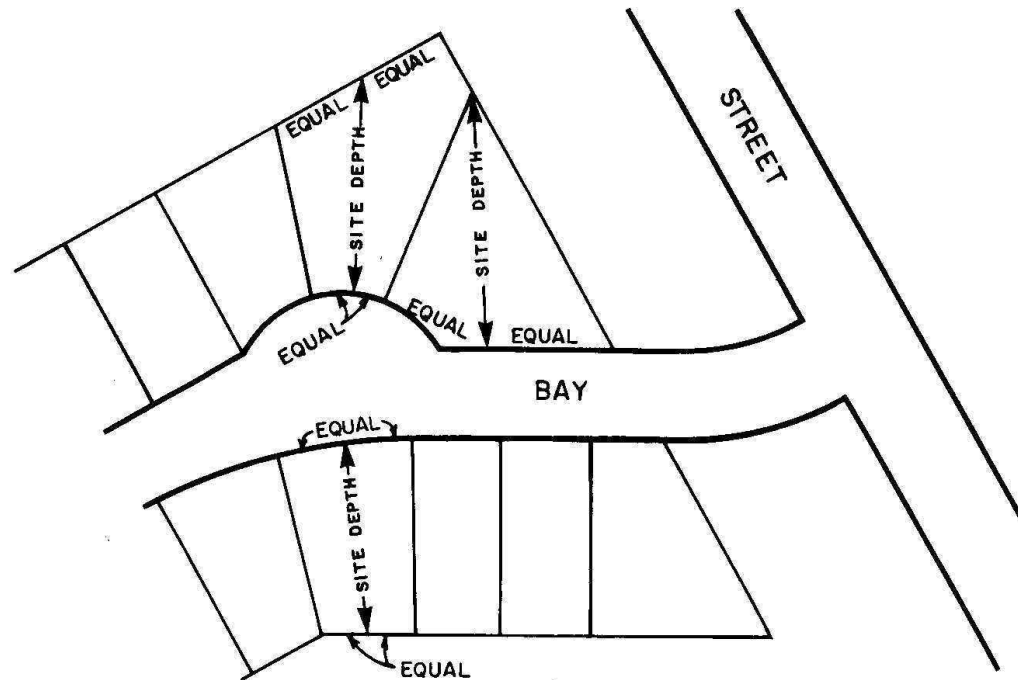
- .110 **“Shopping Centre or Mall”** means a group of two or more stores businesses or establishments occupied by uses which are permitted in the Zone in which the shopping centre or mall is located and which are contained in one building usually on one site and where the shopping centre is conceived, designed, developed and managed as an interdependent and interrelated unit whether by a single owner or tenant or by a group of owners or tenants acting in collaboration.
- .111 **“Sign”** means any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol or trademark), banner, poster, marker, pennant or any other figure of similar character which
- a) Is a structure or any part thereof, or is attached to, painted on or in any other manner represented on or in a building or other structure.
  - b) Is used to identify, direct attention to, or advertise.
  - c) Is legible from beyond the site lines of the site on which the sign is located but does not include show windows as such.
- .112 **“Sign, Advertising”** means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same site where the sign is maintained, and is 32 sq. ft or less. .
- .113 **“Sign, Billboard”** means an advertising sign, as defined, greater than 32 sq. ft. in surface area.
- .114 **“Sign, Business”** 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.
- .115 **“Sign, Construction”** means a temporary sign erected on a site undergoing construction, which identifies a construction project and information relative thereto.
- .116 **“Sign, Directional”** means a sign displayed for the direction or convenience of the public, including signs which identify rest rooms, freight entrances, parking facilities, entrances or exits and the like.
- .117 **“Sign, Flashing”** means an illuminated sign on which artificial light is not maintained constant in intensity or color at all times when such sign is in use.
- .118 **“Sign, Identification”** means a sign that identifies a business, owner, resident or institution by name, logo, or street address and which sets forth no other advertisement.
- .119 **“Sign, Illuminated”** means a sign having only steady illumination of the same intensity by artificial means, either from lighting directed on the sign face or from

a light source located within the sign which is transmitted through a transparent or translucent sign face.

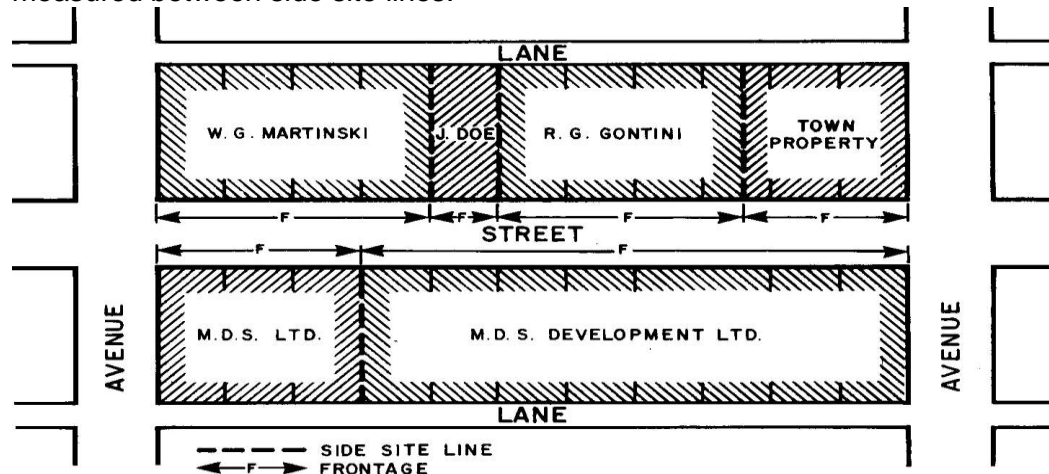
- .120 **“Sign, Mobile”** means a temporary sign, as defined, mounted on a trailer, stand or other support structure which is designed in such a manner than the sign can readily be relocated to provide advertising at another location or readily taken on and off a site, and may include copy that can be changed manually through the use of attachable characters, message panels or other means. A mobile sign does not include a sign mounted on a truck semi-trailer which is not permitted.
- .121 **“Sign, Real Estate”** means a sign advertising the sale, rental or lease of the site where the sign is located.
- .122 **“Sign, Real Estate Directional”** means a sign located on a municipal road allowance, on other land owned by the municipality or on private property indicating the direction to a property for sale, rental or lease
- .123 **“Sign, Surface Area”** means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, including any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which it is placed. Where a sign has more than one (1) face or where two (2) or more signs are located within three (3) feet of each other on the same site, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than three (3) feet from one another, the sign surface area of the sign shall be taken as the surface area of one face if the two faces are of equal area, or as the surface area of the larger face if the two faces are of unequal area.
- .124 **“Sign, Temporary”** means any sign which is erected or moved onto a site for a temporary period of time not exceeding 2 months and may include construction, identification, advertising or business signs
- .125 **“Site”** means a zoning site as defined herein unless the context indicates otherwise.
- .126 **“Site Area”** means the computed area contained within the site lines.
- .127 **“Site, Corner”** means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 125 degrees.



- .128 **“Site Coverage”** means the combined area of all buildings or structures on the site as a percentage of the site area, measured at the level of the lowest storey above the grade including all enclosed and insulated decks, sunrooms, porches and verandas, but excluding seasonal non-insulated structures, open or covered, such as decks, screen porches or veranda, patios at grade, steps, uncovered walks, wheelchair ramps, cornices, eaves and similar projections.
- .129 **“Site Depth”** means the horizontal distance between the centre points in the front and rear site lines.



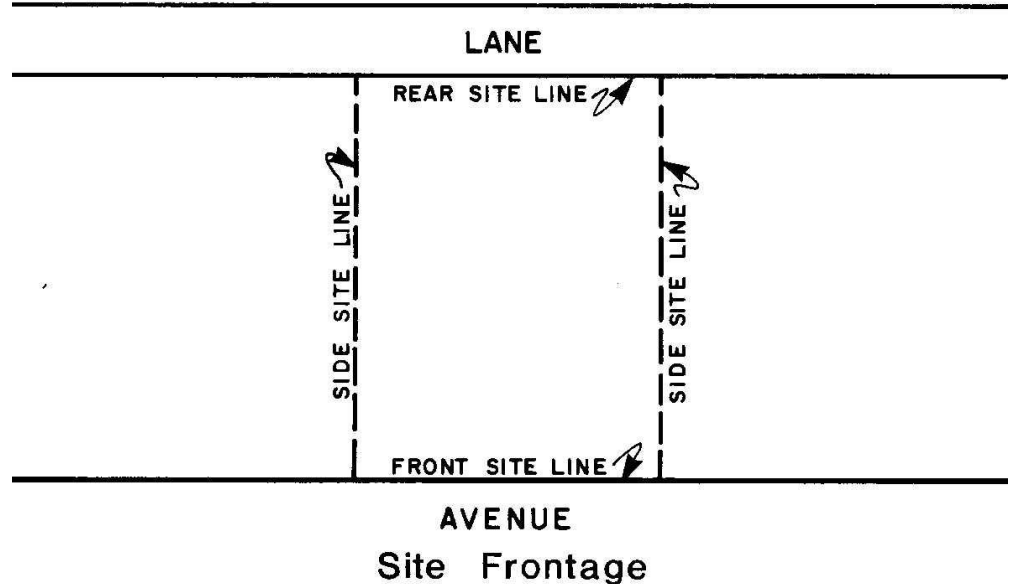
- .130 **“Site Frontage”** means all that portion of a zoning site fronting on a road and measured between side site lines.



- .131 **“Site, Interior”** means a site other than a corner site or a through site.

.132 **“Site Lines”** means as follows:

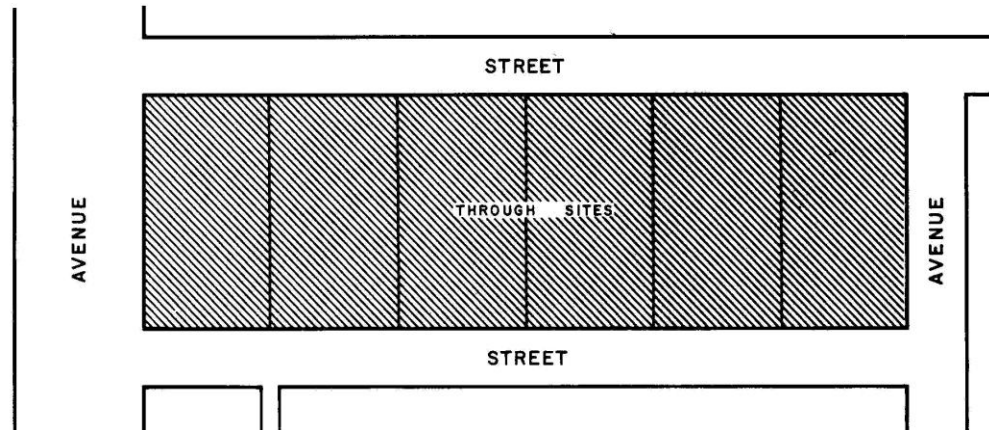
- a) “Front site line” means that boundary of a site which is along an existing or designated street. For a corner site the Development Officer may select the front site line except where an interior site abuts the corner site, then the front site line shall be that line which is the continuation of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



- .133 **“Site Plan”** means a map or series of maps drawn to scale showing some or all of the following information as may be required by the Development Officer: all proposed and existing: buildings, structures, alterations, and additions, roads, walkways, landscaping, parking areas, stacking spaces, loading spaces, vegetation, buffer strips, elevations, areas to be raised by fill, grade level, physical features of the site and other relevant information as may be required by the Development Officer or Council for any proposed development.



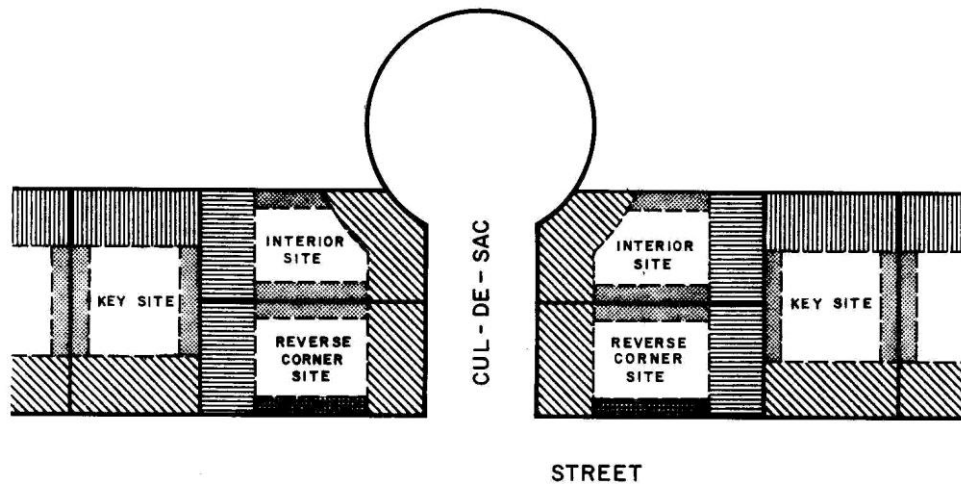
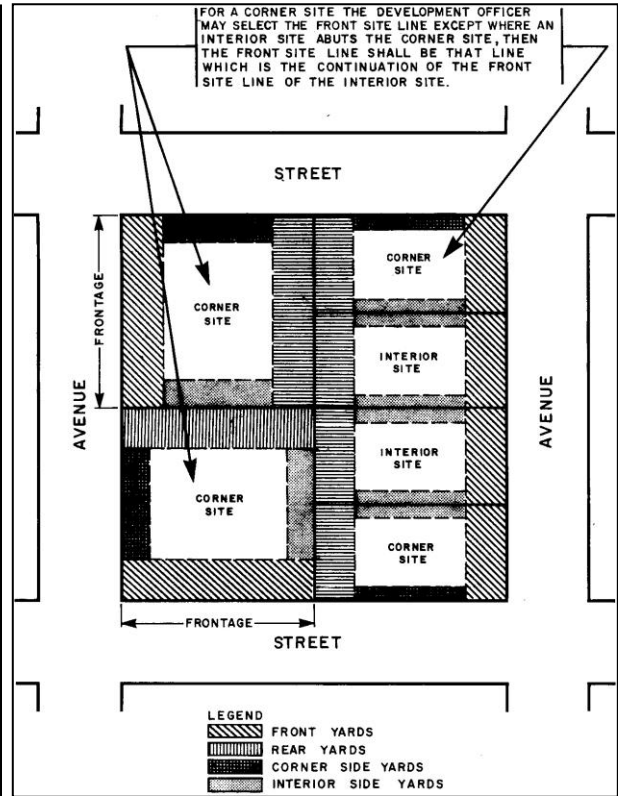
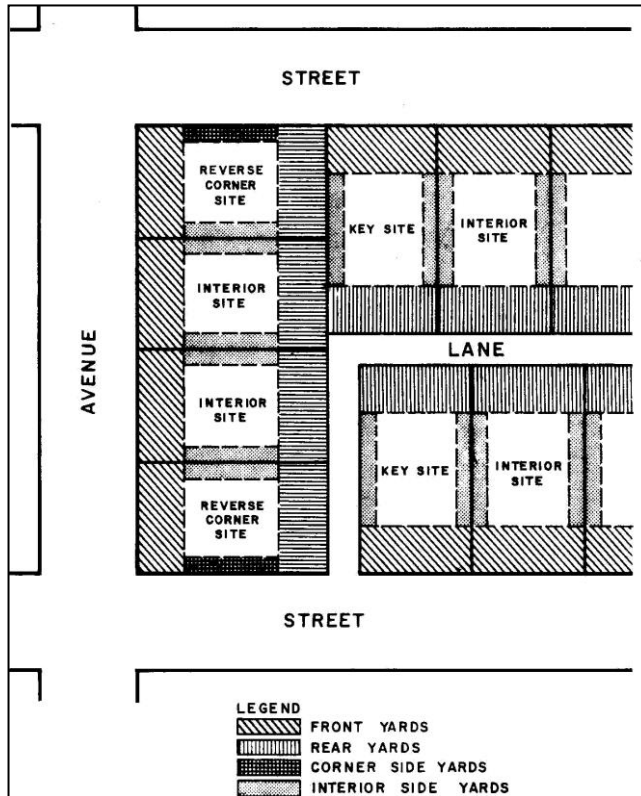
- .134 **“Site, Through”** means a site having a pair of opposite site lines along two (2) more-or-less parallel streets. On a through site, both street lines shall be deemed front site lines.



- .135 **“Site Width”** means the horizontal distance between the side site lines, measured at right angles to the site depth at a point midway between the front and rear site lines, or forty (40) feet from the front site line, whichever is the lesser.
- .136 **“Site, Zoning”** means an area of land which:
- a) Is occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use or uses thereto, together with such open spaces as are required under the provisions of this By-Law.
  - b) Has frontage on a street or has any lawful means of access satisfactory to the Council.
  - c) Is of sufficient size to provide the minimum requirements of this By-Law for a permitted or conditional use in a zone where the use is located.
- .137 **“Stable, Private”** means a detached accessory building for the keeping of cattle or horses owned by the occupants of the premises and not kept for remuneration, hire or sale.
- .138 **“Stable, Riding or Boarding”** means a stable where more than three (3) horses for hire, sale or boarding are kept.
- .139 **“Storage Unit”** means a commercial premises used for the storage of new or used automobiles, light trucks, recreational vehicles, travel trailers, boat and utility trailers, various household/domestic items, and shall not include chemicals or combustible items.
- .140 **“Storey”** means that portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling above it, but does not include a basement.

- .141 **“Structure”** means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground and includes buildings, walls, light standards and similar items.
- .142 **“Supervisory Control and Data Acquisition System Tower”** means a free-standing tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition system.
- .143 **“Total Turbine Height”** means the height from finished grade to the highest vertical point of the swept rotor arc, in the case of a wind turbine with a horizontal axis rotor.
- .144 **“Townhouse or Rowhouse”** means three (3) or more dwelling units not exceeding thirty-five (30) feet in height, which are attached together in whole or in part above and/or below grade and divided from each other by a vertical party wall and in which each dwelling unit has two (2) private independent entrances / exits directly from a yard.
- .145 **“Travel Trailer”** means a vehicular, portable structure designed to be used as temporary accommodation for travel, recreational and vacation purposes and which:
- a) Is built on a chassis; or
  - b) Is constructed as an integral part of a self-propelled vehicle; or
  - c) Is designed primarily to be mounted on a pick-up or other truck chassis; or
  - d) Is constructed of a canvas folding structure mounted on wheels; and
  - e) Is designed to be independent of municipal sewer and electrical services.
- .146 **“Use”** means:
- a) Any purpose for which a building or other structure or an area of land may be designed, arranged, intended, maintained or occupied for; or
  - b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on an area of land.
- .147 **“Water Body”** means any body of flowing or standing water, whether naturally or artificially created, and whether the flow or presence of water is continuous, intermittent or occurs only during a flood, including but not limited to a lake, river, creek, stream, slough, marsh, swamp and wetland, including ice on any of them.
- .148 **“Wind Energy Generation System (WEGS)”** means any device or group of devices such as a wind charger, windmill or wind turbine that converts wind energy to electrical energy whether it is used for personal use or for generation of power for sale by an enterprise.

- .149 **“Wind Energy Generation System Accessory Facilities”** means those facilities, equipment, machinery and other devices necessary to the proper operation and maintenance of a wind energy generation system, including, but not limited to access roads, collector and feeder lines and power substations.
- .150 **Wind Energy Harvest Site (Wind Farm)”** means a location where an array of two or more commercial, grid-connected wind turbines are sited for the purpose for supplying electrical energy to the local electrical transmission untidily (“grid”).
- .151 **“Wind Turbine”** means a structure designed to convert wind energy into mechanical or electrical energy as a utility and includes the wind turbine tower, rotor blades and nacelle.
- .152 **“Yard”** means an open area, on the same site with a building or other structure which yard is unoccupied and unobstructed from its lowest level to the sky. For the purposes of this By-Law, yards are classified in the following manner:
- a) **“Yard, Corner Side”** means a side yard which adjoins a street.
  - b) **“Yard, Front”** means a yard extending along the full length of the front site line between the side site lines; for a corner site the Development Officer may determine which yard shall be deemed the front yard;
  - c) **“Yard, Interior Side”** means a side yard which is adjacent to another site, a public reserve, or a lane separating such side yard from another site;
  - d) **“Yard, Rear”** means a yard extending along the full length of the rear site line between the side site lines;
  - e) **“Yard, Required”** means a yard extending along a site line to a depth or width (measured) from the site line or wall specified in the Bulk Requirements for yards in the Zone in which such site is located; and
  - f) **“Yard, Side”** means a yard extending along the side site line from the front yard to the rear yard. In the case of a corner site, the Development Officer may determine which yard shall be the side yard.



# 2

## **Administration**

This By-Law shall be administered in accordance with the provisions of the Planning Act and this PART

### **2.1 Responsible Authorities**

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

- .1 The adoption of this By-Law;
- .2 Administering and enforcing applicable provisions of the Act;
- .3 Considering the adoption of proposed amendments to or the repeal of this By-Law;
- .4 Considering and making decisions on applications for variances;
- .5 Considering and making decisions on conditional use applications, and may revoke the authorized conditional use for any violation of any conditions imposed by it; and
- .6 Establishing a schedule of fees.

### **2.2 Eastern Interlake Planning District Board**

Subject to the provisions of the Act, the Eastern Interlake Planning District Board shall be responsible for the administration and enforcement of this By-Law. The Board's appointed Development Officer shall administer and enforce this By-Law on behalf of Gimli and the Board.

### **2.3 Other Authorities**

Nothing in this By-Law shall affect the authority of Government Agencies to regulate land, water and resource use in accordance with appropriate Provincial and Federal Statutes, Regulations and Policies.

### **2.4 Duties Of The Owner**

Every owner shall:

- .1 Obtain a Development Permit as required in this By-Law prior to any development taking place;
- .2 After the development application has been approved and the Development Permit issued, obtain the written approval of the Development Officer before starting any work that is different from the approved documents filed;
- 3 Be responsible for obtaining, where applicable, from Gimli, the Planning District or other appropriate authorities and Government Agencies, permits, approvals, or

licenses relating to: construction; building; demolition; grades; waste disposal or water supply systems; storage; plumbing; signs; blasting; clearing; cutting; excavating; mining; quarrying; the alteration of the flow or distribution of any waterway or water body; planting; access to streets roads or highways; occupancy; electrical; and all other approvals, permits or licenses required in connection with the proposed development, resource use or land use;

- .4 Recognize that neither the granting of a Development Permit nor the approval of a Site Plan, nor the approval of a drawing and specifications, nor the inspections made by the Development Officer shall in any way relieve the owner or land user of the responsibility of complying with all requirements of this By-Law, of any other relevant by-laws of Gimli or the Planning District or of any Provincial or Federal Acts, regulations or requirements; and
- .5 Permit the Development Officer to enter any land or building at any reasonable time for the purpose of administering or enforcing this By-Law and shall not molest, obstruct or interfere with the Development Officer in the discharge of his or her duties under this By-Law.

## **2.5 The Development Officer**

The Development Officer shall, on behalf of Gimli, administer and enforce this By-law and in so doing shall also:

- .1 Issue a Development Permit where the development conforms to the Development Plan, the requirements of this By-Law, the requirements of other Gimli by-laws and other provisions of the Act;
- .2 Enter any buildings or premises at all reasonable hours in the performance of his or her duties with respect to this By-Law, and in accordance with the Act;
- .3 Issue Zoning Memoranda or Certificates or such other documents necessary for the administration, and enforcement of this By-Law; and
- .4 Receive and administer applications for: amendments to this By-Law; variances; and conditional uses on behalf of Gimli, and
- .5 At the request of Council or Board, the Development Officer shall defer approving an application for a development permit:
  - a) as provided for in the Act;
  - b) which would result in a violation of this By-Law or any by-law of the Municipality; or
  - c) to any person who has failed to pay any fees or taxes due and owing to Gimli or the Planning District.

## **2.6 Amendments**

- .1 Subject to the procedures required under the Act, an amendment to this By-law may be initiated by the Council, or by the owner of the affected property, or a person authorized in writing by the owner.
- .2 An application to amend the zoning by-law shall be made to the Council with all information required by Council and applicable fees.
- .3 Council shall ensure that any amendments to this Zoning By-Law are consistent with the objectives, policies and maps in the Development Plan.
- .4 All amendments shall proceed in accordance with the provisions of the Act.

## **2.7 Conditional Uses**

- .1 Intent:
  - a) The administration and execution of this By-Law is based upon the division of the Rural Municipality of Gimli into Zones, within which Zones the use of land, buildings and structures in relation to the land are substantially compatible. It is recognized, however, that there are certain uses prescribed as "conditional uses" in a zone, which because of their characteristics, cannot properly be permitted without consideration, in each case, of the impact of those uses upon neighbouring land and/or of the public need for the particular use at the particular location. Such uses fall into two categories:
    - (i) Uses that may give rise to problems with respect to their impact upon public facilities, or the community as a whole, or that may not be considered completely compatible with the surrounding area or area land uses; and
    - (ii) Uses that may be unsightly, hazardous, dangerous or that may cause a nuisance.
- .2 Application:
  - a) The application shall be filed with the Development Officer who in turn shall present the application to Council and the application shall be accompanied by any supporting material required by Council or the Development Officer with all applicable fees;
  - b) In accordance with the Act, Council may impose conditions on the approval.
  - c) An application for a Conditional Use shall be processed and approved or rejected in accordance with the provisions of the Act in addition to the mailing/posting requirements under the Act, notification of such hearings shall be sent to applicable Property Owners Associations as listed with the municipality.
- .3 Expiry of Approval: In accordance with the provisions of the Act, the approval of 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 an application to extend the deadline is received by Council prior to the initial deadline and Council agrees to extend the deadline for an additional period not longer than twelve (12) months. A maximum of one extension shall be granted.

- .4 Existing Conditional Uses: Where a use is classified as a conditional use under this By-Law or amendments thereto, and exists as a permitted or conditional use at the date of the adoption of this By-Law or amendments thereto, it shall be considered as a legally existing conditional use.
- .5 Changes to an Existing Conditional Use: Any change to a conditional use shall be subject to the provisions of this Section and the appropriate provisions of the Act.

## **2.8 Variances**

### **.1 Purpose of a variance**

- a) A zoning by-law is a by-law of general application to the entire municipality. As a general by-law, it may not be able to adequately deal with the unusual or unique conditions of specific properties.

There may be locations in Gimli where the standard regulations in a zone impose an unreasonable limitation on development or use of a site due to the specific characteristics and/or setting of the site, such as a parcel of land that is odd-shaped, unusually small or one that has physical characteristics that make complying with the requirements of a zoning by-law impractical or unreasonable. Examples could include some sites located on Lake Winnipeg or other water bodies, on golf courses or on public reserves.

- b) A variance is a method provided in the Planning Act for Council to make sure that a property owner is not deprived of normal rights to use his or her property. This could occur when the requirements of the Zoning By-Law cannot be met due to unique circumstances related to a property.
- c) The variance process is intended to allow a person who is adversely affected by a zoning by-law to seek relief from the adverse effect of the by-law. The Act allows the Council to vary the application of the zoning by-law as it affects the person's property in order to mitigate the adverse effects of the by-law.
- d) Typically, a variance would provide specific 'relief' from the zoning requirements governing: height, site area, width or coverage, building floor space, minimum yards, dwelling unit density or parking and loading requirements, as they apply to an individual site.
- e) Council may allow a variance in the use of land. A variance that makes a change in the use of land can only be approved if it is:
  - (i) a use that is substantially similar to a use that is permitted under the zoning by-law; or
  - (ii) a temporary change of land use for a period of not more than five years



- .2 Application:
  - .1 A person who believes that a zoning by-law adversely affects his or her property rights may apply for an order varying specific provisions of the by-law as they apply to the affected property;
  - .2 An application for a variance order shall be made to the Development Officer who in turn shall present the application to Council and the application shall be accompanied by any supporting material required by Council or the Development Officer with all applicable fees; and
  - .3 An application for a variance order shall be processed and approved or rejected in accordance with the provisions of the Act; in addition to the mailing/posting requirements under the Act, notification of such hearings shall be sent to applicable Property Owners Associations as listed with the municipality.
- .3 Hearing: Upon receiving an application for a variance, Council must hold a public hearing to receive representations from any person regarding the application;
- .4 Decision: After holding the hearing, Council must make an order,
  - a) rejecting the requested variance; or
  - b) varying the application of specific provisions of the zoning by-law with regard to the affected property in the manner specified in the order if the variance
    - (i) will be compatible with the general nature of the surrounding area,
    - (ii) will not be detrimental to the health or general welfare of people living or working in the surrounding area,
    - (iii) will not negatively affect other properties or potential development in the surrounding area,
    - (iv) is the minimum modification of the zoning by-law required to relieve the injurious affect of the zoning by-law on the applicant's property, and
    - (v) is generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law
- .5 Conditions:
  - .1 In making a variance order Council may
    - a) impose any conditions on the applicant or the owner of the affected property that it considers necessary to meet the requirements of this section; and
    - b) require the owner of the affected property to enter into a development agreement
- .6 No Appeal: The order of Council on an application for a variance is final and not subject to appeal.

- .7 Variance Orders Prior to By-Law: A building, structure, site, or use established by a variance order prior to the coming into force of this By-Law shall, subject to the provisions of the variance order be deemed to conform the provisions of this By-Law.

## **2.9 Development Agreements**

As a condition of amending the zoning by-law, making a variance order or approving a conditional use, Council may require the owner of the affected property to enter into a development agreement with the municipality in respect of the affected property, and any contiguous land owned or leased by the owner, dealing with one or more of the following matters:

- a) the use of the land and any existing or proposed building;
- b) the timing of construction of any proposed building;
- c) the siting and design, including exterior materials, of any proposed building;
- d) the provision of parking;
- e) landscaping, the provision of open space or the grading of land and fencing;
- f) the construction or maintenance, at the owner's expense or partly at the owner's expense, of works, including but not limited to, sewer and water, waste removal, drainage, public roads, connecting streets, street lighting, sidewalks, traffic control, access and connections to existing services;
- g) the payment of a sum of money to the municipality in lieu of the requirement under clause (f) to be used for any of the purposes referred to in that clause;
- h) the dedication of land or payment of money in lieu thereof, where the application is for an amendment to the zoning by-law to permit a residential use, use for a mobile home park or an increase in residential density.

## **2.10 Development Permits**

- .1 Unless allowed under section 2.11 of this By-Law, no person shall use land, a building or structure nor construct or reconstruct a building or structure except in conformity with an approved development permit.

## **2.11 When Development Permit Not Required**

- .1 Notwithstanding the provisions of subsection 2.10, an application for a development permit shall not be required for construction or placement of:
- a) An accessory building with a floor area of 120 square feet or less in area and provided such building is 15 feet or less in height;
  - b) Fences; free standing and/or ornamental exterior lights, flag poles; private communications facilities and related structures;

- c) Certain signs as provided in section 3.33 of this by-law;
- d) Open uncovered decks less than 50 square feet in area;
- e) Open uncovered decks less than 8 inches above finished grade;
- f) Change from one agricultural activity to another (e.g. grazing to crop production, or forage production), except for the establishment or expansion of any Livestock Operation including the erection, construction or placement, or addition, enlargement or relocation of any livestock barns and other livestock buildings and/or manure storage structures; and
- g) Incidental alterations (as defined).

## **2.12 Applications For Development Permits**

- .1 In addition to the requirements of any by-law of Gimli and of the Planning District or any Provincial or Federal regulations, all applications for a development permit shall:
  - a) be accompanied by a plan, drawn to scale, showing the actual dimensions and shape of the site to be built upon; the exact size and location on the site of buildings already existing, if any, and the location and dimensions of the proposed building, enlargement or structural alterations;
  - b) include such other information as may be required by the Council or the Planning District, including existing or proposed building or structural alterations; existing or proposed use of the building and land; the number and location of automobile parking spaces and loading spaces; the number of families, dwelling units or rental units the building is designed to accommodate; conditions existing on the site; current copies of relevant titles, easements, caveats, a surveyor's certificate prepared by a Manitoba Land Surveyor and such other information required by Council or the Planning District to determine conformance with and provide for the enforcement of this By-Law; and
  - c) no person shall erect, locate, repair, use, or occupy any building, land or structure contrary to any development permit or the material furnished in support of the application.
- .2 An application for a development permit shall be accompanied by all applicable fees.
- .3 Unless otherwise provided for herein, a Development Permit 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 said permits were issued are complied with.
- .4 After the Development Permit has been approved a person may begin work in

accordance with the permit, but no person shall construct, use or occupy any lot or parcel, building or other structure contrary to any Development Permit or the material furnished in support of the application without prior approval of the Development Officer.

**2.13 Enforcement**

The enforcement of this By-Law shall be in accordance with the Act.

# 3

## General Regulations

### 3.1 Intent

The following regulations shall apply to all zones except where otherwise noted.

### 3.2 Conformance And Permits Required

No Development shall occur, nor shall any building, structure or land be used for any use other than is permitted in the zone in which such building, structure or land is located, including uses conditionally permitted or permitted by variance and then only after applying for and securing all development permits, building permits, other permits and licenses required by this by-law and all other by-laws and laws in effect within the Municipality.

### 3.3 Validity of Development Permit

- .1 When an application for a development permit has been approved, the development to be carried out shall conform in all respects to the terms, provisions and specifications of the permit as finally approved.
- .2 Unless a development permit:
  - a) specifies it is in effect for less than 12 months; or
  - b) is suspended or cancelled,a development permit remains in effect for 12 months from the date of its issue.
- .3 Prior to its expiry date, a development permit may be extended by the Development Officer for an additional period of not more than 12 months, however, if one or more of the following situations has occurred and the subject development has not commenced, the permit shall not be extended:
  - a) the development standards pertaining to the development have changed since the development permit was issued;
  - b) the land use considerations involved with the development permit have changed;
  - c) the development permit does not conform to amendments to the Development Plan and/or Zoning By-law; or
  - d) any other consideration which, in the opinion of Council or the Board, makes the development permit inappropriate.

### 3.4 Buildings Under Construction

Any building or structure or portion thereof for which a necessary permit has been issued but which has not been completed or is not in full use at the date when this zoning by-

law becomes effective, and which is not planned for a use permitted in the zone in which it is located may be completed and used for the non-conforming use for which it was planned if it comes into full use within *one* year of the said date and shall, together with the site on which the same is situated and the use to which the same and the said site are put, be subject to all the provisions of The Planning Act.

### **3.5 Temporary Buildings And Uses During Construction**

Temporary buildings and structures used for office space or the storage of construction materials or equipment, both incidental and necessary to development on the same zoning site may be permitted on a temporary basis subject to the issuance of a development permit under the following conditions:

- a) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by Council or the Development Officer; and
- b) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than twelve (12) months and may not be renewed for more than two (2) successive periods at the same location.

### **3.6 Travel Trailers During Construction**

Travel Trailers shall not be stored or occupied on a site prior to the occupation of the main dwelling.

### **3.7 Accessory Buildings And Uses Permitted**

- .1 Accessory buildings and structures, except as otherwise permitted in this By-law, shall be subject to the following regulations:
  - a) Where the accessory building or structure is attached to a main building or structure, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building or structure.
  - b) No accessory building or structure shall be constructed on any zoning site prior to the time of construction of the principal building to which it is accessory except where it is allowed under a written agreement with the RM of Gimli and it is determined to be necessary for storage of tools and materials for maintenance of the site prior to and during the construction of the principal and main use.
  - c) An accessory building or structure shall not be used as a dwelling.

### **3.8 Fences**

- .1 Fences in all zones shall not be constructed of or contain debris, junk or waste materials unless such materials have been recycled and reprocessed into building materials marketed to the general public or other materials deemed unsuitable by Council.
- .2 Fences shall not impede, obstruct or alter the flow of drainage.

- .3 Fences in all zones shall not obstruct or confuse the view of vehicular and pedestrian traffic at intersections.
- .4 Fences are permitted in all required yards and can be placed up to the property line. Maximum height requirements are as follows: not more than three (3) feet in the required front yard and at a height of not more than six (6) feet in the rear and side yards.

### **3.9 Projections Into Required Yards**

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

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

light features) shall maintain a minimum front, side and rear yard of five (5) feet and a height not exceeding four (4) feet and shall not be located in such a manner as to materially impede the view of any street or highway;

- .6 Name plates and signs as permitted and regulated in this By-law shall be allowed in any required front, side, or rear yard; and
- .7 Awnings, marquees, roof overhangs, and canopies which are attached to a building may, in Commercial Zones, project up to 8 feet into a required front or side yard; and may project beyond a front or corner side site line a maximum of 18 inches. Any awnings, marquees, roof overhangs, and canopies which project beyond 18 inches must be at least 9 feet above grade and will require a resolution of council. Canopies and other like structures, which are not attached to a building shall be considered as buildings for the purposes of yard, height and coverage requirements.
- .8 Fences are permitted in all required yards and can be placed up to the property line. Maximum height requirements are as follows: not more than three (3) feet in the required front yard and at a height of not more than six (6) feet in the rear and side yards.

### **3.10 Planned Unit Development**

- .1 For a planned unit development, the provisions of the Bulk Table of the zone in which the planned unit development is located shall not apply. The design, however, shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards of amenity, accessory off-street parking areas and other requirements and standards established in this by-law.
- .2 The uses in a planned unit development shall only include uses that are permitted or are conditional in a zone or a use permitted by variance.
- .3 An application for a planned unit development shall be considered as a conditional use application, subject to the conditional use provisions of this By-law and the Act.
- .4 The Council in reviewing such applications may require such additional information from the applicant as may be necessary for review of the proposal.

### **3.11 Mobile Homes**

Except for the AG and AL Zones, no mobile home shall be permanently located outside of a mobile home park.

### **3.12 Truck, Bus, Rail, Coach Bodies and Storage Containers**

Trucks, semi-trailers, buses, railcars, coaches, streetcar bodies, storage containers or similar structures shall not be used for human habitation.

### **3.13 Private Communications Facilities**

- .1 Private Communications Facilities may be permitted in any rear or interior side yard, but when located in a non-Commercial Zone no part of such facilities shall



project within 3 feet of any site line;

- .2 Private Communications Facilities may be permitted in a front yard or corner side yard, but when located in non-Commercial Zones no part of such facilities shall project within 40 feet of any front site line nor within 20 feet of any corner side site line;
- .3 Private Communications Facilities may be permitted on the roof of a building, but if located on the roof a main building in the "RS", "RT", "SRR" and "SRG" Zones the weight including all support apparatus shall not exceed 75 pounds and
- .4 In the "RS", "RT", "SRR" and "SRG" Zones the total height above grade of private communication facilities shall not exceed 50 feet.

### **3.14 Area and Yard Requirements**

Except as herein provided, the following regulations shall apply in all zones to ensure adequate site and yard requirements:

- .1 No building shall be added to, or reconstructed, and no site shall be reduced in area, width and depth if such addition, reconstruction, reduction or alteration, will cause the violation of any provisions of this By-law;
- .2 When site and yard requirements cannot reasonably be complied with, or where their application cannot be determined on sites of peculiar shape, topography or due to design or site arrangement, such requirements may be modified by variance as determined by the Council pursuant to the provisions of The Planning Act and this by-law;
- .3 Yards and site area, width and depth provided for a building or structure existing on the effective date of this By-law or amendments thereto, shall not be reduced, if already less than the minimum requirements of this By-law;
- .4 No yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this By-law, shall be considered as providing a yard or open space for any other building; nor any yard or other required open space on any adjoining site be considered as providing a yard or open space on a site whereon a building is to be erected;

### **3.15 Residential or Institutional Yards Abutting Railway**

Notwithstanding any other yard requirements elsewhere stated in this By-Law, the yard requirements for any yard which directly abuts the railway right-of-way south of the NE 1/4 20-19-4E shall be 50 feet for an Institutional Facility or any building containing a dwelling unit, except for rail spur plan no. 4313 where such yards are not required.

### **3.16 Non-Conformities**

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

- .2 Pursuant to Section 89(1) of the Act, a structural alteration may be made to a building or structure, while a non-conforming use thereof is continued or to a non-conforming building or structure, provided that the said alteration conforms to the requirements of this By-law, or where such requirements may be varied by a variance order.
- .3 Pursuant to Section 89(2) of the Act, where Council determines that a non-conforming building or structure is damaged or destroyed more than fifty (50%) percent of its replacement value above its foundation, the said building or structure may be repaired or rebuilt, but only in conformance with this By-law or its amendments.
- .4 A building or structure may be erected on a non-conforming parcel of land provided:
  - a) the minimum required yards are provided as set forth in the Bulk Table of the zone in which the parcel of land is located; or
  - b) where a variance order for such yard requirements is granted.
- .5 A “non-conforming sign” shall be subject to all the provisions relating to non-conformities, except as provided hereafter:
  - a) A change in the subject matter represented on a sign shall not be considered a change of use; and
  - b) A non-conforming sign may be structurally altered, reconstructed, or replaced in the same location and position provided that such structural alteration, reconstruction, or replacement does not result in:
    - (i) the creation of a new non-conformity or an increase in the degree of non-conformity; or
    - (ii) an increase in the sign surface area; or
    - (iii) an increase in the degree of illumination.
- .6 Notwithstanding the provisions of this section, a variance shall not be required where a non-conforming building, structure or parcel is being altered or changed so as not to increase the degree of non-conformity.

### **3.17 Only One Main Building Or Use On A Site**

There shall be only one main building and/or one main use on a site, except wherein otherwise stated or permitted by the Act.

### **3.18 Multiple Uses**

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

### **3.19 Buildings To Be Moved**

- .1 No building or structure, in whole or in part, shall be moved or relocated within or into the R.M. of Gimli unless every portion of the building or structure is made to

conform to:

- a) All regulations within this by-law
- b) The current Manitoba Building Code
- c) Completion of a performance bond with the R.M. of Gimli
- d) Other restriction(s) as determined by the Development Officer.

**3.20 Noxious Or Offensive Uses**

Except wherein otherwise provided in this By-law no use shall be permitted in any zone which may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, gas, smoke, vibration or noise. This shall not be interpreted as to prohibit those Conditional Uses specifically permitted in a zone.

**3.21 Change Of Use, Alteration And Additions To Building**

The purpose for which any land or building is used shall not be changed, no new building shall be erected and no existing building shall be added to or altered, if the effect of such change, erection, addition or alteration is to create a situation contrary to the requirements of this By-law, unless permitted by a variance order in accordance with the provisions of the Act.

**3.22 Public Utilities And Services**

Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of any public utility, as defined by this By-law, or public service such as police and fire protection, postal and telephone service provided that the requirements of such public utility or public service is of a standard compatible with the adjacent area.

**3.23 Site Reduced By Public Utility, Service or Street**

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

**3.24 Connecting to Municipal Services**

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

**3.25 Public Monuments And Statuary**

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

**3.26 Height Exceptions**

The provisions of this By-law shall not apply to limit the height of any ornamental dome, chimney, tower, electrical or telephone transmission line, television or radio mast, steeple, water storage tank, electrical apparatus or the mechanical operations of a building.

**3.27 Street, Lane or Road**

- .1 All developments shall be on sites having frontage on approved all-weather roads or having lawful means of public access satisfactory to Council.
- .2 No building or structure shall be erected upon any land designated for a future road allowance. Any development adjacent to a future road allowance shall comply with the regulations of this By-law as if the said future road allowance was already in existence.

**3.28 Building Grade**

Prior to approval of a building permit no person shall proceed with any work that may alter or otherwise change the grading of a lot or property in any manner that may affect the existing or established storm water runoff from that or any adjacent property. Furthermore, a drainage plan and lot grading plan prepared by a Certified Professional Engineer of Manitoba or a Certified Engineer Technician shall be submitted to the RM of Gimli at time of application for the required lot grade permit.

**3.29 Development on Zoning Site Only**

- .1 No development permit shall be issued for the purpose of carrying out the construction or erection or the placing of any building unless:
  - a) The development is to be designed, intended or located on a zoning site as defined in this By-law; or
  - b) A variance order has been obtained in accordance with the provisions of the Act.

**3.30 Land Unsuitable For Development**

- .1 Notwithstanding the provisions in this By-Law, Council may prohibit the development of land for a use permitted in this By-Law if Council is of the opinion that the land is subject to erosion, flooding, or subsidence, or is low-lying, marshy or unstable, or otherwise unsuitable or hazardous for the proposed purpose by virtue of its soil, topography or unique conditions.

**3.31 Hazard Land**

- .1 No permanent building shall be constructed or placed in the vicinity of a lake, river, watercourse or body of water on land that has been identified by the province as a flood hazard or would be inundated by the hundred year flood or by a recorded flood exceeding the hundred year flood, unless it is demonstrated to the satisfaction of Council, in consultation with the appropriate provincial authorities, that:
  - a) The land is not subject to flooding;
  - b) Proper measures will be taken to protect the building from flooding.
  - c) That access to the property is on a developed public road to a standard and elevation that meets with provincial flood protection measures.

- .2 No permanent building shall be constructed or placed on land which may be subject to subsidence or erosion by water or damage by ice or may be marshy or unstable, or may be otherwise unsuitable or hazardous by virtue of its soil or topography, unless it is demonstrated to the satisfaction of Council that proper measures will be taken to deal with the unsuitability or hazard.
- .3 Land in the vicinity of Lake Winnipeg: The following regulations apply to development adjacent to Lake Winnipeg:
- a) Development on land in the vicinity of Lake Winnipeg shall comply with the Hazard Lands, Flooding and Erosion policies and Water and Shore Land policies set out in the Development Plan.
  - b) Land below elevation 218.5 metres (717.0 feet), Geodetic Survey of Canada Datum, shall not be developed.
  - c) No portion of any lot 1/2 acre or less in size shall be below elevation 219.3 metres (719.5 feet) after development is completed. Larger lots shall contain an area around the building site not less than 1/2 acre in size which is at least at elevation 219.3 metres (719.5 feet).
  - d) Structures shall be located on land that is at least at elevation 220.1 metres (722.0 feet) or raised by fill to that elevation. Alternative methods of flood protection may be considered in consultation with the appropriate provincial authorities. Such development shall require a variance. An application for a development permit shall be accompanied by a drawing, stamped by a professional engineer, showing the proposed flood protection measures.
  - e) Lot lines shall be set back from the existing top of shoreline embankment a sufficient distance to allow for a stable slope plus 50 years of erosion.
  - f) Permanent structures, including roads, shall be set back from the existing top of shoreline embankment a sufficient distance to allow for a stable slope plus 50 years of erosion.
  - g) Access roads shall be at least at elevation 219.3 metres (719.5 feet), increasing to 220.1 metres (722.0 feet) if exposed to wave uprush.
  - h) Exceptions to the development setback line established in clauses e) and f) above may be considered if shoreline protection measures, designed by, and constructed under the supervision of, a qualified Geotechnical Engineer, can be feasibly undertaken (e.g. rock groins or riprap slope protection works) which would allow the limits to be reduced.
- .4 Notwithstanding any provisions of this by-law, the Development Officer may refuse to issue a development permit where the Council has reason to believe that the proposed development is located on land that is subject to one or more of the hazards identified above in this subsection.
- .5 Notwithstanding any provisions of this by-law, the Development Officer may

refuse to issue a development permit where Council has reason to believe that the development would create an adverse effect on adjacent public or private lands.

- .6 The Development Officer may require a development permit applicant to provide, at his or her own expense, such flood levels, elevations, or other geotechnical data as may be required to arrive at a decision with respect to above.
- .7 In considering applications for development permits, Council may, prior to the issuance of a development permit, consult with the Department of Water Stewardship, the Department of Conservation, the East Interlake Conservation District and other relevant departments or agencies.

### **3.32 General Sign Regulations**

- .1 The regulations of this section are intended and designed to establish a minimum control of signs. Such control is deemed essential to promote the health, safety, and general welfare by reducing hazards to pedestrian and vehicular traffic, by preventing unsightly and detrimental development having a blighting influence on the landscape, by preventing signs from reaching such excessive size that they obscure one another to the detriment of all parties and by securing certain fundamentals of design for the community.
- .2 Except as provided in section 3.33, no person shall erect a sign without first obtaining a development permit from the Development Officer and no development permit to erect a sign shall be issued unless all the sign provisions of this By-law have been satisfied.
- .3 Where provisions of this By-law are inconsistent with the regulations respecting signs on or near public highways made or administered by the Manitoba Department of Infrastructure and Transportation, the more restrictive regulations shall apply.
- .4 The following shall apply in all zones in this By-law except as otherwise stated below.
  - a) No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
  - b) No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection, or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad grade crossing.
  - c) No display lights resembling flashing lights, usually associated with danger or those used by police, fire ambulance and other emergency vehicles shall be used in connection with any sign display.
  - d) No sign or sign structure shall have a swinging motion.

- e) No flashing sign shall be placed within 300 ft of a residential zone or an existing residence
  - f) The placing of advertising, business or identification signs within the controlled areas of a provincial highway shall be subject to review and approval by the Department of Highways.
  - g) No sign or sign structure shall be located on, over or above any land or public right-of-way or sidewalk, belonging to the municipality unless such right is established by written agreement with the municipality.
- .5 Billboard signs (as defined) may be permitted as a conditional use in any zone, except in any residential zone or in the Commercial Central zone as provided herein this By-Law.
- .6 Construction signs shall be erected for a maximum of 30 days prior to commencement of construction and shall be taken down a maximum of 30 days after completion of construction.
- .7 Additional regulations for specific kinds of signs are in Table 3.32-1
- .8 Where permitted, there shall not be more than one (1) illuminated or non-illuminated sign having an area not exceeding one (1) square foot for each ten (10) feet of street frontage with a maximum of one hundred (100) square feet.
- .9 Abandoned and Unlawful Signs: All signs and sign structures shall be kept in repair and in proper state of preservation. Signs that have become obsolete because of discontinuance of the business service or activity shall be removed or relocated within thirty (30) days following such condition. Where the Development Officer deems a sign to be abandoned or obsolete, he/she may by registered mail, order the registered owner, the person in possession of the land or building or the person responsible for the abandoned sign to remove the sign within 15 days after receipt of the notice, or take such measures as are specified in the notice to alter and refurbish the sign so that it correctly identifies the business, or the products and services offered on the site where the sign is displayed. Failure to remove or refurbish abandoned or unlawful signs, or to comply with the measures specified in the notice may result in the removal of the sign by the municipality at the owners (or the person responsible for the contravention) expense.

**Table 3.32-1  
Sign Regulations**

| Type of Sign<br>(as defined) | Zone   | “P” Permitted<br>“C” Conditional<br>“-” Not Permitted | Maximum Size                  | Max No.<br>Allowed per<br>parcel/site |
|------------------------------|--|---|-------------------------------|---------------------------------------|
| Advertising                  | Residential (RS, RT, RM, SRR, SRG)   | -   | -                             | -                                     |
|                              | Commercial (CC, CH)  | C   | 32 sq ft                      | (a)                                   |
|                              | Industrial (MP, MG, AD)  | C   | 32 sq ft                      | (a)                                   |
|                              | Ag & Open Space (AG, AL, O)  | C   | 32 sq ft                      | (a)                                   |
| Comments                     | (a) Minimum spacing between signs = 500 ft   |   |                               |                                       |
| Billboard                    | Residential (RS, RT, RM, SRR, SRG)   | -   | -                             | -                                     |
|                              | Commercial Central (CC)  | -   | -                             | -                                     |
|                              | Commercial Hwy (CH)  | C   | 250 sq ft                     | (b)                                   |
|                              | Industrial (MP, MG, AD)  | C   | 250 sq ft                     | (b)                                   |
|                              | Ag & Open Space (AG, AL, O)  | C   | 250 sq ft                     | (b)                                   |
| Comments                     | (b) Minimum spacing between signs = 1000 ft  |   |                               |                                       |
| Business                     | Residential (RS, RT, RM, SRR, SRG)   | P   | 12                            | 1                                     |
|                              | Commercial Central (CC)  | P   | 32 sq ft<br>max height 30 ft  | 1 per<br>business                     |
|                              | Commercial Hwy (CH)  | P   | 100 sq ft<br>max height 30 ft | 1 per<br>business                     |
|                              | Industrial (MP, MG, AD)  | P   | 32 sq ft                      | 1 per<br>business                     |
|                              | Ag & Open Space (AG, AL, O)  | P   | 32 sq ft                      | 1                                     |
| Construction                 | Residential (RS, RT, RM, SRR, SRG)   | P   | 25 sq ft                      | 1                                     |
|                              | Commercial Central (CC)  | P   | 25 sq ft                      |                                       |
|                              | Commercial Hwy (CH)  | P   | 32 sq ft                      |                                       |
|                              | Industrial (MP, MG, AD)  | P   | 32 sq ft                      |                                       |
|                              | Ag & Open Space (AG, AL, O)  | P   | 32 sq ft                      |                                       |
| Flashing                     | Residential (RS, RT, RM, SRR, SRG)   | -   | -                             | -                                     |
|                              | Commercial (CC & CH)   | P   | see sign type                 | 1 (c)                                 |
|                              | Industrial (MP, MG, AD)  | C   |                               |                                       |
|                              | Ag & Open Space (AG, AL, O)  | C   |                               |                                       |
| Comments                     | (c) No flashing sign within 300 ft of a residential zone or an existing residence. |   |                               |                                       |



| Type of Sign<br>(as defined)   | Zone                               | "P" Permitted<br>"C" Conditional<br>" - " Not Permitted | Maximum Size   | Max No.<br>Allowed per<br>parcel/site |
|--------------------------------|------------------------------------|---|--|---------------------------------------|
| <b>Identification</b>          | Residential (RS, RT, RM, SRR, SRG) | P   | Single & Two Family Dwelling: max 2 sq ft<br>Multi Family Dwelling: max 12 sq ft<br>Other: 2 sq ft | 1                                     |
|                                | Commercial (CC, CH)                | P   | 100 sq ft<br>max height 30 ft  | 1                                     |
|                                | Industrial (MP, MG, AD)            | P   | 100 sq ft  | 1                                     |
|                                | Ag & Open Space (AG, AL, O)        | P   | 100 sq ft  | 1                                     |
|                                |                                    |   |  |                                       |
| <b>Real Estate</b>             | Residential (RS, RT, SRR, SRG)     | P   | 5 sq ft  | 1 per listing                         |
|                                | Residential (RM)                   | P   | 16 sq ft   |                                       |
|                                | Commercial Central (CC)            | P   | 16 sq ft   |                                       |
|                                | Commercial Hwy (CH)                | P   | 32 sq ft   |                                       |
|                                | Industrial (MP, MG, AD)            | P   | 32 sq ft   |                                       |
|                                | Ag & Open Space (AG, AL, O)        | P   | 32 sq ft   |                                       |
| <b>Real Estate Directional</b> | Residential (RS, RT, RM, SRR, SRG) | P   | 5 sq ft  | 1 per listing                         |
|                                | Commercial (CC, CH)                | P   |  |                                       |
|                                | Industrial (MP, MG, AD)            | P   |  |                                       |
|                                | Ag & Open Space (AG, AL, O)        | P   |  |                                       |
| <b>Temporary</b>               | Residential (RS, RT, RM, SRR, SRG) | -   | 16 sq ft   | 1                                     |
|                                | Commercial (CC, CH)                | P   |  |                                       |
|                                | Industrial (MP, MG, AD)            | P   |  |                                       |
|                                | Ag & Open Space (AG, AL, O)        | P   |  |                                       |
| <b>Mobile</b>                  | Residential (RS, RT, RM, SRR, SRG) | -   | 48 sq ft   | 1                                     |
|                                | Commercial Central (CC)            | -   |  |                                       |
|                                | Commercial Hwy (CH)                | P   |  |                                       |
|                                | Industrial (MP, MG, AD)            | P   |  |                                       |
|                                | Ag & Open Space (AG, AL, O)        | P   |  |                                       |

**3.33 Signs Not Requiring a Development Permit**

The following signs shall not require a Development Permit:

- .1 Signs posted by duly constituted public authorities in the performance of their public duties;
- .2 Flags or emblems of a political, civic, educational or religious organization;
- .3 Temporary or mobile signs;
- .4 “No Trespassing” signs not exceeding three (3) square feet;
- .5 Construction signs not exceeding twenty-five (25) square feet;
- .6 Directional Signs not exceeding five (5) square feet in area;
- .7 Real estate signs and real estate directional signs;
- .8 Awnings with signage originally incorporated in the design or awning material;
- .9 Identification signs 2 sq ft or less in area

**3.34 Parking**

- .1 When any new development is proposed, including a change of use of existing development, or when any existing development is substantially enlarged or increased in capacity, then provision shall be made for off-street vehicular parking in accordance with requirements in Table 3.34-1.
- .2 Where a proposed use is not listed in Table 3.34-1, the parking requirement shall be determined by Council.
- .3 Where the off-street parking space requirement is determined by reference to a unit such as the number of bedrooms or seats, or floor area, the next higher number shall be required where the calculation results in a fractional number of parking spaces.
- .4 In the case of the multiple use of a site, the Development Officer shall calculate the parking required for each individual use and the total shall be deemed to be the required parking for the site, unless the applicant can demonstrate to the satisfaction of Council through a parking demand study that there is a complementary use of the parking facilities which would warrant a reduction in the parking regulations.

**Table 3.34-1  
Parking Requirements**

| Uses  | Minimum Number of Parking Spaces Required  |
|---|--|
| <b>Residential and Residential Related Uses</b>                             |  |
| Dwelling, Mobile Home   | 1 per Dwelling Unit  |
| Institutional Residence   | 1 per 2 Dwellings or Sleeping Units  |
| Bed and Breakfast   | 1 per guest bedroom  |
| Home Occupation   | Adequate space for customer parking: min. 1 space in addition to space required for dwelling   |
| <b>Commercial Uses</b>  |  |
| Hotel, Motel, Boarding or Rooming House                                     | 1 per Guest Room or Sleeping Unit  |
| Eating and Drinking Establishment   | Whichever is greater: 1 per 100 sr. ft. of floor area or 1 per 4 seats   |
| Retail Store, Service or Office   | 1 per 250 sq. ft. of floor area  |
| Wholesale Establishment, Including a Warehouse                              | 1 per 3 employees / shift  |
| All Other Commercial Establishments   | 1 per 250 sq. ft. of floor area  |
| <b>Industrial Uses</b>  |  |
| Industrial or Manufacturing   | 1 per 5 employees / shift  |
| <b>Institutional, Recreational and Open Space Uses</b>                      |  |
| Religious Building, Hall, Private Club                                      | Whichever is greater: 1 per 5 seats or 10 ft. of bench space, or 1 per 50 sq. ft. devoted to the assembly room floor area, or 1 per every 4 persons that can be accommodated at any time |
| Arena, Stadium, Hockey or Curling Rink, or Other Indoor Recreation Facility | 1 space per 4 seats plus 1 space per player capacity   |
| Golf Course, Athletic Field, or other Outdoor Recreation Facility           | As recommended by the Development Officer and determined by Council  |
| Other Institutional Facility  | As recommended by the Development Officer and determined by Council  |
| <b>Other Uses</b>   |  |
| Other Uses  | As recommended by the Development Officer and determined by Council  |

- .5 Notwithstanding the minimum parking requirements in Table 3.34-1, Council may, by variance, reduce requirements for off-street parking where an owner or developer can show:
- a) there is sufficient parking already existing and available for the proposed use;
  - b) the use requires less than the minimum requirement due to reduced volumes of vehicle traffic or other reason.
- .6 The following regulations shall apply to all parking areas as required by this By-law:
- a) Parking areas shall be provided with at least one entrance and one exit for vehicles, and driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle;
  - b) The area shall be drained and maintained with a stable surface which is

treated so as to prevent the rising of dust or loose particles; it may be constructed of crushed stone, slag, gravel, concrete, asphalt or other approved material;

- c) Where parking areas are provided in any commercial, industrial or open space zone and lighting facilities are provided, such lights shall be so shielded and directed as to reflect away from any adjoining residential area. Where parking areas are provided in any residential or resort zone and lighting facilities are provided, such lights shall be so shielded and directed as to reflect away from any adjoining residential property;
- d) Where a parking area is situated along a site line which coincides with the boundary of a residential zone and is not separated there from by any street, lane or water course, a buffer of a design acceptable to the Council shall be provided;
- e) No sign shall be erected except:
  - (i) signs for the direction of traffic within the parking area, and
  - (ii) directional signs of not more than five (5) square feet in area at each point of entrance and exit.

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

.7 The layout and design of the parking area shall be as follows:

- a) The layout and design of the parking area shall be in accordance with Table 3.34-2 "Minimum Parking Space Requirements";
- b) The length of each parking space shall be exclusive of access driveways, aisles, ramps and columns, and office or work areas;

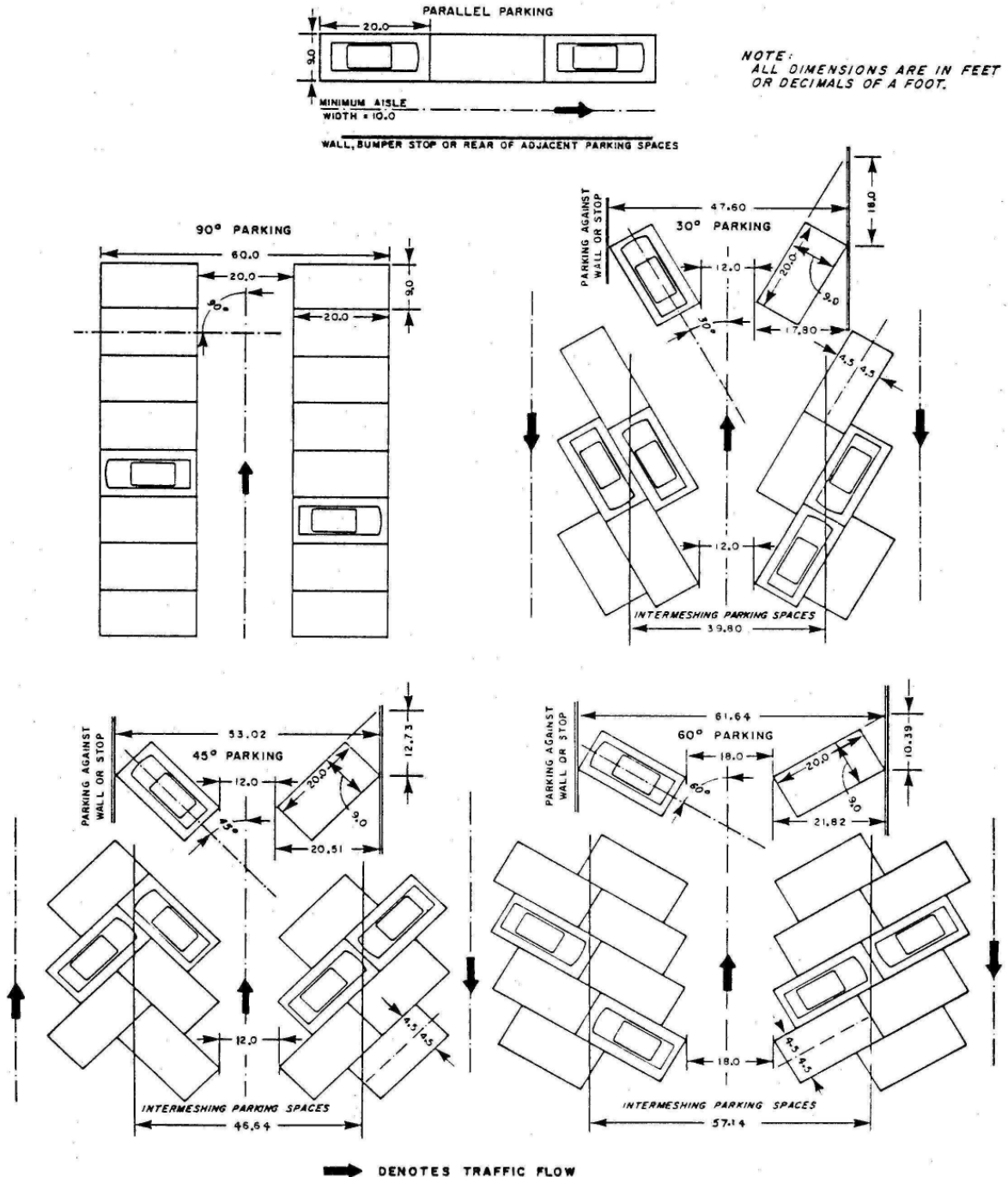
For a parking area where the angle of parking varies from that set forth in Table 3.34-2, the following shall apply:

| Minimum Size of Parking Space | Minimum Aisle Width | Angle of Parking     |
|-------------------------------|---------------------|----------------------|
| 9 feet x 20 feet              | 20 feet             | 75 to 90 degrees     |
|                               | 18 feet             | 50 to 74 degrees     |
|                               | 12 feet             | less than 50 degrees |

- c) Where access to a parking space is directly from a lane, the width of the lane adjacent to said parking space may be computed as part of the aisle width required for said parking space;
- d) The angle of parking shall be measured between the centerline of the parking space and the centerline of the aisle;

- e) The off-street parking area shall be provided with an access drive with a minimum width of ten (10) feet, to a street or lane; and
- f) Except as provided for in paragraph (d), an aisle or driveway shall not mean a street or lane.

**Table 3.34-2**  
**Minimum Parking Space Requirements**



### 3.35 Loading

Off-street loading or unloading spaces shall have minimum dimensions of thirty (30) feet long, twelve (12) feet wide and fourteen (14) feet vertical clearance, having access to a lane or street, shall be provided on the same site as the main building or use but not in the required front yard and according to the floor area of the building or structure or area of open air storage as outlined on Table 3.35-1:

**Table 3.35-1  
Loading Requirements**

| USES REQUIRING OFF-STREET LOADING | FLOOR AREA OF BUILDING OR AREA OF OPEN STORAGE (SQ. FT.) | NUMBER OF SPACES  |
|-----------------------------------|--|---|
| "CC" Zone Uses (a) (b)            | Up to and Including 15,000                               | 1 loading space   |
| "CH" Zone Uses (a) (b) (c)        | 15,001 to 40,000   | 2 loading spaces  |
| "MP" Zone Uses (a) (b) (c)        | Over 40,000  | 3 loading spaces plus 1 space for each additional 25,000 sq. ft. or portion thereof |
| "MG" Zone Uses (b)                |  |   |
| "AD" Zone Uses (b)                |  |   |

- (a) Excluding Multiple-Family Residential Buildings
- (b) Excluding Parking lot as a Principal Use
- (c) Excluding Boarding or Rooming House

### 3.36 Home Occupations

Home occupations shall:

- .1 Not detract from the neighbourhood;
- .2 Be carried on solely by the members of the family residing in the same dwelling unit without the employment of other persons;
- .3 Have no exterior display, no advertising, no outdoor storage, and no other exterior indication of the home occupation or variation of the residential character of the principal or accessory building except as provided for in this by-law;
- .4 Take up less than 50 percent of the total floor area in the dwelling unit;
- .5 In the opinion of Council, not by reason of the emission of odour, dust, smoke, noise, gas, fumes, cinders, light, vibration, refuse matter or water carried waste become offensive or obnoxious and shall not create a nuisance beyond any site line;
- .6 In the opinion of the Council, not cause the generation of undue traffic, parking

problems, and congestion in the neighbourhood;

- .7 A home occupation may have one (1) identification sign not exceeding two (2) square feet in area, indicating the name of the occupancy and/or the home occupation of the occupant; and
- .8 Not have yard, garage and/or basement sales and the like more than twice a year.

### **3.37 Rules For Bed and Breakfast Facilities**

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

- .1 There shall be no exterior display or advertisement larger than two (2) square feet in area, no sign shall be illuminated and any sign must be compatible with the character of the area.
- .2 The bed and breakfast facility shall not generate vehicular traffic or parking that is in excess of what is normally characteristic of the area.
- .3 The bed and breakfast facility shall be operated by a live-in owner as a secondary use only, have a maximum of eight accommodation units, and shall not change the principal residential character or external appearance of the dwelling.
- .4 Guest stays shall be limited to less than twenty-eight (28) days.
- .5 Meals shall be limited to the occupants of the dwelling and resident guests with no cooking facilities allowed in guest rooms.
- .6 Catering to social functions is not permitted on site.
- .7 In addition to the parking for the primary use, one additional on-site parking space shall be provided for each accommodation unit.

### **3.38 Distance From Sewage Treatment/Waste Disposal Sites**

Unless varied by Council pursuant to The Planning Act a mutual separation distance of one thousand (1,000) feet shall be maintained between a dwelling or a mobile home and a sewage treatment lagoon, and one thousand three hundred and twenty (1,320) feet between a dwelling or mobile home and a waste disposal site. The mutual separation distance shall be deemed to be a yard requirement for the purposes of this Section.

### **3.39 Disposal of Hazardous Waste**

No hazardous waste, chemical or otherwise, which may be harmful to human, animal or plant life may be disposed of in a Waste 'disposal ground or any other disposal facility or location except as may be permitted or regulated under provincial and/or federal environment legislation and specifically permitted by by-laws of the Town of Gimli.

### **3.40 Anhydrous Ammonia Facilities**

Anhydrous Ammonia Facilities shall be located at least:

- .1 2,600 feet from residential areas, schools, hospitals, churches and other institutional facilities;
- .2 5,000 feet from any village or settlement centre;
- .3 1,000 feet from the centre line of a provincial highway; and
- .4 300 feet from the edge of arterial highways and provincial roads.

The requirements noted above shall be deemed to be the minimum yard requirements for this use.

### **3.41 Guest House**

A Guest House shall comply with the following regulations:

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

Council may impose additional conditions on the development or use of a Guest House deemed necessary to protect adjoining properties and the public welfare.

### **3.42 Rooftop Wind Energy Generating System**

A Rooftop Wind Energy Generating System shall comply with the following regulations:

- .1 Are setback at least 20 feet from the front building line, or in the case of corner lots, at least 15 feet from the front and side lot line.
- .2 Are limited to a height of no more than 15 feet above the roof top or top of the parapet, whichever is greater.
- .3 Are safely and securely attached to the rooftop in compliance with the National / Provincial Building Codes.



- .4 The mean value of sound pressure levels from rooftop wind energy generating systems shall not exceed more than 6 decibels (dBA) above background sound, as measured at the exterior of the closest neighbouring inhabited dwelling (at the time of installation or during operation), for wind speeds below 22 mph (10 m/s) and except during short-term events such as utility outages and / or severe wind storms.

# 4

## Zones

### 4.1 Zones

In order to carry out the intent and purpose set forth in this By-Law, the following zones are hereby established in the area:

#### Residential Areas

- “RS” Residential Single-Family Zone
- “RT” Residential Two-Family Zone
- “RM” Residential Multiple-Family Zone
- “SRR” Residential Resort Zone
- “SRG” Recreation Resort General Zone

#### Commercial Areas

- “CC” Commercial Central Zone
- “CH” Commercial Highway Zone

#### Industrial Areas

- “MP” Industrial Park Zone
- “MG” Industrial General Zone
- “AD” Aviation Development Zone

#### Agricultural Areas

- “AG” Agricultural General Zone
- “AL” Agricultural Limited Zone

#### Recreation, Parks, Open Space and Institutional Areas

- “O” Open Space Zone

## **4.2 Residential Zones**

### **4.2.1 Intent And Purpose**

The Residential Zones established in this By-Law are intended to provide sufficient land for urban, rural and recreational residential development within the residential designations of the Development Plan.

### **4.2.2 Zones**

In order to carry out the intent and purpose of Section 4.2.1, the following zones have been established:

- .1 “RS” Residential Single-Family Zone**  
This zone is intended mainly for single-family dwellings and other uses generally considered compatible with single-family residential uses.
- .2 “RT” Residential Two-Family Zone**  
This zone is intended mainly for two-family dwellings and other uses generally considered compatible with two-family residential uses.
- .3 “RM” Residential Multiple-Family Zone**  
This zone is intended mainly for multiple-family dwellings and other uses generally considered compatible with multiple-family residential uses
- .4 “SRR” Residential Resort Zone**  
This zone is intended mainly for single-family residential uses adjacent to Lake Winnipeg and other uses generally considered compatible with such uses.
- .5 “SRG” Recreation Resort Zone**  
This zone is intended for a full range of recreation resort uses including residential uses, golf courses, campgrounds, travel trailer parks, summer camps, marinas, and related commercial activities.

Table 4.2-1 lists uses that are permitted, conditional or not permitted in each zone.

**Table 4.2-1  
Residential Use Table**

| <b>P = Permitted; C = Conditional; - = Not Permitted</b> |              |           |           |            |            |
|--|--------------|-----------|-----------|------------|------------|
| <b>Use</b>   | <b>Zones</b> |           |           |            |            |
| <b>Residences</b>  | <b>RS</b>    | <b>RT</b> | <b>RM</b> | <b>SRR</b> | <b>SRG</b> |
| Boarding or Rooming Houses                               | C            | C         | C         | C          | C          |
| Guest House  | C            | -         | -         | C          | C          |
| Mobile Home (in approved Mobile Home Park)               | -            | -         | -         | -          | P          |
| Mobile Home Park   | -            | -         | -         | -          | C          |
| Multiple Family Dwelling                                 | C            | -         | P         | C          | C          |
| Modular or Manufactured Home                             | C            | C         | C         | C          | C          |
| Secondary Suites   | C            | C         | C         | C          | C          |
| Single Family Dwelling                                   | P            | P         | P         | P          | P          |
| Two Family Dwelling                                      | C            | P         | P         | C          | C          |
| <b>Other Uses</b>  |              |           |           |            |            |
| Amusement Park   | -            | -         | -         | -          | C          |
| Athletic, Sports or Recreation Area                      | C            | C         | C         | C          | P          |
| Bed & Breakfast  | C            | -         | -         | C          | C          |
| Campground, Travel Trailer Park or Summer Camp           | -            | -         | -         | -          | C          |
| Commercial Resort  | -            | -         | -         | -          | C          |
| Gas Bar  | -            | -         | -         | -          | C          |
| Golf Course  | C            | C         | C         | C          | P          |
| Home Day Care  | C            | C         | C         | C          | C          |
| Home Occupation  | C            | C         | C         | C          | C          |
| Institutional Facility                                   | C            | C         | C         | C          | C          |
| Keeping of Livestock                                     | -            | -         | -         | -          | -          |
| Marina   | -            | -         | -         | C          | C          |
| Place of Entertainment                                   | -            | -         | -         | -          | C          |
| Planned Unit Development                                 | C            | C         | C         | C          | C          |
| Public Reserves and Public Parks                         | P            | P         | P         | P          | P          |
| Recreational Facility                                    | C            | C         | C         | C          | P          |
| Religious Buildings                                      | C            | C         | C         | C          | P          |
| Rental Storage Units                                     | -            | -         | -         | -          | C          |
| Restaurant   | -            | -         | -         | -          | C          |
| Retail Store, Service, or Office                         | -            | -         | -         | -          | C          |
| Riding or Boarding Stables                               | -            | -         | -         | -          | C          |
| Rooftop Wind Energy Generating System                    | C            | C         | C         | C          | C          |

#### **4.2.3 Exceptions**

- .1 Notwithstanding the list of permitted and conditional uses in the "SRG" Recreation Resort Zone, the following uses shall be permitted on Block 8, Plan No. 15096:
  - i) boat repair;
  - ii) gas, diesel, oil services;
  - iii) retail store, service or office;
  - iv) commercial resort;
  - v) restaurant;
  - vi) hotel/motel; or
  - vii) outdoor market;

#### **4.2.4 Accessory Uses**

In the Residential Zones accessory uses, buildings, and structures shall be limited to the following:

- .1 a children's playhouse, garden supply storage house, private greenhouse, private conservatory, and private swimming pools (open or enclosed);
- .2 a private garage, carport, covered patio, toolhouse, shed, boathouse, and other similar building;
- .3 accessory off-street parking areas;
- .4 signs, as permitted in this By-Law;
- .5 dwelling unit accessory to a religious building;
- .6 a garage, shed, or building, for storage incidental to a non-residential permitted use or conditional use; and,
- .7 Clubhouses and other related recreational structures on the grounds of private clubs, golf courses, and other like permitted or conditional recreational facilities

#### **4.2.5 Bulk Requirements**

- .1 The Residential bulk regulations shall be as set forth in Table 4.2-2, Residential Bulk Table.

**Table 4.2-2  
Residential Bulk Table**

| Permitted or Conditional Uses                 | Zones                | Requirements                   |                 |                 |                            |                |                  |                            |                   |                         |                                 |
|---|----------------------|--------------------------------|-----------------|-----------------|----------------------------|----------------|------------------|----------------------------|-------------------|-------------------------|---------------------------------|
|   |                      | Minimum                        |                 |                 |                            |                |                  |                            | Maximum           |                         |                                 |
|   |                      | Site Area (sq. ft.)            | Site Width (ft) | Site Depth (ft) | Front Yard (ft)            | Side Yard (ft) | Corner Side Yard | Rear Yard (ft)             | Site Coverage (%) | Height of Building (ft) | Accessory Building Area (%) (e) |
| Single-Family Dwelling (f)                    | RS,                  | 5,000                          | 50              | 100             | 25                         | 5              | 10               | 25                         | 40%               | 30                      | 10%                             |
| Two-Family Dwelling                           | RT, RM, SRR, SRG     | 6,600                          | 55              | 100             | 25                         | 5              | 10               | 25                         | 40%               | 30                      | 10%                             |
| Single-Family Dwelling (f)                    | SRR, SRG             | 15,000                         | 75              | 100             | 25                         | 5              | 10               | 25                         | 40%               | 30                      | 10% (max 2000 sq.ft.)           |
| Multiple-Family Dwelling                      | RM, RS, SRR, SRG     | 10,000 (a)                     | 70              | -               | 15                         | 15             | 15               | 25                         | 60%               | 45 (b)                  | 10%                             |
| Planned Unit Development                      | RS, RT, RM, SRG, SRR | TO BE DETERMINED BY COUNCIL    |                 |                 |                            |                |                  |                            |                   |                         |                                 |
| Mobile Homes and Mobile Home Parks            | SRG                  | See Section 4.2.6 of this part |                 |                 |                            |                |                  |                            |                   |                         |                                 |
| Other Permitted or Conditional Uses           | RS, RT, RM, SRG, SRR | 40,000                         | 100             | n/a             | 25                         | 15             | 10               | 25                         | 20%               | 30                      | 5% max 2000 sq.ft.              |
| Accessory Buildings, Structures, and Uses (d) | RS, RT, RM, SRG, SRR | n/a                            | n/a             | n/a             | Same as Principal Bldg (c) | 2              | 10               | with lane 2' w/out lane10' | n/a               | 20                      | see above                       |

- (a) Minimum site area for multiple-family dwellings in an RS, SRR, or SRG Zone: 10,000 sq. ft. for the first 4 dwelling units plus 2,000 sq. ft. for each additional dwelling unit thereafter.
- (b) Maximum building height for multiple-family dwellings in an RS, SRR, or SRG Zone is thirty (30) feet.
- (c) A detached accessory building may be allowed by variance in the front yard required for the principal use, on sites which back onto a lake, or a Public Reserve abutting a lake, or a golf course.
- (d) No detached accessory building or structure shall be located closer than six (6) feet to a main building.
- (e) Total area of all accessory buildings as a percentage of the Site Area.
- (f) Minimum Dwelling Unit Area eight hundred (800) square feet; and Minimum Dwelling Unit Width twenty (20) feet.

#### **4.2.6 Mobile Home Parks**

**.1 Mobile Home Parks - General Requirements**

The following general requirements shall apply to mobile homes and accessory buildings and structures in mobile home parks:

- a) No person shall construct, operate or maintain a mobile home park without first having obtained approval from the R.M. of Gimli;
- b) All mobile homes shall meet all building standards required by the "Canadian Standards Association (C.S.A.) Mobile Home Structural Standards" contained within the 2240 series and all revisions thereto and shall comply with all residential standards under the Manitoba Building Code;
- c) Attached, enclosed structures or buildings such as cabanas, summer kitchens, breezeways and similar structures shall be permitted in mobile home parks up to a maximum floor area of 250 square feet for each mobile home and to a maximum height equivalent to that of the mobile home. For the purposes of compliance with clearance and setback requirements, additions shall be considered as being part of the mobile home;
- d) There shall not be more than one (1) mobile home per mobile home space;
- e) Each mobile home space shall be clearly marked by corner posts or other satisfactory means and identified by a numbered sign;
- f) Every mobile home park shall have provision for the storage of refuse, garbage and debris in a sanitary manner in a location readily accessible to all mobile homes;
- g) All roadways within the mobile home park shall be properly illuminated by lighting units in a manner satisfactory to Council;
- h) At least one (1) parking space on site shall be provided for each mobile home space;
  - (i) A separate open area for such purposes as a children's playground or sports field shall be provided on the basis of 200 square feet per mobile home space or a minimum of 5,000 square feet, whichever is greater;
- i) All mobile homes shall be provided with durable skirting to screen the view of the foundation supports and under carriage;
- j) A mobile home space shall be provided with the following:
  - (i) a sewer and water connection;
  - (ii) an electrical service outlet; and
  - (iii) an adequate base support for the mobile home;
- k) Plans submitted to Council for approval of a mobile home park shall be drawn to scale and fully dimensioned indicating landscaping, access roads, mobile home spaces, buffers, storage compounds, common recreational area,

retention of surface runoff and parking, and shall include such other information as may be necessary to determine conformance with this By-law; and

- l) Identification names shall be given to the mobile home park and the internal roads within the mobile home park. Signs in this respect shall be posted at suitable locations on the site. In the case of a mobile home space there shall be not more than one (1) lighted or unlighted identification sign, not exceeding two (2) square feet in area.

.2 Mobile Home Parks – Bulk Regulations

The bulk regulations for Mobile Home Parks are as set forth in Table 4.2-3:

**Table 4.2-3  
Mobile Home Parks Bulk Table**

|   | For Mobile Home Parks where septic field sewage disposal systems are used | For Mobile Home Parks where holding tank sewage disposal systems are used | For Mobile Home Parks provided with municipal and/or central water supply and sewage disposal systems |
|---|---|---|---|
| Site Area, Minimum for Mobile Home Park   | 4 acres   | 2 acres   | 2 acres   |
| Minimum area of each Mobile Home Space  | 40,000 sq. ft.  | 10,000 sq. ft.  | 4,000 sq. ft.   |
| Minimum width of each Mobile Home Space   | 150 ft.   | 80 ft.  | 40 ft.  |
| Minimum Depth of each Mobile Home Space   | 200 ft.   | 120 ft.   | 90 ft.  |
| Minimum side to side clearance between Mobile Homes                             | 15 ft.  | 15 ft.  | 15 ft.  |
| Minimum end to end clearance between Mobile Homes                               | 30 ft.  | 30 ft.  | 30 ft.  |
| Minimum width of roadway right-of-way within Mobile Home Park                   | 40 ft.  | 40 ft.  | 40 ft.  |
| Minimum width of roadway surface  | 24 ft.  | 24 ft.  | 24 ft.  |
| Minimum distance from Mobile Home to roadway                                    | 15 ft.  | 15 ft.  | 15 ft.  |
| Minimum distance from Mobile Home to public street or mobile home park boundary | 30 ft.  | 30 ft.  | 30 ft.  |



- .3 **Mobile Home Parks – Accessory Buildings and Uses**  
No detached accessory building shall be located nearer the mobile home, including a mobile home on the adjoining space, than a distance of ten (10) feet clear of all projections.

The number of accessory buildings on a mobile home space shall be limited to a maximum of two (2).

|   |            |
|---|------------|
| Height, Maximum   | 15 feet    |
| Minimum distance from roadway                                   | 15 feet    |
| Minimum distance from side and rear limits of mobile home space | 5 feet     |
| Site Coverage, Maximum  | 10 percent |

#### 4.3 **Commercial, Aviation and Industrial Zones**

##### 4.3.1 **Intent and Purpose**

The Commercial, Aviation and Industrial Zones established in this By-Law are intended to provide sufficient land in suitable locations to meet the needs of Commercial, Aviation and Industrial development in the area in keeping with the provisions of the Development Plan.

##### 4.3.2 **Zones**

In order to carry out the intent and purpose of Section 4.3, the following zones have been established:

- .1 **"CC" Commercial Central Zone**  
This zone provides for appropriate land in the central business area for the development of intensive retail, business, service and administrative uses.
- .2 **"CH" Highway Commercial Zone**  
This zone provides for commercial uses intended to serve the traveling public or for commercial uses requiring large parcels of land and other uses generally considered compatible with highway commercial use.
- .3 **"MP" Industrial Park Zone**  
This zone provides space for light industrial and institutional purposes and uses considered compatible with such uses.
- .4 **"MG" Industrial General Zone**  
This zone is intended mainly for general manufacturing and industrial uses and other uses considered compatible with such uses.
- .5 **"AD" Aviation Development Zone**  
This zone is intended to provide for those aviation related uses which require or benefit from a combination of groundside and airside access at the Gimli Airport.

Table 4.3-1 lists uses that are permitted, conditional or not permitted in each zone.

**Table 4.3-1**  
**Commercial, Aviation and Industrial Use Table**

| Uses  | Zones |    |    |    |    |
|---|-------|----|----|----|----|
|   | CC    | CH | MP | MG | AD |
| <b>Legend:</b><br>P = Permitted;<br>C = Conditional;<br>- = Not Permitted                                 |       |    |    |    |    |
| Agricultural Support Industry   | C     | C  | C  | P  | -  |
| Aircraft Landing Fields, Hangars, Runways, Terminal Buildings, Aviation Fueling Services and Related Uses | -     | -  | P  | -  | P  |
| Aircraft Sales and/or Rentals   | -     | -  | P  | -  | P  |
| Aircraft Storage Facilities   | -     | -  | P  | -  | P  |
| Airports, Heliports   | -     | -  | P  | -  | P  |
| Amusement Park  | C     | C  | -  | -  | -  |
| Animal Pound or Shelter   | -     | C  | P  | -  | -  |
| Autobody Repair Shop  | -     | C  | P  | P  | -  |
| Automobile Sales or Storage Area or Automobile Dealership   | -     | P  | P  | P  | -  |
| Boarding or Rooming House   | -     | C  | C  | -  | -  |
| Bulk Oil or Chemical Storage Area   | -     | -  | C  | C  | -  |
| Business Operator's Dwelling Unit or Sleeping Accommodation as Accessory                                  | -     | C  | C  | C  | -  |
| Campground or Travel Trailer Park or Summer Camp  | -     | C  | -  | -  | -  |
| Contractor's Establishment  |       |    |    |    |    |
| - Without outdoor storage   | -     | P  | P  | P  | -  |
| - With outdoor storage  | -     | C  | P  | P  | -  |
| Drive-Through Facility  | C     | P  | -  | -  | -  |
| Exterminators   | -     | C  | P  | P  | -  |
| Flying Schools  | -     | -  | P  | -  | C  |
| Funeral Home  | -     | C  | C  | -  | -  |
| Gas Bar   | C     | P  | P  | P  | -  |
| Heavy Equipment Sales or Storage Area   | -     | C  | C  | P  | -  |
| Hotel, Motel or Motor Hotel   | P     | P  | C  | -  | -  |
| Institutional Facility  | C     | C  | C  | -  | -  |
| Liquor Licensed Establishment   | P     | P  | P  | -  | -  |
| Lumber Yard   | C     | P  | P  | P  | -  |
| Manufacturing, Heavy  | -     | -  | C  | P  | -  |
| Manufacturing, Light  | -     | C  | P  | P  | -  |
| Municipal and Government Buildings  | P     | P  | P  | C  | C  |
| Municipal Utility   | P     | P  | P  | P  | P  |
| Outdoor Market  | C     | P  | C  | -  | -  |

| Legend:<br>P = Permitted;<br>C = Conditional;<br>- = Not Permitted | Zones |    |    |    |    |
|--|-------|----|----|----|----|
|  | CC    | CH | MP | MG | AD |
| <b>Uses</b>  |       |    |    |    |    |
| Parking Lot as Principal Use                                       | C     | C  | C  | C  | C  |
| Pawn Shop  | P     | P  | P  | -  | -  |
| Place of Entertainment   | C     | P  | -  | -  | -  |
| Planned Unit Development   | C     | C  | C  | C  | C  |
| Recreational Facility  | P     | P  | P  | -  | -  |
| Residences   |       |    |    |    |    |
| • Apartments or Suites - see Note "a" below                        |       |    |    |    |    |
| ▪ On the first floor at the rear half only                         | P     | P  | -  | -  | -  |
| ▪ Above the first floor  | P     | P  | -  | -  | -  |
| • Multiple-Family Residential Buildings                            | C     | C  | C  | -  | -  |
| Restaurant, (Licensed or Unlicensed)                               | P     | P  | P  | C  | -  |
| Retail Store, Service, or Office                                   | P     | P  | P  | C  | -  |
| Rooftop Wind Energy Generating System                              | C     | C  | C  | C  | C  |
| Scrap Yard   | -     | -  | C  | C  | -  |
| Service Station  | C     | P  | P  | P  | -  |
| Shopping Centre or Mall  | P     | P  | -  | -  | -  |
| Storage Unit, Indoors  | -     | P  | P  | P  | C  |
| Storage Unit, Outdoors   | -     | C  | P  | P  | -  |
| Taxidermist  | -     | C  | P  | P  | -  |
| Training Centres and Educational Facilities                        | C     | C  | C  | -  | C  |
| Veterinary Clinic  | P     | P  | P  | -  | -  |
| Wholesale Establishment, Including a Warehouse                     | -     | P  | P  | P  | -  |

(a) Only as part of a building which contains a principal commercial use.

#### 4.3.3 Accessory Uses, Buildings And Structures

In the Commercial, Aviation and Industrial Zones, accessory uses, buildings or structures shall be limited to the following:

- .1 A garage, shed, or building, for storage incidental to a permitted use or conditional use;
- .2 The storage of goods used in, or produced by, manufacturing activities on the same zoning site as such activities, unless such storage is excluded by the zoning district or provincial regulations;
- .3 The production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally incidental to a commercial, industrial, or

- manufacturing activity if conducted by the same ownership as the principal use;
- .4 Accessory parking and loading spaces as regulated in this By-Law;
- .5 Private Swimming Pool;
- .6 Signs as permitted and regulated in this By-Law; and
- .7 Offices (business or professional) which are incidental and accessory to a permitted or conditional use.
- .8 In the MP and MG zones, incinerators subject to Provincial and Federal Regulations, and which shall be incidental to the permitted or conditional use;

#### **4.3.4 Bulk Regulations**

- .1 The Commercial and Industrial bulk regulations are listed in Table 4.3-2, Commercial and Industrial Bulk Table.

**Table 4.3-2**  
**Commercial, Aviation and Industrial Bulk Table**

| Permitted or Conditional Uses                 | Zones              | Requirements                |                 |  |  |  |               |              |  |
|---|--------------------|-----------------------------|-----------------|--|--|--|---------------|--------------|--|
|   |                    | Minimum                     |                 |  |  |  |               |              | Max.                                       |
|   |                    | Site Area (sq. ft.)         | Site Width (ft) | (a) Front Yard (ft)                        | Side Yard (e)                              |  | Rear Yard (e) |              | Height (ft)                                |
|   |                    |                             |                 |  | Interior (ft)                              | Corner (ft)                                | Lane (ft)     | No Lane (ft) |  |
| Multiple-Family Dwellings                     | CC, CH, MP         | 10,000                      | 70              | 15   | 15   | 15   | 25            | 30           | 45   |
| Other "CC" Zone Uses                          | CC                 | 2,500                       | 25              | 0  | (c)  | 10   | 20 (b)        | 25 (b)       | 45<br>3 storeys max                        |
| "CH" Zone Uses                                | CH                 | 12,000                      | 100             | 45   | 5  | 10   | 20 (b)        | 25 (b)       | 35<br>2.5 storeys max                      |
| "MP" Zone Uses                                | MP                 | 15,000                      | 90              | 15   | 15   | 15   | 15            | 15           | 60   |
| "MG" Zone Uses                                | MG                 | 40,000                      | 100             | 25   | 15   | 25   | 25            | 25           | 45   |
| "AD" Zone Uses                                | AD                 | 25,000                      | 75              | 20   | 10   | 15   | 75            | 75           | 45   |
| Planned Unit Development                      | CC, CH, MP, MG, AD | TO BE DETERMINED BY COUNCIL |                 |  |  |  |               |              |  |
| Accessory Buildings, Structures, and Uses (f) | CC                 | n/a                         | n/a             | Same as Principal Building / Structure (d) | Same as Principal Building / Structure (d) | Same as Principal Building / Structure (d) | 5             | 5            | Same as Principal Building / Structure (d) |
|   | CH, MP, MG         | n/a                         | n/a             | Same as Principal Building / Structure (d) | 5 (d)                                      | Same as Principal Building / Structure (d) | 10            | 10           | Same as Principal Building / Structure (d) |
|   | AD                 | n/a                         | n/a             | 20   | 5  | 15   | 75            | 75           | 20   |

- .2 Explanations and Exceptions to the Bulk Requirements in Table 4.3-2 are as follows:
- a) The minimum front yard requirements for a zoning site, where there are existing buildings on the adjacent sites on both sides of a site, or on one side for a corner site, shall not vary more than ten (10) percent from the average existing front yards for the said adjacent buildings, provided that said distance is less than the minimum yard requirements. The minimum front yard requirement noted above may be used to determine the front yard requirement for a building that was destroyed and is being rebuilt, or where an existing building is to have an addition made to it, or where a new building is to be constructed in an infilling situation.
  - b) The required rear yard may be reduced to ten (10) feet if all the required parking and loading spaces are provided elsewhere on the site; however where a dwelling unit is contained within a commercial building the required rear yard shall be twenty-five (25) feet.
  - c) Where a side yard is provided, it shall not be less than five (5) feet. Where a site is adjacent to a residential zone, a side yard shall not be less than ten (10) feet. Where there is a common party wall, the site line shall be contained within the common party wall.
  - d) In case of fuel pumps for a service station, the minimum front and side yard requirements shall be twenty (20) feet.
  - e) Where a side or rear site line abuts a side or rear site line in an adjacent Residential or Resort Zone, no open storage or outdoor display shall be permitted in an abutting yard in Commercial and Industrial Zones except where a solid fence of six (6) feet high is provided and maintained along the site line abutting the Residential or Resort Zone boundary.
  - f) Spatial separation between structures shall be maintained as specified in the Manitoba Building Code.

#### **4.3.5 MP Zone - Development Standards**

- .1 The development of a site in an "MP" Industrial Park Zone shall conform with the following provisions:
- a) All portions of a site, except those used for buildings, parking, loading and for storage purposes, shall be landscaped with grass, shrubbery or other suitable materials, and maintained in good condition;
  - b) All operations, servicing or processing shall be conducted wholly within completely enclosed buildings, except for permitted outside storage of goods and materials plus accessory off-street parking and loading areas; and
  - c) Outside storage of goods and materials shall comply with the following:
    - (i) the storage shall be permitted to the side and rear of the principal building, but not in any required yard abutting a street; and

- (ii) storage shall be enclosed by a wall or fence not less than six (6) feet in height so as not to be visible at or beyond any siteline, with said storage not to project above the height of said fence.

#### **4.3.6 AD Zone Performance Standards**

The following performance standards shall apply to sites zoned 'AD' Aviation Development Zone:

- a) All developments shall comply with all applicable Transport Canada Aviation regulations.
- b) The use or development of any lands within the "AD" Aviation Development Zone shall not cause any objectionable or dangerous conditions that would interfere with the safety of airport operations.
- c) Any used oil products generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba Conservation legislation.
- d) Water supply, sewage disposal and waste management shall be provided in accordance with Manitoba Environment Act regulations.
- e) No properties shall be used or maintained as a dumping ground or for the storage of rubbish, trash, junk, scrap or similar materials. All such materials shall be kept in closed, sanitary containers pending removal from the premises.
- f) No parking or waste collection shall be permitted within a required rear yard.
- g) All storage of goods and materials shall be within an enclosed building.
- h) All buildings shall be constructed and finished with durable materials of equal standards to the satisfaction of the Development Officer or Council, in order to ensure, as far as is reasonably practical, that:

The initial appearance of the development is maintained throughout the life of the project; and

- (i) the standard of the buildings will be similar to, or better than, the standard of surrounding development.
- (ii) the following information shall be submitted with an application for any development in the "AD" Aviation Development Zone:

The applicant's name, address and interest in the land:

- (iii) the grade elevation of the highest point of the proposed building site, to be referenced to geodetic elevations;
- (iv) a description of the exterior finishing materials to be used;
- (v) identification of the scale of the development with respect to gross floor area of the development in square metres and area of the site covered in square metres;
- (vi) the proposed building height of the structure in metres, including the number of floors or storeys, clearance lights, mechanical penthouses, antennas, receiving

- or transmitting structures, flagpoles or any other erection beyond the height of the principal building structure;
  - (vii) a site plan, at a minimum scale of 1:500, showing: setbacks and yard dimensions: the location of all buildings or structures in relation to property lines; and dimensioned layout of proposed vehicle and aircraft parking areas, as well as access and egress points; and
  - (viii) elevations and drawings, indicating sections and the bulk of buildings, at a minimum scale of 1:100.
- i) If required by the Development Officer, a site plan at a minimum scale of 1:500, shall also be submitted showing:
- (i) site grading and storm drainage information;
  - (ii) the location of loading areas; and
  - (iii) the location of fences, screening, retaining walls, trees, landscaping, and other physical features proposed on the site.

All building plans shall be prepared by an Architect or Engineer registered in the Province of Manitoba.

## 4.4 Agricultural and Open Space Zones

### 4.4.1 Intent And Purpose

The Agricultural and Open Space Zones established in this By-Law are intended to provide sufficient land in suitable locations to accommodate agricultural and open space uses in keeping with the provisions of the Development Plan.

### 4.4.2 Zones

In order to carry out the intent and purpose of Section 4.4.1 above, the following zones have been established:

- .1 **"AG" Agricultural General Zone**  
The "AG" Agricultural General Zone provides for a full range of agricultural activities including, among others, animal and poultry production on a commercial basis.
- .2 **"AL" Agricultural Limited Zone**  
This zone provides for limited agricultural activities that are appropriate in proximity to built-up residential and commercial areas, in order to avoid land use conflicts and to facilitate future residential or recreation resort development in accordance with the Development Plan.
- .3 **"O" Open Space Zone**  
This zone is intended to accommodate public, institutional, and recreational uses such as land for public parks and privately or public owned lands used for golf courses.

Table 4.4-1 lists uses that are permitted, conditional or not permitted in each zone.



**Table 4.4-1  
Agricultural and Open Space Use Table**

| <b>Legend:</b><br><br><b>P = Permitted</b><br><b>C = Conditional</b><br><b>- = Not Permitted</b> | <b>Zones</b>     |                  |          |
|--|------------------|------------------|----------|
|  | <b>AG</b>        | <b>AL</b>        | <b>O</b> |
| <b>Uses</b>  |                  |                  |          |
| Agricultural Activities, General   | P                | C                | -        |
| Agricultural Support Industry  | P                | C                | -        |
| Agricultural Fair Grounds  | C                | C                | C        |
| Aircraft Landing Strips  | C                | C                | -        |
| Amusement Park, Exhibition, Carnival or Fair Grounds   | -                | -                | P        |
| Athletic, Sports, and Recreation Areas   | -                | -                | P        |
| Bed & Breakfast  | C                | C                | -        |
| Bulk Oil and Chemical Storage; Asphalt Plant; or Cement Plant                                    | C                | -                | -        |
| Campground or Travel Trailer Park or Summer Camp   | C <sup>(a)</sup> | C <sup>(a)</sup> | C        |
| Communications Facilities  | P                | P                | P        |
| Contractor's Establishment   | C <sup>(a)</sup> | C <sup>(a)</sup> | -        |
| Farmers Market   | C                | C                | C        |
| Golf Course  | -                | -                | P        |
| Guest House  | C                | C                | -        |
| Home Occupation  | C                | C                | -        |
| Institutional Facility   | -                | -                | P        |
| Livestock Operations – Producing less than 300 AU's  | P                | -                | -        |
| Livestock Operations – Producing 300 AU's or greater   | C                | -                | -        |
| Marina   | -                | -                | C        |
| Modular or Manufactured Home   | P                | P                | -        |
| Municipal Utilities  | P                | P                | P        |
| Outdoor Market   | -                | -                | C        |
| Public Reserves and Public Parks   | P                | P                | P        |
| Race Track   | C <sup>(a)</sup> | C <sup>(a)</sup> | P        |
| Recreational Facility  | -                | -                | P        |
| Religious Buildings or Cemetery  | C <sup>(a)</sup> | C <sup>(a)</sup> | P        |
| Retail Store, Service or Office, or Restaurant   | -                | -                | C        |

| Legend:  | Zones |    |   |
|--|-------|----|---|
|  |       |    |   |
| <b>P = Permitted</b>   |       |    |   |
| <b>C = Conditional</b>   |       |    |   |
| <b>- = Not Permitted</b>   |       |    |   |
| Uses   | AG    | AL | O |
| Riding or Boarding Stables   | P     | C  | C |
| Rooftop Wind Energy Generating System                                | C     | C  | C |
| Sand, Gravel and Mineral Extraction Operations                       | C     | C  | - |
| Secondary Suite  | C     | C  | - |
| Sewage Lagoon, Waste Disposal Ground, or Scrap Yard                  | C     | -  | - |
| Single-Family Dwelling or Mobile Home                                | P     | P  | - |
| Single-Family Dwelling or Mobile Home on Lot 2 – 5 acres in Area (b) | C     | C  | - |
| Small Scale, Limited Industrial Use as Part of a Farm Operation (c)  | C     | -  | - |
| Veterinary Clinic, Kennel or Taxidermist                             | P     | C  | - |
| Wind Energy Generation Systems                                       | C     | -  | C |

- (a) Conditional Use is only listed to accommodate uses existing prior to the date of adopting this by-law, and not for the establishment of new uses.
- (b) Only in accordance with the Rural Non-farm Residential Policies in the Development Plan
- (c) Approval of small scale industries shall consider the following:
- The size and type of operation;
  - Compatibility with the rural neighbourhood in which it is located;
  - Traffic implications;
  - The requirement for provisions of municipal services; and
  - Environmental impact including effects on surface and groundwater, air quality and noise levels.

#### **4.4.3 Accessory Uses, Buildings and Structures**

In the Agricultural and Open Space Zones, accessory uses, buildings or structures shall be limited to the following:

- .1 Farm dwellings, including a single-family dwelling or mobile home when on the same site with a permitted or conditional agricultural activity;
- .2 Staff dwellings, including a single-family dwelling, two-family dwelling, dormitory, or mobile home when on the same site as a permitted or conditional use where, in the opinion of the Council, such a dwelling is essential for the maintenance, operation and care of the permitted or conditional use;
- .3 New Contractors Establishments are required to be accessory to a primary agricultural or residential use.
- .4 Buildings or structures for the operation and maintenance of a permitted or conditional use;
- .5 Storage of goods used in, or produced by, agricultural activities on the same site as such activities, unless such storage is excluded by the zoning district or provincial regulations;
- .6 Storage of goods used in, or produced by, a small scale industrial use may be considered as part of the conditional approval, on the same site as the approved use, unless such storage is excluded by the zoning district or provincial regulations;
- .7 A private garage, carport, covered patio, toolhouse, shed, and other similar buildings for the storage of domestic equipment and supplies;
- .8 Private stable;
- .9 Incinerators and individual sewage disposal systems, subject to Provincial and Federal Regulations
- .10 Accessory parking and loading areas;
- .11 Private swimming pools;
- .12 Signs as permitted in this By-Law; and
- .13 Clubhouses and other related recreational structures on the grounds of private clubs, golf courses, and other like permitted or conditional recreational facilities

#### **4.4.4 Bulk Regulations**

- .1 The Agricultural and Open Space Zones bulk regulations are listed in Table 4.4-2, Agricultural and Open Space Zones Bulk Table.

**Table 4.4-2  
Agricultural and Open Space Zones Bulk Table**

| Permitted or Conditional Uses   | Zones | Requirements (b) (c) |                 |                 |           |                  |           |        |
|---|-------|----------------------|-----------------|-----------------|-----------|------------------|-----------|--------|
|   |       | Minimum              |                 |                 |           |                  |           | Max.   |
|   |       | Site Area            | Site Width (ft) | Front Yard (ft) | Side Yard | Corner Side Yard | Rear Yard | Height |
| Agricultural Activities Except For Any Additional Yard Requirements Under 4.4.6 and 4.4.7 | AG    | 80 acres             | 660             | 75 (d)          | 25 (d)    | 50 (d)           | 25 (d)    | 35     |
|   | AL    | 40 acres             | 330             | 50              | 25        | 50               | 25        | 35     |
| Other AG and AL Uses (e)  | AG    | Min 2 acres          | 200             | 75              | 10        | 15               | 25        | 35     |
|   | AL    | Min 2 acres          | 200             | 50              | 10        | 15               | 25        | 35     |
| "O" Zone Uses   | O     | 1 acre               | 200             | 30              | 25        | 50               | 25        | 35     |
| Accessory Buildings, Structures, and Uses (a)   | AG    | n/a                  | n/a             | 75              | 25        | 50               | 25        | 35     |
|   | AL    | n/a                  | n/a             | 50              | 25        | 50               | 25        | 35     |
|   | O     | n/a                  | n/a             | 30              | 15        | 30               | 10        | 20     |

.2 Explanations and Exceptions to the Bulk Requirements in Table 4.4-2 are as follows:

- a) No detached accessory building or structure shall be located closer than twenty-five (25) feet to any main building with the exception of Section 4.4.3.6, where such structure shall not be located closer than six (6) feet to any main building.
- b) Yard and height requirements apply only to buildings, structures, outdoor storage of machinery, equipment or materials;
- c) Buildings and structures adjacent to provincial roads, major provincial highways and centres of intersection of same shall have a setback in accordance with Manitoba Infrastructure and Transportation regulations.
- d) The minimum front, side and rear yard requirements for livestock barns or manure storage facilities shall be one hundred and fifty (150) feet.
- e) A single-family dwelling, or mobile home, including accessory buildings, structures and uses, may be located on a site with a minimum area of 2 acres and a maximum area of 5 acres in accordance with the Non-farm Rural Residential Policies in the Development Plan.

#### **4.4.5 Aircraft Landing Strips**

All buildings and structures, when being located in close proximity to licensed aircraft landing strips, whether on the same property or an adjoining property, shall be governed by the applicable Transport Canada regulations.

#### **4.4.6 Livestock Operations**

- .1 In accordance with s.72 (2) of the Planning Act, livestock operations involving 300 or more animal units will be treated as a conditional use. All operations of a size of 300 animal units or greater will require a technical review from the Provincial Technical Review Committee. Development applications will be evaluated on the basis of the recommendation forthcoming from these reviews.
- .2 The number of animal units for a livestock operation shall be determined in accordance with Table 4.4-3.
- .3 All proposed livestock operations shall meet the siting criteria outlined in Table 4.4-4, which is equivalent to the Appendix to Policy # 2- Agriculture of the Provincial Land Use Policies, a regulation under The Planning Act.
- .4 Council may impose the following conditions on an application for a livestock operation:
  - a) Measures to ensure conformity with the applicable provisions of the Development Plan and Zoning By-Law.
  - b) Measures to implement recommendations of the Technical Review Committee.
  - c) One or both of the following measures intended to reduce odours from the operation:
    - (i) Requiring cover on manure storage facilities; and/or
    - (ii) Requiring shelterbelts to be established.
  - d) Require the applicant to enter into a development agreement regarding one or more of the following matters:
    - (i) the timing of construction;
    - (ii) the control of traffic;
    - (iii) the construction and maintenance of roads, fencing, landscaping, drainage works, shelterbelts; and/or
    - (iv) the payment of a sum of money to the board or council to be used by the board or council to construct any of the items mentioned in clause (iii) above.

**Table 4.4-3**  
**Calculation of Animal Units by Categories of Livestock**

| <b>Animal</b> | <b>Type</b>                                  | <b>Animal units produced by one animal</b> | <b>Number of animals to produce one animal unit</b> |
|---------------|--|--|---|
| Dairy         | Milking Cows, including associated livestock | 2.000                                      | 0.5   |
| Beef          | Beef Cows, including associated livestock    | 1.250                                      | 0.8   |
|               | Backgrounder                                 | 0.500                                      | 2.0   |
|               | Summer pasture / replacement heifers         | 0.625                                      | 1.6   |
|               | Feeder Cattle                                | 0.769                                      | 1.3   |
| Hogs          | Sows, farrow to finish                       | 1.250                                      | 0.8   |
|               | Sows, farrow to weanling                     | 0.250                                      | 3.2   |
|               | Sows, farrow to nursery                      | 0.313                                      | 4.0   |
|               | Weanlings                                    | 0.033                                      | 30.0  |
|               | Growers / finishers                          | 0.143                                      | 7.0   |
|               | Boars (artificial insemination operations)   | 0.200                                      | 5.0   |
| Chickens      | Broilers                                     | 0.0050                                     | 200.0   |
|               | Roasters                                     | 0.0100                                     | 100.0   |
|               | Layers                                       | 0.0083                                     | 120.0   |
|               | Pullets                                      | 0.0033                                     | 300.0   |
|               | Broiler Breeder Pullets                      | 0.0033                                     | 300.0   |
|               | Broiler Breeder Hens                         | 0.0100                                     | 100.0   |
| Turkeys       | Broilers                                     | 0.010                                      | 100.0   |
|               | Heavy Toms                                   | 0.020                                      | 50.0  |
|               | Heavy Hens                                   | 0.010                                      | 100.0   |
| Horses        | Mares, including associated livestock        | 1.333                                      | 0.75  |
| Sheep         | Ewes, including associated livestock         | 0.200                                      | 5.0   |
|               | Feeder Lambs                                 | 0.063                                      | 16.0  |

**Table 4.4-4  
Livestock Siting Regulations**

| Size of Livestock Operations in Animal Units | Separation Distance in Metres (feet) from Single Residence |  | Separation Distance in Metres (feet) from Designated Residential Areas |  |
|--|--|--|--|--|
|  | To Earthen Manure Storage Facility                         | To Animal Housing Facility and Non-earthen Manure Storage Facility | To Earthen Manure Storage Facility                                     | To Animal Housing Facility and Non-earthen Manure Storage Facility |
| 10-100                                       | 200 (656)  | 100 (328)  | 800 (2625)   | 530 (1739)   |
| 101-200                                      | 300 (984)  | 150 (492)  | 1200 (3937)  | 800 (2625)   |
| 201-300                                      | 400 (1,312)  | 200 (656)  | 1600 (5,249)   | 1070 (3,511)   |
| 301-400                                      | 450 (1,476)  | 225 (738)  | 1800 (5,906)   | 1200 (3,937)   |
| 401-800                                      | 500 (1,640)  | 250 (820)  | 2000 (6,561)   | 1330 (4,364)   |
| 801-1600                                     | 600 (1,968)  | 300 (984)  | 2400 (7,874)   | 1600 (5,249)   |
| 1601-3200                                    | 700 (2,297)  | 350 (1,148)  | 2800 (9,186)   | 1870 (6,135)   |
| 3201-6400                                    | 800 (2,625)  | 400 (1,312)  | 3200 (10,499)  | 2130 (6,988)   |
| 6401-12,800                                  | 900 (2,953)  | 450 (1,476)  | 3600 (11,811)  | 2400 (7,874)   |
| >12,800                                      | 1000 (3,281)   | 500 (1,640)  | 4000 (13,123)  | 2670 (8,760)   |

#### 4.4.7 Mutual Separation of Dwelling and Livestock Operations

A mutual separation distance shall be maintained between any new dwelling or mobile home and any livestock building or manure storage facility producing in excess of 10 Animal Units (A.U.). Livestock operators that have their residences located on the same site as livestock operations are excluded from this requirement. The mutual separation distance is deemed to be a yard requirement consistent with the provisions contained in *The Planning Act*.

#### 4.4.8 Mineral Extraction Operations

A development permit shall be required for the establishment of a commercial pit or quarry operation, and shall include:

- .1 In the case of Crown quarry minerals, proof of the issuance of a Provincial Lease or Casual Permit under Manitoba Quarrying Minerals Regulations (MR 65/92).
- .2 A plan showing areas and means for disposing of overburden, and routes for hauling the minerals.
- .3 A site plan showing the precise plan of the operation, the manner in which extraction or development will occur, the means of visual buffering and noise and dust protection, and the intended use(s) of the site upon completion of the

quarrying phase.

- .4 A plan for rehabilitation of the site when exhausted and where applicable, subject to Manitoba Regulation 226/76.
- .5 The Council shall consult with Manitoba Industry, Economic Development, and Mines when considering such applications.

#### **4.4.9 Wind Energy Generation System (WEGS)**

This section is intended to provide standards and conditions for the placement of wind energy generation systems as a conditional use in the rural areas provided that:

- .1 Proponents of a Wind Generation System (WEGS) shall submit to the Development Officer a detailed site plan showing the location of all wind generating devices, associated accessory buildings or structures, electrical lines (above or below ground) on-site roads and driveways providing access to the public road system.
- .2 Accessory buildings or structures forming part of any WEGS shall comply with all minimum required yards for WEGS.
- .3 In addition to satisfying the minimum yard requirements in Table 4.4-2 above, all WEGS shall be setback a minimum of one and one half (1.5) times the total height of the WEGS from all property lines and dwellings. The sole exception to the separation requirement between a residence and a WEGS shall be where a landowner sites a WEGS for his sole use on his own property adjacent to his principal residence.
- .4 In addition to satisfying the minimum yard requirements in Table 4.4-2 above, newly sited residences in the vicinity of a WEGS, other than the residence of the owner of the lands upon which a WEGS is located, shall be separated a minimum of one and one half (1.5) times the total height of the nearest adjacent WEGS.
- .5 The total height of any WEGS shall be the distance measured between from the ground to the uppermost point of extension of any rotor blade.
- .6 In addition to satisfying the minimum yard requirements in Table 4.4-2 above, all WEGS shall be separated a minimum of 800 metres from any lands designated or zoned for residential use.
- .7 Any WEGS sites located adjacent to provincial highways or provincial roads shall be subject to the setback requirements of the province.
- .8 Proponents of WEGS shall be responsible for obtaining any required federal and/or provincial government permits or approvals from agencies such as but not limited to Transport Canada, NAV Canada, the federal Department of Fisheries and Oceans, Manitoba Hydro and Manitoba Conservation, prior to the issuance of a development permit.



- .9 A development permit shall be obtained prior to the commencement of construction.
- .10 Where a proponent locates a WEGS on lands not under his or her ownership, he or she will be required to enter into an easement agreement with the owner of the property in order to ensure on-going access to the WEGS.
- .11 The criteria in the Use and Bulk Tables pertaining to WEGS shall not apply in instances where a WEGS is constructed on the same site as and is in direct support of either a permitted or conditionally approved agricultural activity. In such cases, the WEGS shall be treated as an accessory structure.
- .12 Notwithstanding the treatment of WEGS as accessory structures to permitted or conditionally approved agricultural activities as outlined in .11 above, proponents shall be required to investigate the need for federal and/or provincial approval or licensing of the WEGS in these circumstances.

**Appendix “A”**  
**Zoning Maps**