

**VILLAGE OF  
BENITO**

**ZONING BY-LAW  
NO. 10/04**

**THE VILLAGE OF BENITO BY-LAW NO. 10/04**

BEING a by-law of **The Village of Benito** to regulate the use and development of land.

WHEREAS, *Subsection 39(1) of The Planning Act* provides that the council of a municipality may enact a zoning by-law which generally conforms to a development plan adopted for the area;

AND WHEREAS, pursuant to the provisions of *Subsection 27(1) of The Act*, **The Swan Valley Planning District** has, by by-law, adopted The Swan Valley Planning District ***Development Plan***;

AND WHEREAS, *Subsection 32(2) of The Act* provides that the council of a municipality shall enact a zoning by-law upon the adoption of a development plan;

NOW THEREFORE, the Council of The Village of Benito in meeting duly assembled, enacts as follows:

1. This By-law shall be known as the **Village of Benito Zoning By-law**.
2. The Zoning By-law, attached hereto and marked as SCHEDULE "A" is hereby adopted.
3. The By-law No. 16/76 being a by-law of The Village of Benito to adopt The Village of Benito Planning Scheme 1975 and all amendments thereto are hereby repealed.
4. This By-law shall take force and effect on the date of third reading.

DONE AND PASSED in Council duly assembled at The Village of Benito, Manitoba this 12th day of December, 2006 A.D.

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William C. Schneider  
Mayor

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Karon Harness  
Chief Administrative Officer

READ A FIRST TIME THIS 22<sup>nd</sup> day of June, A.D. 2004

READ A SECOND TIME THIS 10<sup>th</sup> day of August, A.D. 2006

READ A THIRD TIME THIS 12<sup>th</sup> day of December, A.D. 2006

# **VILLAGE OF BENITO ZONING BY-LAW**

**BEING SCHEDULE "A"  
TO  
BY-LAW NO.10/04 OF**

# **THE VILLAGE OF BENITO**

Prepared for:

THE VILLAGE OF BENITO

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June 2004

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## **PART 1: SCOPE**

- 1.1 This By-law shall be known as the **Village of Benito Zoning By-law**.
- 1.2 This By-law applies to all lands in The Village of Benito indicated on **Map 1 of Appendix “A”** to this By-law.
- 1.3 This By-law regulates:
  - (a) the construction, erection, alteration, enlargement or placing of buildings and structures; and
  - (b) the establishment, alteration or enlargement of uses of land, buildings and structures.
- 1.4 No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed, except in accordance with this By-law, and only after all required permits have been obtained by the owner. Legal non-conforming buildings, structures and uses that were lawfully in existence before this By-law, or prior to any amendment to this By-law, may continue to exist in accordance with the provisions of *The Planning Act*.
- 1.5 Whenever a provision of another by-law of The Village of Benito or of a law or regulation of the provincial or federal government contains a restriction governing the same subject matter contained in this By-law, or imposes contradictory regulations with respect to uses, buildings or structures, the most restrictive or highest standard shall prevail.
- 1.6 Nothing in this By-law, or in a development permit, approval of a conditional use, variation order or other approval issued under this By-law or under *The Planning Act*, shall be construed as authorization for the carrying out of any activity which is a nuisance due to noise, odour, emission, vibration or other cause.

## **PART 2: GENERAL REGULATIONS GOVERNING USES, BUILDINGS AND STRUCTURES**

### **2.1 Regulation of Uses**

- 2.1.1 Subject to subsection 2.1.5 of this PART, no land, building or structure shall be constructed, enlarged, placed, used or occupied except for a use which:
- (a) is listed in the Use and Bulk Tables which apply to such land, building or structure as:
    - i) a permitted use;
    - ii) a conditional use, subject to approval as such; or
  - (b) is an accessory use.
- 2.1.2 All listed uses shall be interpreted in accordance with PART 12: INTERPRETATION and shall be dealt with in accordance with procedures outlined in PART 5: GENERAL REGULATIONS FOR ALL ZONES, PART 9: RULES FOR SPECIFIC USES, and PART 10: ADMINISTRATION.
- 2.1.3 Where land or a building or structure is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. If there is a conflict, the higher or more stringent requirement shall apply.
- 2.1.4 There shall be a maximum of one dwelling unit per site or parcel of land, except for two-family dwellings or multiple-family dwellings and mobile homes in a mobile home park which has been approved by Council as provided for in this By-law.
- 2.1.5 This By-law shall be interpreted so as not to interfere with the construction, erection and location of the facilities of a public utility. Office buildings, warehouses, maintenance or storage compounds operated by a public utility shall be subject to the provisions of this By-law.
- 2.1.6 Electric transmission lines and structures and pipelines of a public utility are deemed to be in compliance with this By-law, if they are carried out, constructed and operated in accordance with federal and provincial law.

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

- 2.2.1 An existing use, building or structure which is classified as a permitted use, building or structure in this By-law shall be allowed to continue to exist, and may be enlarged or expanded, may be changed to another permitted use, or may be replaced if destroyed.
- (a) All legally erected buildings and structures existing at the effective date of this By-law are deemed to conform to the bulk requirements of the zone in which the buildings or structures are situated; and

- (b) The enlargement, expansion, change in use, or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of this By-law.

2.2.2 An existing use, building or structure which is classified as a conditional use in this By-law or amendments thereto and which legally existed at the date of adoption or amendment of this By-law shall be deemed to be an approved conditional use, building or structure and shall be allowed to continue to exist, may be changed to a permitted use, or may be replaced if destroyed provided that the replacement does not increase the intensity of the previously existing use.

- (a) In these circumstances, the change in use or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of this By-law; and
- (b) Where an enlargement or expansion of such a use is proposed, it shall require the specific approval of Council, in accordance with PART 10.

2.2.3 An existing use, building or structure which is not classified as a permitted or conditional use, building or structure in this By-law and which legally existed at the date of adoption or amendment of this By-law shall be considered as a non-conforming use, building or structure, and shall be subject to the provisions of *The Planning Act* governing non-conformities.

- (a) A non-conforming use shall be allowed to continue to exist, and may be changed to a permitted use in the zone in which the use is located;
- (b) A non-conforming use shall not be intensified, and shall not be changed to a different non-conforming use;
- (c) A non-conforming use shall not be re-established if it is discontinued for a period in excess of one year. A change in ownership or tenancy of a non-conforming use shall not affect the status of the non-conforming use;
- (d) A non-conforming building or structure shall not be re-established if it is removed or destroyed by more than fifty percent (50%) of its replacement value above the foundation; and
- (e) Other provisions of *The Planning Act* govern non-conforming uses, buildings and structures, including a provision which enables Council to consider variation orders in situations where non-conformities are proposed to be enlarged or expanded.

## **2.3 Permitted Uses, Buildings and Structures**

2.3.1 Where a use, building or structure is provided for as a permitted use by this By-law, the owner shall normally be entitled to establish, expand or enlarge the use, building or structure, subject to the issuance of a development permit, and provided that the use, building or structure complies with all requirements of this By-law.

## **2.4 Conditional Uses**

- 2.4.1 The classification of uses as conditional uses is intended to provide for a special process of review and approval for certain types of development which, due to their inherent characteristics, may have potential adverse impacts on nearby properties or resources.
- 2.4.2 Where a use, building or structure is provided for as a conditional use by this By-law, the establishment, enlargement or expansion of the use, building or structure shall be subject to the specific requirements of *The Planning Act* pertaining to conditional uses and section 10.8 of PART 10.

## **2.5 Accessory Uses**

- 2.5.1 No accessory use shall be established, and no accessory building or structure shall be constructed or erected, prior to the establishment of the use of land, building or structure to which it is accessory except as provided under subsection 2.5.2 of this PART.
- 2.5.2 An accessory garage or storage building may be constructed or erected for the purpose of storage of materials and equipment for use during construction of the main building, provided that a development permit has been obtained for the main building.
- 2.5.3 An accessory use, building or structure may be accessory to a permitted or conditionally approved use. However, where conditional use approval is required, no accessory use, building or structure shall be constructed or located on the site prior to review and approval by Council of a conditional use application in accordance with PART 10 of this By-law and the requirements of *The Planning Act*.

## **PART 3: GUIDES TO ZONES AND ZONING MAP**

### **3.1 Zones**

3.1.1 Uses of land in The Village of Benito are regulated in accordance with the following zones:

(a) **“RG” Residential General Zone**

This zone provides for the development of municipally serviced low density residential development as well as moderate density residential developments of three (3) dwelling units or more on a conditional use basis.

(b) **“RGM” Residential General Mixed Zone**

This zone provides for development of municipally serviced single-family dwellings, modular and mobile homes.

(c) **“CC” Commercial Central Zone**

This zone provides for appropriate land in the Village’s central business area to allow it to be multi-functional in nature, and to develop as the most intensive retail business, social, cultural and administrative area of the community.

(d) **“CH” Commercial Highway Zone**

This zone provides for appropriate land to accommodate those businesses requiring large site areas and to provide retail and personal services adjacent to major transportation routes to serve the needs of the traveling public.

(e) **“MG” Industrial Zone**

This zone provides land for the development of processing, distribution, transportation, warehousing and other low impact industrial uses which carry on their operations in such a manner that no nuisance factor is created or emitted and which are reasonably compatible with nearby residential or commercial uses. In addition, certain heavy industrial uses may also be considered as conditional uses, subject to conditions of approval that Council may deem appropriate under the circumstances.

(f) **“I” Institutional Zone**

This zone provides for the development of municipally serviced areas for governmental, educational, hospital and institutional uses on relatively large areas of land.

(g) **“OR” Open Space/Recreational Zone**

This zone provides for public parks and recreational purposes and for the conservation of undeveloped scenic or hazard lands, lands buffering different

types of land use and major utility rights-of-way that have an open space character.

(h) **"LD"** Limited Development Zone

This zone provides for limited development and open space uses in specific areas in the urban fringe until such time as additional lands are required to accommodate the needs of the community

3.1.2 The permitted and conditional uses prescribed for sites within each zone described above are those set out in the Use and Bulk Tables of this By-law.

### 3.2 Zoning Map

3.2.1 The location and boundaries of the zones listed in section 3.1 of this PART are shown on **Map 1** of **Appendix "A"** of this By-law. The said map forms a part of this Zoning By-law. All notations, references and other information shown thereon, together with any amendments made by amending by-laws made from time to time and shown thereon, together with any amendments to the boundaries in the case of any street, lane, or public utility right-of-way closing shall be as much a part of this By-law as if the matters and information set forth by the said Zoning Map were fully described herein.

3.2.2 The scale and all dimensions of the Zoning Map of this By-law are in feet.

3.2.3 All plan references on the Zoning Map pertain to registered plans filed in the Dauphin Land Titles Office.

3.2.4 The abbreviations noted on the Zoning Map mean the following;

- (a) AVE. means "Avenue";
- (b) PTH means "Provincial Trunk Highway";
- (c) Rge. Means "Range";
- (d) R.M. means "Rural Municipality";
- (e) Sec. means "Section";
- (f) Tp. means "Township"; and
- (g) W.P.M. means "West of Principal Meridian";

### 3.3 Interpretation of Zone Boundaries

3.3.1 Heavy solid lines represent the zone boundaries. Where the zone boundary is broken by the name of a street, it shall be construed that the limit continues through the name of the street.

3.3.2 Boundaries indicated as approximately following:

- (a) the centerlines of railway or public utility rights-of-way;
- (b) the centerlines of streets, highways, or lanes;
- (c) lot, site, or holding lines; or
- (d) municipal limits

shall be construed as following those lines or limits.

- 3.3.3 If a street or lane or railway or public utility right-of-way (hereinafter referred to as the feature) shown on the Zoning Map is lawfully closed, the land formerly comprising the feature shall be included within the zone of the land which surrounds it. If the said feature included a zone boundary on its centerline, then the zone boundary shall be the former centerline.

## **PART 4: GENERAL BULK REQUIREMENTS**

### **4.1 Application of Bulk Requirements**

No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged, relocated or placed, except in accordance with the minimum site area, minimum site width and yard requirements prescribed for each zone and use in the applicable Use and Bulk Tables and the other requirements of this By-law.

### **4.2 Existing Substandard Parcels of Land**

Any site or parcel of land which was lawfully in existence at the date of adoption of this By-law, and which does not comply with the minimum site area and/or site width requirements for any zone as provided for in this By-law, may be used or developed for any permitted or conditional use within the zone in which the site or parcel exists, provided that:

- (a) The site or parcel of land did not form part of a larger contiguous land holding under the same ownership;
- (b) All administrative requirements for the issuance of development permits and approval of conditional use and/or variation applications as provided for in *The Planning Act* and PART 10 of this By-law are complied with; and
- (c) All required yards and separation distances as required by this By-law are complied with.

### **4.3 Corner Vision Triangles**

In order to provide for a reasonable measure of traffic safety within the Village, it is considered important to provide for good visibility conditions at street intersections, by establishing special open space requirements as follows:

- (a) No building, structure, vehicular parking space, shelterbelt, hedge or stockpiling of materials exceeding a height of three (3) feet above grade shall be located within a triangular area of any site adjacent to an intersection of two public streets, with the sides of the triangular area being measured a distance of ten (10) feet along each property boundary from the point of intersection.

### **4.4 Projections into Required Yards**

Within all zones, the required yards are intended to provide open spaces around buildings and structures for purposes of amenity, privacy, fire protection, and maintenance operations along the walls of buildings. Required yards shall be maintained as open space areas on all sites, except as provided in the bulk requirements for each zone.



#### **4.5 Double Frontage Sites**

Within all zones in The Village of Benito, where a site has frontage along two more or less parallel streets, the following provisions shall apply:

- (a) Where the site depth is greater than two hundred (200) feet, both site lines which abut these streets shall be considered to be front site lines, and the adjacent yards shall both be considered to be required front yards; and
- (b) Where the site depth is two hundred (200) feet or less, only one site line shall be considered to be the front site line, and this determination shall be made by the Development Officer, based on the arrangement of existing buildings in the immediate area.

#### **4.6 Separation of Principal Building and Any Other Building**

The minimum distance between the principal building and any other building shall be six (6) feet, unless otherwise provided for herein.

#### **4.7 Unconventional Sites**

Where a site is of such unique configuration that the required yards cannot be ascertained in accordance with the definitions of PART 12, the Development Officer may designate the location of the required yards. The location and required dimensions of such yards shall be consistent with the intent of the yards specified for the zone within which the site is located.

#### **4.8 Landlocked Sites**

In unique circumstances, Council may permit development on a site which only has frontage on a private lane or road, provided the said lane or road is at least twenty (20) feet in width and intersects with a street, and is secured by means of a registered easement. For the purpose of establishing the position of the required yards, the Development Officer shall determine the front, side or rear site lines of a landlocked site.

## **PART 5: GENERAL REGULATIONS FOR ALL ZONES**

### **5.1 Land Subject to Flooding and Erosion**

- 5.1.1 Where development is proposed in an area which, in the opinion of the Development Officer, may be subject to ponding due to snowmelt or heavy rainfall events, the owner may be required to provide additional flood proofing measures such as but not necessarily limited to the provision of sufficient fill around the building to provide for an additional measure of protection from flood damage.
- 5.1.2 No permanent building shall be constructed or placed on land, which is subject to subsidence or erosion by water or is marshy or unstable, or is 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 mitigate the hazard to an acceptable level.
- 5.1.3 No land use activity shall be conducted in any zone unless such precautionary measures, satisfactory to Council, to safeguard and prevent water and atmospheric pollution, including enrichment of natural waters with organic nutrients or sediments, are incorporated into the proposed land use activity. Council may seek the advice of appropriate government agencies on the adequacy of the proposed preventative measures.

### **5.2 Separation for Sewage Lagoons and Waste Disposal Grounds**

- 5.2.1 No new habitable buildings, including dwellings, schools, motels, restaurants, institutions and hospitals shall be located within one thousand five hundred (1,500) feet of a sewage lagoon. Proposals to alter this separation distance must be considered and approved by the Environmental Authorities of the Province prior to development.
- 5.2.2 No habitable buildings, including dwellings, schools, motels, restaurants, institutions and hospitals shall be located within one thousand three hundred twelve (1,312) feet of a sanitary landfill site unless it can be demonstrated by a professional engineer, registered in the Province of Manitoba, that there will be no migration of methane gas or other surface or subsurface pollutants. Also, any reduction in this separation distance requires approval by the Environmental Authorities of the Province prior to development.
- 5.2.3 The above distances are to be measured from the centerline of the nearest lagoon dyke or nearest side of a landfill pit.

### **5.3 Site Reduced by Road Widening**

Where the site area or site width of a parcel of land has been reduced as a result of land acquired for the establishment or widening of a public road or drain, or for any other public work, the land which has been acquired shall be deemed to be part of the site for purposes of determining compliance with the minimum site area and site width requirements and required yards for existing buildings as specified by this By-law; however, where new buildings or structures are proposed, the required yards shall be determined by the location of actual site boundaries.

#### **5.4 Building Removal**

Upon completion of removal, relocation or demolition of a building from a site, the old foundation shall be removed, any existing water and sewer line connected to The Village of Benito utility system shall be clearly marked for future connection, any excavation shall be filled, the ground shall be leveled and the site shall be put in a safe condition to the satisfaction of the Development Officer.

#### **5.5 Building Grade and Site Drainage**

The grade for all principal buildings and structures and the proposed site drainage system shall be approved by the Development Officer prior to the commencement of construction.

#### **5.6 Road Access**

No permanent building may be constructed or placed on a site, which does not have legal access to an improved public road. Legal access to an improved road allowance may be obtained through an easement agreement.

#### **5.7 Service Connections**

Where a site is served by municipal piped sewer or water, no permanent principal building shall be constructed or placed unless it is connected to such services.

#### **5.8 Public Monuments and Cairns**

Nothing in this By-law shall be so interpreted as to interfere with the establishment of public monuments and cairns.

#### **5.9 Signs**

5.9.1 No sign or sign structure shall be erected or temporarily placed at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign or obstruct the view of any highway or street intersection.

5.9.2 All signs and their support structures shall be kept in good repair. Signs which have become obsolete because of the discontinuance of the business or service and have not been removed or relocated within thirty (30) days following such condition may be removed by the Town at the owner's expense.

#### **5.10 Temporary Buildings and Uses**

5.10.1 Temporary buildings, structures and uses of land are permitted on a site in connection with construction and development on that or a nearby site, subject to the issuance of a development permit and only for the following purposes:

- (a) offices for the contractor or developer or project supervisor;
- (b) accommodation for a caretaker; and

(c) storage of materials and equipment.

5.10.2 A development permit for a temporary building or structure or use shall be valid for six (6) months and may not be renewed for more than two (2) successive six (6) month periods.

### **5.11 Road Allowances**

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

### **5.12 Basement Accommodations**

A dwelling unit or living accommodation for a boarder shall not be located in a basement unless it complies with the provisions of The Manitoba Building Code with regard to various features, including but not limited to floor area, room height, stairs, egress, fire separation, sanitary facilities, windows and smoke alarms.

### **5.13 Railways**

5.13.1 Nothing in this By-law shall be so interpreted as to interfere with the normal operations and maintenance of the Canadian National rail trackage.

5.13.2 Any railway office buildings, warehouse facilities, maintenance buildings and storage areas shall be subject to the provisions of this By-law.

5.13.3 No dwelling unit shall be located within fifty (50) feet of the edge of a railway right-of-way.

### **5.14 Noxious or Offensive Uses**

Notwithstanding anything herein contained, no use shall be permitted in any zone which may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise. If the use is permitted in the subject zone, satisfactory measures shall be undertaken to mitigate or eliminate such effects and necessary licensing shall be obtained from Manitoba Conservation, as required.

### **5.15 Mobile Home Provisions**

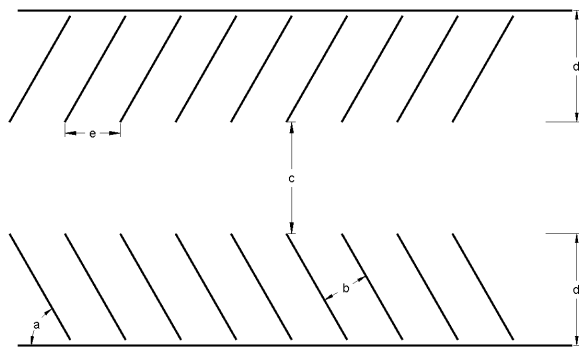
All mobile homes which are either newly sited or relocated within The Village of Benito after the effective date of this By-law, shall conform to C.S.A. standards pertaining to construction, site preparation, foundation and anchorage. The undercarriage of all mobile homes shall be fully concealed by skirting which is either pre-finished or painted to complement the mobile home.

## 5.16 Parking Lot Design

All parking lots shall conform to the provisions of the following TABLE 5-1: PARKING AREA DIMENSIONS and drawing.

**TABLE 5-1: PARKING AREA DIMENSIONS**

MINIMUM REQUIREMENTS				
Angle of Parking (degrees)	Width of Stall (ft)	Width of Aisle (ft)	Depth Perpendicular To Aisle (ft)	Width Parallel to Aisle (ft)
a	b	c	d	e
30	9	12	15	17
45	9	12	18	12
60	9	20	20	10
90	9	24	20	9



## PART 6: RESIDENTIAL ZONES

### 6.1 Permitted and Conditional Uses

TABLE 6-1: RESIDENTIAL USE TABLE lists all uses that are permitted or conditional in the residential zones.

**TABLE 6-1: RESIDENTIAL USE TABLE**

<b>LEGEND</b> "P" means Permitted Use "C" means Conditional Use "-" means Use is Prohibited	<b>"RG"</b> Residential General Zone	<b>"RGM"</b> Residential General Mixed Zone
Arts and Crafts Studios	C	-
Bed and Breakfast Establishments with 3 or more guest rooms	C	-
Boarding, Rooming and Lodging Houses with 3 or more boarders	C	-
Community Centres and Community Clubs	C	-
Dwellings:		
Single-Family Dwellings	P	P
Two-Family Dwellings	C	-
Multiple-Family Dwellings, including threeplexes, fourplexes, row housing and apartment buildings	C	-
Mobile Homes	C	P
Modular Homes	C	P
Group Day Care Facilities (9 children or more)	C	-
Mobile Home Parks	-	P
Parks, Playgrounds and Public Reserves	P	P
Personal Care Homes and similar institutions	C	-
Public Utility Buildings	P	P
Religious Institutions, including churches, church halls, and church educational facilities	P	-
Residential Care Facilities for 3 or more adults or children	C	-
Senior Citizens' Homes	C	
Accessory Uses, Buildings and Structures	P	P

### 6.2 Accessory Uses, Buildings and Structures

6.2.1 In the Residential Zones, a permitted accessory use, building or structure includes, but is not limited to, the following uses, buildings or structures, which shall be permitted on the same site as a principal building, structure or use, and shall be subject to the provisions of section 6.3 of this PART:

- (a) A private garage, carport, covered patio, tool house, shed, or other similar building;
- (b) A private swimming pool, greenhouse, garden house, conservatory, child's playhouse or child's play structure;

- (c) Accessory off-street parking areas as required and further regulated in section 6.4 of this PART;
- (d) Antennas, including satellite dish antennas;
- (e) Fences and walls, subject to the additional provisions of section 6.5 of this PART;
- (f) Decks, patios, sidewalks, wheelchair ramps, gazebos, statuary, flagpoles and similar landscaping features;
- (g) Home-based businesses incidental to or secondary to the residential use of a dwelling unit, mobile or modular home as regulated in section 9.1 of PART 9 including:
  - (i) Bed and breakfast operations containing 2 guest rooms or less;
  - (ii) Boarding, rooming or lodging facilities for 2 persons or less;
  - (iii) Home day care services for eight (8) or less children;
  - (iv) Residential care facilities to a maximum of two (2) persons; and
  - (v) Any other home-based business not listed herein;
- (h) Signs, subject to the additional provisions of section 6.6 of this PART; and
- (i) Refuse and garbage disposal containers, which in the case of multiple-family dwellings and personal care homes, shall be subject to the approval of the Development Officer with regard to location on the site.

### **6.3 Residential Bulk Regulations**

- 6.3.1 The Residential Bulk Regulations shall be as set forth in TABLE 6-2 and shall apply to all permitted and conditional uses. These regulations are intended to provide for adequate space for the buildings, vehicular parking, and private outdoor recreation areas, as well as to provide for convenient access for vehicles and pedestrians, for sufficient space for the purposes of privacy, maintenance of the building or structure, and as a measure of fire protection.
- 6.3.2 The owner shall maintain the minimum site area, site width, required yards and other requirements specified herein for any use.
- 6.3.3 Not more than one principal building or use and its accessory buildings, structures, and uses shall be permitted on one site, with the exception of mobile homes located in a mobile home park.
- 6.3.4 No parcel of land shall be subdivided into sites, unless each site conforms with the bulk regulations as set forth in TABLE 6-2.
- 6.3.5 No required yard shall be reduced below the minimum requirements as set forth in TABLE 6-2 unless a minor variation or variation order is obtained in accordance with the provisions of *The Planning Act*.

**TABLE 6-2: RESIDENTIAL BULK TABLE**

PERMITTED OR CONDITIONAL USES	MINIMUM REQUIREMENTS (a)(b)(c)						
	Site Area (sq ft)	Site Width (ft) (d)		Front Yard (ft)(d)	Side Yard (ft)		Rear Yard (ft)(d)
		Interior	Corner		Interior	Corner	
Arts and Crafts Studios	6,000	60	70	30	5e)	10(f)(g)	25
Bed & Breakfast Establishments with 3 or more guest rooms	7,500	75	75	30	5(e)	10(f)(g)	25
Boarding, Rooming and Lodging Houses with 3 or more boarders	7,500	75	75	30	5(e)	10(f)(g)	25
Community Centres and Community Clubs	10,000	100	110	30	5	10(i)	25
Dwellings:							
Single-Family	6,000	60	70	30	5(e)	15(g)	25
Two-Family (h)(i)	6,500	65	75	30	5(j)	10(g)	25
Multiple-Family(h)	9,000(k)	75	85	30	8(l)	20	25
Mobile & Modular Homes Subdivision	6,000	60	70	30	5(e)	10	25
Park	5,000(m)	40	50	15	5	10	15
Group Day Care Facilities	7,500	75	75	30	5(e)	10(f)	25
Parks and Playgrounds	5,000	50	60	30	10	15	20
Personal Care Homes	15,000	100	110	30	10	15	25
Public Utility Buildings	6,000	50	60	30	5	10	25
Religious Institutions	7,500	75	75	30	10	15	25
Residential Care Facilities for 3 or more adults or children	10,000	100	100	30	10	15	25
Senior Citizens' Housing	15,000	100	110	30	10	15	25
Accessory Uses, Buildings and Structures (n)	-	-	-	30(o)	2	10(f)(g)	7(p)

The following notations, exceptions and additional requirements form part of TABLE 6-2:

- (a) The minimum floor area of all dwellings and mobile homes shall be six hundred (600) sq. ft. and the minimum floor area of all dwelling units in multiple-family residences shall be four hundred eighty (480) sq. ft.;
- (b) The maximum height of all principal buildings and structures in the Residential Zones shall be twenty-five (25) feet. The maximum height for all accessory buildings and structures shall be fifteen (15) feet, provided that these requirements shall not apply to building elements such as chimneys, flagpoles, antennas or church spires;
- (c) Where a site abuts a highway under the jurisdiction of Manitoba Transportation and Government Services, the owner shall obtain all permits required for setbacks of buildings and structures;
- (d) The minimum front yard requirement and rear yard requirement for a zoning site, where there are existing buildings on the adjacent sites on both sides of the site, or one side for a corner site, shall be the average of the existing front yard(s) or existing rear yard(s) of the said adjacent building(s), provided that the distance is less than the minimum bulk requirements as specified in this TABLE. The minimum front yard requirement and rear yard requirement noted above may be used to determine the front and rear yard requirements 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;

- (e) Where an interior site is not adjacent to a lane, one of the side yards shall be a minimum of ten (10) feet in width, clear of all projections, except eaves and gutters, in order to accommodate the required vehicular parking space or to provide for vehicular access to the rear of the site. This requirement shall not apply where a garage or carport is attached to the principal building;
- (f) Where an abutting site to the rear contains a front site line which is a continuation of the corner side site line along the same street, the corner side yard requirement shall be fifteen (15) feet for principal and accessory buildings or structures, unless otherwise provided for herein;
- (g) The corner side yard requirement for a private garage or carport with vehicular access onto the flanking street shall be twenty (20) feet;
- (h) For the purposes of interpreting the requirements of this TABLE, each dwelling unit in a semi-detached two-family dwelling, a row house or a multiple-family dwelling having a common party wall shall be considered as one (1) building occupying one (1) site;
- (i) In the case of semi-detached two family dwellings, each dwelling unit may occupy a separate site, provided that each site is a minimum of three thousand two hundred fifty (3,250) square feet in site area and has a minimum site width of thirty (30) feet for interior sites and forty (40) feet for corner sites. The side yard requirement along the party wall shall be zero (0) feet, and all other provisions of this TABLE shall apply;
- (j) Where a site does not abut upon a public line and where attached garages or carports are not provided, the interior side yards shall be increased to ten (10) feet clear of all projections, except lanes and gutters to accommodate the required vehicular parking spaces or to provide for vehicular access to the rear of the site;
- (k) Where a multiple-family dwelling contains more than three (3) dwelling units, a minimum of one thousand (1,000) square feet of site area shall be required for each additional dwelling unit in order to provide for sufficient parking and outdoor amenity areas on the site;
- (l) In the case of multiple-family dwellings, the required side yard shall be twenty (20) feet where the wall of the building exceeds an average height of twenty (20) feet above grade, or where a living room window or dining room window of any dwelling unit within the building views directly out on the side yard;
- (m) For the purposes of the requirements of this TABLE, a mobile home space shall be deemed to be a mobile home site;
- (n) Accessory buildings or structures may be attached to the principal building and in such cases, the accessory building or structure shall be considered as being a part

of the principal building, and the yard requirements for principal buildings shall apply;

- (o) The minimum front yard requirement for accessory buildings and structures in a mobile home park shall be fifteen (15) feet;
- (p) The minimum rear yard requirement for accessory buildings and structures which do not have direct vehicular access on to a public lane shall be two (2) feet.

6.3.6 All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space. The following features are permitted to be located in required yards unless otherwise specified:

- (a) Portable buildings not exceeding one hundred (100) square feet in floor area for the storage of domestic equipment may be located within any required interior side yard or required rear yard, provided that a separation distance of one (1) foot is maintained from a site line, and a separation distance of three (3) feet is maintained from any dwelling, mobile or modular home;
- (b) Open terraces, decks and exterior stairway landings not exceeding a height of four (4) feet above grade, subject to the following requirements:
  - i) a minimum separation distance of twenty (20) feet from any front site line shall be maintained;
  - ii) a minimum separation distance of seven (7) feet from the side site line on the street side of a corner site shall be maintained;
  - iii) a minimum separation distance of two and one half (2.5) feet from any interior side site line shall be maintained; and
  - iv) vehicular parking spaces or required vehicular access to such spaces shall not be obstructed;
- (c) Chimneys, alcoves, bay windows, eaves, gutters, canopies, awnings and other similar building elements, provided that they do not project any more than two (2) feet into any required yard and do not obstruct any vehicular parking spaces or vehicular access to such spaces; or in the case of detached accessory buildings located to the rear of the principal building, eaves and gutters shall not project any more than one (1) foot into any required yard;
- (d) Driveways and accessory parking spaces, subject to the provisions of section 6.4 of this PART;
- (e) Uncovered sidewalks, patios, wheelchair ramps, trees, shrubs, trellises, arbours, retaining walls, flagpoles, lighting fixtures, and similar features;
- (f) Fences and walls, subject to the provisions of section 6.5 of this PART; and
- (g) Signs subject to the provisions of section 6.6 of this PART.

6.3.7 Corner vision triangles shall be maintained at the street corners of all sites located adjacent to street intersections within the Residential Zones. The corner vision triangle shall be a triangular area measured ten (10) feet from the street corner of the site along each site line adjacent to the street. No wall, fence, hedge, shrub or other landscaping feature which would substantially diminish the visibility of motorists shall be allowed to exceed a height of three (3) feet within these corner vision triangles.

**6.4 Parking**

6.4.1 For all permitted and conditional uses in the Residential Zones, accessory off-street parking shall be provided and maintained in accordance with TABLE 6-3.

**TABLE 6-3: RESIDENTIAL PARKING TABLE**

USES	MINIMUM NUMBER OF PARKING SPACES REQUIRED *
Boarding, rooming and lodging houses, and Bed and Breakfast establishments	1 for owner and 1 for each boarder or guest room
Parks, Playgrounds, Tot Lots and Buffer Strips	0
Public utility buildings	1
Single-family dwellings	1
Mobile Homes and Modular Homes	1
Two-family dwellings	1 per dwelling unit
Multiple-family dwellings containing 3 or more dwelling units	1.5 per dwelling unit
All other permitted and conditional uses	As determined by Council

\*Where the computation of the number of required accessory off-street parking spaces results in a requirement of a fraction of a parking space, any fraction less than one-half (1/2) of a parking space may be disregarded, whereas a fraction of one-half (1/2) or more of a parking space shall be counted as one parking space.

6.4.2 Accessory off-street parking spaces shall be located on the same site as the use served, unless a variation order is approved for parking spaces located elsewhere.

6.4.3 At least one permanent accessory parking space per dwelling unit shall be provided at a location other than in the required front yard in the Residential Zones.

6.4.4 Accessory parking is allowed within a required front yard, subject to the following provisions:

- (a) No more than two (2) vehicles are parked within the required front yard;

- (b) The parking area is located on a driveway not more than twenty (20) feet in width leading to a side yard, carport or attached garage; and
  - (c) There are no canopies, walls, or other structures within the required front yard.
- 6.4.5 No accessory parking space shall be located within a horizontal distance of ten (10) feet of the window of a habitable room within a site containing multiple-family dwellings.
- 6.4.6 Where an accessory parking lot is required for three or more vehicles, the design of the parking lot, including all exits and entrances, shall conform to the provisions of section 5.16 of PART 5, and shall be subject to the approval of the Development Officer.
- 6.4.7 Every parking space shall be designed in accordance with the criteria set out in section 5.16 and TABLE 5-1 of PART 5.
- 6.4.8 When a building or structure is enlarged or a use is changed, the accessory off-street parking spaces shall be provided for the enlargement, change, or new use, in accordance with the provisions of section 6.4 of this PART.

## **6.5 Fences and Walls**

- 6.5.1 The following provisions shall apply to all fences and walls in the Residential Zones:
- (a) Within a required front yard, no fence or wall shall exceed a height of four (4) feet above grade of land within two (2) feet of each side of the fence, and
  - (b) Within a required side yard or required rear yard, no fence or wall shall exceed a height of six (6) feet above the average grade of land within two (2) feet of each side of the fence or wall, and enclosures for swimming pools shall be subject to the provisions of The Manitoba Building Code.
- 6.5.2 No chain link fence shall be constructed or located within any required front yard in the Residential Zones.
- 6.5.3 No electric fence or barbed wire fence shall be constructed or located within the Residential Zones.

## **6.6 Signs**

- 6.6.1 The following accessory signs are permitted in the Residential Zones and may be installed without the issuance of a development permit as provided for in subsection 10.6.3 of PART 10:
- (a) One identification sign not exceeding four (4) square feet in surface area per site;
  - (b) One bulletin board not exceeding sixteen (16) square feet in surface area per site for religious institutions;
  - (c) One sign for a home-based business not exceeding six (6) square feet in surface area;

- (d) One temporary real estate sign or construction sign not exceeding sixteen (16) square feet in surface area per site; and
- (e) Temporary posters, bulletins, legal notices and the like.

6.6.2 Notwithstanding subsection 6.6.1 above, the following accessory signs are also permitted in the Residential Zones, without the issuance of a development permit, but the location of these signs on the site shall be subject to the approval of the Development Officer;

- (a) One identification sign not exceeding thirty-two (32) square feet in surface area per site for multiple-family dwellings;
- (b) One identification sign not exceeding thirty-two (32) square feet in surface area per site for religious institutions and other non-residential buildings; and
- (c) One mobile sign or temporary sign for the purpose of advertising a social, community or family related event for a period of six (6) days, including the day of the event, provided the sign is on the same site as the event and subject to the following requirements:
  - (i) maximum sign surface area per side is thirty-five (35) square feet, and
  - (ii) minimum set back from site lines is five (5) feet except where two intersecting streets or a street and lane intersect in which case the minimum setback from the corner site lines on the street or side is fifteen (15) feet.

6.6.3 All signs in the Residential Zones shall not contain any animated components or any internal illumination, or any flashing, rotating or scintillating lights.

## **6.7 Mobile Home Park Regulations**

In addition to the preceding bulk requirements, the following requirements shall apply to mobile homes and modular homes and their accessory buildings and structures in Mobile Home Parks.

### ***Minimum Size***

6.7.1 A mobile home park shall contain a minimum of three (3) mobile home spaces and shall have a minimum site width of two hundred (200) feet.

### ***Buffer Area***

6.7.2 A buffer area at least ten (10) feet in width shall be provided within and adjacent to the perimeter of the mobile home park property and twenty (20) feet in width on the perimeter which abuts a street.

***Development of the Buffer Area***

- 6.7.3 (a) The buffer area provided in subsection 6.7.2 above shall be developed as an area suitably landscaped with trees, shrubs, grass and similar horticultural features as shown on the site plans submitted pursuant to subsection 6.7.11 of this section;
- (b) The buffer area may be crossed by an access right-of-way a minimum of fifty (50) feet in width containing a concrete, gravel or asphalt driveway a minimum of twenty-five (25) feet in width from a street to the internal roadway system; and
- (c) The buffer area shall contain no use other than permitted by clauses (a) and (b) above.

***Location of Storage Compound***

- 6.7.4 A storage compound shall not be located within the buffer area described in subsection 6.7.3 above and shall be located according to the site plans approved by Council.

***Mobile Home Park Internal Roadway System***

- 6.7.5 Internal roadways within a mobile home park shall be as follows:
  - (b) The internal roadway system shall have a right-of-way a minimum of fifty (50) feet in width; and
  - (c) The internal roadway system shall have a concrete or asphalt or gravel driveway a minimum of twenty-five (25) feet in width.

***Number of Mobile Homes***

- 6.7.6 There shall not be more than one mobile home located on a mobile home space in a mobile home park.

***Distance from Storage Compound, Common Parking, Service Building***

- 6.7.7 A mobile home shall be located a minimum distance of twelve (12) feet away from a storage compound or a common parking area and twenty (20) feet from a service building in a mobile home park.

***Required Services for Mobile Home Space***

- 6.7.8 A mobile home space shall be provided with the following:
  - (a) An approved sewer connection;
  - (b) An approved potable water supply system;
  - (c) An electrical service outlet; and
  - (d) An adequate base support for the mobile home.

### ***Location of Accessory Buildings and Structures***

- 6.7.9 Except as provided in clause 6.3.6 (a) of this PART, no detached accessory building or structure shall be located nearer a mobile home, including a mobile home on an adjoining space, than a distance of six (6) feet clear of all projections. Detached accessory buildings or structures shall be located only in the side or rear yard.

### ***Accessory Structures and Buildings***

- 6.7.10 All accessory structures and buildings such as porches, additions, carports, private garages, skirting and storage facilities shall be painted or pre-finished and maintained so that the design, construction and maintenance will complement the main structure.

### ***Site Plans – Requirements***

- 6.7.11 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 run-off and parking; and shall include such other information as may be necessary to determine conformance with this By-law.

### ***Mobile Home Standards***

- 6.7.12 All mobile homes must meet all structural standards as determined by *The Buildings and Mobile Homes Act* and amendments thereto.

### ***Required Services for Mobile Home Park***

- 6.7.13 A mobile home park shall be provided with:
- (a) An adequate street lighting system, satisfactory to the Development Officer; and
  - (b) Any other services that the Development Officer considers necessary for the public health and safety.

## PART 7: COMMERCIAL AND INDUSTRIAL ZONES

### 7.1 Permitted and Conditional Uses

Table 7-1: COMMERCIAL AND INDUSTRIAL USE TABLE lists all uses that are permitted or conditional in the "CC" Commercial Central, "CH" Commercial Highway and "MG" Industrial General Zones.

**TABLE 7-1: COMMERCIAL AND INDUSTRIAL USE TABLE**

<b>LEGEND: "P" means Permitted Use "C" means Conditional Use "-." means Use is Prohibited</b>	<b>"CC" Zone</b>	<b>"CH" Zone</b>	<b>"MG" Zone</b>
Abattoirs	-	C	C
Advertising Signs	C	P	C
Agricultural Implements, Equipment or Structures, Manufacture	-	-	P
Agricultural Implements, Equipment or Structures, Sales and Service	C	P	P
Amusement Enterprises	P	C	-
Animal Feed, Manufacture	-	-	P
Animal Feed, Sales and Storage	-	-	p
Antique Stores and Second Hand Stores	P	P	-
Appliance Repair Shops	P	P	P
Art Stores	-	-	-
Art Galleries	P	-	-
Auction Marts (excluding livestock)	P	C	P
Auditoriums, Clubs, Halls or Lodges	P	-	-
Automobiles, Boats, Trucks, Trailers or Recreation Vehicles (including motorcycles and snowmobiles)			
Body Shops and Manufacturing	C	C	P
Parts Supply Establishments	P	P	P
Sales Areas	P	P	P
Service Stations	C	P	P
Washing Establishments	C	P	P
Wrecking Establishments	-	-	-
Bakeries	P	P	-
Banks or Financial Institutions	P	-	-
Bicycle Rental, Sales and Repair Shops	P	P	-
Billiard Parlours or Bowling Alleys	P	-	-
Book Stores	P	-	-
Bowling Alleys	P	C	-
Building Contractors' Establishments, including Plumbers or Electricians	P	P	P
Building Supply Sales, Exterior and Interior Storage	P	P	P
Building Supply Sales, Interior Storage only	P	P	P
Bus Garages or Compounds	-	-	P
Bus Depots	C	C	P
Cafes, Coffee Shops, Restaurants, Banquet Halls or Beverage Rooms	P	P	P
Carpet Cleaning Establishments	P	-	P
Carpet, Rug, Linoleum or Other Floor Covering Stores	P	P	P



**TABLE 7-1: COMMERCIAL AND INDUSTRIAL USE TABLE**

<b>LEGEND: "P" means Permitted Use "C" means Conditional Use "-" means Use is Prohibited</b>	<b>"CC" Zone</b>	<b>"CH" Zone</b>	<b>"MG" Zone</b>
Carpentry or Cabinet Shops	C	P	P
Catering Establishments	P	P	-
Cement, Batch Plants or Ready Mix	-	-	C
Ceramic and Pottery Studios	P	P	P
Cleaning Establishments, including Dry Cleaners or Laundromats	P	C	-
Clinics, Dental, Medical or Optical	P	P	-
Clothing Stores or Fabric Stores	P	P	-
Community Centres or Community Clubs	P	P	-
Convenience Stores	P	P	-
Dairy Processing Establishments	-	-	P
Department Stores	P	-	-
Drive-in Restaurants or Other Drive-in Establishments	C	P	-
Drug Stores	P	-	-
Dry Goods or Notions Stores	P	-	-
Earth Moving Contractors, Sand and Gravel Contractors	-	C	P
Fertilizer, Select Storage, Non-Hazardous Chemicals	-	C	P
Florists' Stores	P	-	-
Food Processing Establishments	-	-	P
Fuels, Bulk Sales and Storage	-	C	C
Furniture Stores	P	-	-
Funeral Homes or Parlours	C	C	-
Garden and Seed Supply Stores	P	P	-
Gift or Novelty Shops	P	P	-
Grain Elevators and Storage	-	-	P
Grocery Stores, Meat Markets, or Delicatessens	P	P	-
Group Day Care Facilities	P	-	-
Hardware or Appliance Stores	P	-	-
Hatcheries, poultry	-	-	C
Hotels	P	P	-
Interior Decorating Establishments	P	C	-
Jewellery Stores	P	-	-
Libraries, Museums or Theatres	P	P	-
Liquor Stores	P	C	-
Locksmith Shops	P	-	-
Machine Shops or Welding Shops	-	-	P
Mail Order Stores	P	-	-
Maintenance Buildings or Compounds for Public Works Equipment	-	C	P
Manufacturing or Processing Establishments not listed elsewhere in this TABLE, but deemed by Council to be readily identifiable, in general terms, for the "MG" Zone as being similar to permitted or conditional uses of land, buildings or structures	-	-	P
Miniature Golf Courses	-	P	-
Monument Sales Establishments with incidental processing but not shaping of headstones	P	P	P
Motels	-	P	-

**TABLE 7-1: COMMERCIAL AND INDUSTRIAL USE TABLE**

<b>LEGEND: "P" means Permitted Use "C" means Conditional Use "-" means Use is Prohibited</b>	<b>"CC" Zone</b>	<b>"CH" Zone</b>	<b>"MG" Zone</b>
Newspaper or Printing Establishments	P	-	P
Nurseries and Greenhouses	-	-	P
Offices, Business, Professional, Health Care or Governmental	P	-	-
Parking Lots	P	P	P
Parks or Buffer Strips	P	P	P
Personal Service Shops, such as Barber Shops, Beauty Parlours and similar uses	P	-	-
Plastics Fabricating Establishments	-	-	C
Police Stations or Fire Halls	P	P	P
Public Utilities or Services	P	P	P
Radio, Television or Small Appliance Sales, Service and Repairs	P	P	-
Railway Maintenance Buildings and Compounds	-	-	P
Recycling Depot	C	C	P
Retail Stores and Services not listed elsewhere in this TABLE, but deemed by Council to be readily identifiable, in general terms, for the "CC" Zone as being similar to permitted or conditional uses of land, buildings or structures	C	C	-
Religious Institutions including churches, temples, church halls and church educational facilities	P	P	-
Residential Uses: Apartments, dwelling units, or suites in the second storey or in the rear portion of the main floor of a principal commercial building	P	P	-
Multiple-Family Dwellings or Senior Citizen Homes	P	-	-
Boarding, Rooming, and Lodging Houses	P	-	-
Rinks, Curling, Ice Skating, Hockey, or Roller Skating	P	P	-
Seed Processing Plants	-	-	P
Service Clubs or Private Clubs	P	-	-
Shoe Sales or Repair Stores	P	-	-
Shopping Centres	P	C	-
Sign Painters' Establishments	P	P	P
Sporting Goods Stores	P	-	-
Stockyards for holding, sales and shipping of livestock	-	-	C
Storage Buildings or Facilities, Non-Hazardous Materials	-	-	P
Storage Buildings or Facilities, Hazardous Materials	-	-	C
Studios, Music, Theatrical, or Photographic	P	-	-
Taxidermist Shops	P	C	P
Tire Shops	-	C	P
Travel Trailer, Camping and Tenting Grounds	-	C	-
Truck Terminals	-	C	C
Upholstering Shops	C	C	P
Veterinary Clinics	C	C	C
Wholesale Businesses and Warehousing	C	C	P
Existing Uses*	P	P	P
Accessory Uses, Buildings and Structures	P	P	P

\*Existing uses in the Commercial and Industrial Zones at the time of adoption of this By-law, which do not otherwise conform to TABLE 7-1 shall be considered as permitted uses for the site upon which they are located. Expansion of said uses shall be limited to the site associated with them at the time of adoption of this By-law and will be subject to all other requirements of this By-law.

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

7.2.1 In the Commercial and Industrial Zones, a permitted accessory use, building or structure includes, but is not limited to, the following uses, buildings or structures which shall be permitted on the same site as a principal building, structure or use, and shall be subject to all other provisions of this By-law.

- (a) Land, buildings or structures used for the storage or display of goods customarily offered for sale in connection with a permitted or conditional commercial use, provided that the storage or display does not create an unusual hazard to public health or safety;
- (b) Land, buildings or structures used for the storage of goods or equipment required for or produced by any manufacturing process in connection with a permitted or conditional industrial use, provided that the storage does not create an unusual hazard to public health or safety;
- (c) Incidental processing, cleaning, servicing, altering, testing or repair of merchandise normally offered for sale in connection with a permitted or conditional commercial use;
- (d) An accessory suite or dwelling unit within a commercial building for the use of an owner, operator, caretaker or watchman and his family;
- (e) Accessory off-street parking and loading facilities as required and regulated in section 7.4 of this PART;
- (f) Fences and walls subject to the provisions of section 7.5 of this PART;
- (g) Signs as permitted and regulated in section 7.6 of this PART;
- (h) A private garage, carport, covered patio, tool house, shed, private swimming pool, greenhouse, garden house, conservatory or child's playhouse or any other building or structure normally accessory to a residential use;
- (i) Home-based businesses accessory to a permitted residential use of a dwelling unit as regulated in section 9.1 of PART 9;
- (j) Antennas, including satellite dish antennas; and
- (k) Sidewalks, driveways, decks, patios, gazebos, statuary, flagpoles, lighting fixtures, trees, shrubs and other landscaping features.

7.2.2 Where the accessory building or structure is attached to a principal building or structure, it shall conform to all provisions of this By-law which are applicable to the principal building or structure.

### **7.3 Commercial and Industrial Bulk Regulations**

7.3.1 The Commercial and Industrial Bulk Regulations shall be as set forth in TABLE 7-2 and shall apply to all permitted and conditional uses. These regulations are intended to ensure that the site area, site width and yards will allow space for the buildings as well as parking and loading areas appropriate for each zone.

7.3.2 The owner shall maintain the minimum site area, site width, required yards and other requirements specified herein for any use.

7.3.3 No parcel of land shall be subdivided into sites, unless each site conforms with the bulk regulations as set forth in TABLE 7-2.

7.3.4 No required yard shall be reduced below the minimum requirements as set forth in TABLE 7-2 unless a minor variation or variation order is obtained in accordance with the provisions of *The Planning Act*.

7.3.5 All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space. The following features are permitted to be located in required yards unless otherwise specified:

- (a) Portable buildings not exceeding one hundred (100) square feet in floor area for the storage of domestic equipment may be located within any required interior side yard or required rear yard, provided that a separation distance of one (1) foot is maintained from a site line, and a separation distance of three (3) feet is maintained from any dwelling;
- (b) Parking and loading areas as required and regulated by section 7.4 of this PART;
- (c) Exterior service, display and incidental storage of materials including gas pumps, provided that such service, storage and display areas will not, in the opinion of Council, be detrimental to abutting property owners;
- (d) Uncovered sidewalks, patios, wheelchair ramps and driveways;
- (e) Fences and walls subject to the provisions of section 7.5 of this PART;
- (f) Signs subject to the provisions of section 7.6 of this PART;
- (g) Open terraces, decks and exterior stairways not exceeding a height of four (4) feet above grade, provided that they do not obstruct any required vehicular parking space or loading space, or access to such spaces;
- (h) Chimneys, bay windows, alcoves, eaves, gutters, canopies, awnings and other similar building elements, provided that they do not project any more than two (2) feet into any required yard and do not obstruct any required vehicular parking spaces, loading spaces or vehicle access to such spaces; or in the case of

detached accessory buildings located to the rear of the principal building, eaves and gutters shall not project any more than one (1) foot into any required yard;

- (i) Service station canopies; and
- (j) Trees, shrubs, trellises, arbours, retaining walls, flagpoles, lighting fixtures, and similar landscape features.

**TABLE 7-2: COMMERCIAL AND INDUSTRIAL BULK TABLE**

PERMITTED AND CONDITIONAL USES	MINIMUM REQUIREMENTS (a)(b)(c)				
	Site Area (sq. ft)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)
Advertising Signs	-	-	3	3	3
Agricultural Implements, Equipment or Structures Manufacture or Sales and Service	30,000	150	50	15	15
Automobiles, Boats, Trucks, Trailers or Recreational Vehicles					
Sales, Exterior and Interior Display	30,000	150	50	15	15
Sales, Interior Display Only	15,000	150	50	15	15
Service Stations	15,000	150	30	15	15
Building Supply Sales, Exterior Storage	30,000	150	50	15	15
Fertilizer Sales and Storage Non-Hazardous Chemicals	30,000	150	50	15	15
Fire and Police Stations	7,500	75	25	5	25
Hotels and Motels					
Without Beverage Rooms or Restaurants	15,000	100	50	15	15
With Beverage Rooms or Restaurants	30,000	150	50	15	15
Public Utilities	5,000	50	25	5	25
Religious Institutions	7,500	75	25	5	25
Truck Terminals	15,000	100	25	15	15
Residential Uses					
Existing Single-Family Dwellings	6,000	50	25	5	25
Multiple-Family Dwellings or Senior Citizen Homes	10,000	100	25	15(d)	25
All Other Permitted and Conditional Uses in the "CC" Commercial Central Zone	6,000	50	0	0 (e)(f)	25 (f)(g)
All Other Permitted and Conditional Uses in the "CH" Commercial Highway Zone and the "MG" Industrial General Zone	20,000	100	50	15	15
Accessory Uses, Buildings and Structures (h)	-	-	(i)(j)	(f)(j)(k)	4 (f)(j)

The following notations and exceptions form part of TABLE 7-2:

- (a) The minimum floor area of all permitted accessory residential dwelling units shall be four hundred (400) square feet;
- (b) The maximum height for all buildings and structures shall be thirty (30) feet, with the exception of grain elevator complexes, storage tanks for fuels, fertilizers and grain, and with the exception of features such as antennas, flagpoles, church spires, and chimneys;
- (c) Where a site abuts a highway under the jurisdiction of Manitoba Transportation and Government Services, the owner shall obtain all permits required for setbacks of buildings and structures;
- (d) Where the side wall of a multiple-family dwelling or senior citizens' home does not contain windows of a habitable room, the minimum required side yard shall be ten (10) feet;
- (e) A side site line may be located within a party wall but where an interior side yard is provided it shall be a minimum width of four (4) feet and where the wall of a building or structure is located closer than four (4) feet to an interior site line, it shall be fire-rated as required by The Manitoba Building Code;
- (f) Where the boundary of a site in the "CC", "CH" or "MG" Zones is coterminous with the side site line or rear site line of a site in a Residential Zone, the principal and accessory buildings or structures shall be set back fifteen (15) feet from the common site line, and this separation space shall not be used for accessory exterior storage, processing, service, parking or loading, unless a solid fence at least six (6) feet in height is provided along the site line;
- (g) The required rear yard may be reduced to four (4) feet, provided that all required parking and loading spaces are provided elsewhere on the site, and provided that the rear portion of the building does not contain a dwelling unit;
- (h) The required yards for buildings and structures accessory to a single-family residential use shall be as specified in PART 6, TABLE 6-2 of this By-law;
- (i) In the case of accessory buildings or structures, the required front yard shall be the same as the required front yard of the principal building or structure with the exception of gasoline pumps and related canopy structures;
- (j) Gasoline pumps shall have a minimum setback of fifteen (15) feet in the "CC" Zone, and twenty (20) feet in the "CH" and "MG" Zones; and

- (k) The minimum required side yard for accessory uses, buildings and structures in the “CC” Zone shall be zero (0) feet, and in the “CH” and “MG” Zones shall be ten (10) feet.

**7.4 Parking and Loading**

7.4.1 For all permitted and conditional uses in the Commercial and Industrial Zones, accessory off-street parking shall be provided and maintained in accordance with TABLE 7-3, and accessory off-street loading shall be provided and maintained in accordance with subsections 7.4.6 to 7.4.8 of this PART.

**TABLE 7-3: COMMERCIAL AND INDUSTRIAL PARKING TABLE**

USE	MINIMUM NUMBER OF PARKING SPACES REQUIRED*
Residential Apartments, Dwelling Units or Suites	1 per dwelling unit or suite
Hotels and Motels	1 per individual suite or hotel room
All Other Permitted and Conditional Uses in the “CC” and “CH” Zones	1 per 1,000 sq. ft. of floor area, but not less than 1 space
All Permitted and Conditional Uses in the “MG” Zone	1 per 1,000 sq. ft. of floor area, but not less than 1 space

\*Where the computation of the number of required accessory off-street parking spaces results in a requirement of a fraction of a parking space, any fraction less than one-half (1/2) of a parking space may be disregarded, whereas a fraction of one-half (1/2) or more of a parking space shall be counted as one parking space.

- 7.4.2 All required permanent accessory off-street parking spaces shall be located on the same site as the use served, unless a variation order is approved for parking spaces located elsewhere.
- 7.4.3 Where an accessory parking lot is provided for three or more vehicles, the design of the parking lot, including all exits and entrances, shall conform to section 5.16 of PART 5, and shall be subject to the approval of the Development Officer.
- 7.4.4 Every parking space shall be designed in accordance with the criteria set out in section 5.16 and TABLE 5-1 of PART 5 of this By-law.
- 7.4.5 When a building or structure is enlarged or a use is changed, the accessory off-street parking spaces shall be provided for the enlargement, change, or new use, in accordance with the provisions of section 7.4 of this PART.
- 7.4.6 For all permitted and conditional uses in the “CC” Zone, no separate off-street loading space is required for any building having a gross floor area of less than ten thousand (10,000) square feet; however, one of the required off-street parking spaces shall also serve as an off-street loading space.

- 7.4.7 For all permitted and conditional uses in the “CH” and “MG” Zones, at least one loading space shall be provided for each building, and the loading space shall be a minimum width of twelve (12) feet and a minimum length of fifty (50) feet.
- 7.4.8 No accessory off-street parking space or loading space shall be used for the storage of a derelict vehicle, or for substantial motor vehicle repair work.

## **7.5 Fences and Walls**

- 7.5.1 The following provisions shall apply to all fences and walls in the Commercial and Industrial Zones:
- (a) Within a required front yard or corner side yard, no fence or wall shall exceed a height of eight (8) feet above the average grade of land within two (2) feet of each side of the fence, and
  - (b) Within a required interior side yard or rear yard, no fence or wall shall exceed a height of eight (8) feet above the average grade of land within two (2) feet of each side of the fence.
- 7.5.2 No barbed wire fence shall be constructed or located within any required front yard in the “CC” Zone.
- 7.5.3 No electric fence shall be constructed or located in the “CC” Zone.

## **7.6 Signs**

- 7.6.1 The following signs are permitted in the Commercial and Industrial Zones and may be installed without the issuance of a development permit:
- (a) One identification sign not exceeding four (4) square feet in surface area;
  - (b) One temporary real estate sign or construction sign not exceeding sixteen (16) square feet in surface area per site;
  - (c) Directional signs for parking and loading areas; and
  - (d) Temporary campaign posters, legal notices or bulletins, and permanent signs such as commemorative plaques, governmental signs and the like.
- 7.6.2 All other signs shall be subject to the issuance of a development permit. The total surface area of all signs shall not exceed twenty-five percent (25%) of the area of the front facade of the principal building and the location of the signs shall be subject to the approval of the Development Officer.
- 7.6.3 No sign shall be erected or altered which would interfere with, or obstruct the view of, or be confused with any authorized traffic signal or device.
- 7.6.4 No sign, including a temporary mobile sign, shall be located within a public right-of-way without the specific approval of Council.



- 7.6.5 In no case shall a rotating beam or beacon be incorporated into any sign.
- 7.6.6 In no case shall a flashing sign be permitted in the “CC” Zone.
- 7.6.7 Mobile or temporary sign requirements:
- (a) Minimum separation distance from a Residential Zone is sixty (60) feet;
  - (b) Maximum sign surface area per side is thirty-five (35) square feet;
  - (c) Minimum set back from site lines is three (3) feet except where two intersecting streets or a street or lane intersects, the minimum setback from the corner site lines on the street or lane side is fifteen (15) feet; and
  - (d) A mobile sign is permitted for a period of thirty (30) days which time may be extended by Council for another thirty (30) days.

## **7.7 Pollution Standards**

- 7.7.1 All new industrial uses that generate waste that must be emitted into the environment shall meet, on a continuing basis, the applicable provincial pollution guidelines and standards.
- 7.7.2 Council may require any proposed industrial use to conduct environmental impact studies to determine the extent and the possible mitigative measures required for any perceived pollution problem.
- 7.7.3 Council may require any industry to monitor its waste emissions and submit the results to Council for its consideration. Even for results that meet provincial standards, Council may require mitigative measures be undertaken by the industry to further regulate waste emissions that because of content, location or timing of emissions are deemed detrimental to the population of The Village of Benito.

## PART 8: INSTITUTIONAL, OPEN SPACE / RECREATIONAL AND LIMITED DEVELOPMENT ZONES

### 8.1 Permitted and Conditional Uses

TABLE 7-1: INSTITUTIONAL, OPEN SPACE / RECREATIONAL AND LIMITED DEVELOPMENT USE TABLE, lists all uses that are permitted or conditional in the Institutional, Open Space / Recreational and Limited Development Zones.

**TABLE 8-1: INSTITUTIONAL, OPEN SPACE / RECREATIONAL AND LIMITED DEVELOPMENT TABLE**

<b>LEGEND:</b> "P" means Permitted Use "C" means Conditional Use "-" means Use is Prohibited	<b>ZONES</b>		
	<b>I</b>	<b>OR</b>	<b>LD</b>
Agricultural Activities, limited to cereal and forage crops, market gardening, nurseries and greenhouses	-	C	P
Arenas, Curling or Ice Skating	P	C	-
Athletic Fields	P	P	C
Auditoriums, Grandstands and similar Assembly Facilities	P	C	-
Camping and Tenting Grounds	-	C	C
Cemeteries and Crematoriums	P	C	C
Communications Facilities	P	C	C
Community Halls	P	C	-
Exhibition Grounds	-	P	C
Golf Courses and Driving Ranges	-	P	C
Hospitals	P	-	C
Institutions such as Personal Care Homes, Senior Citizens' Housing, Rest Homes, Convalescent Homes and similar uses	P	-	-
Libraries, Museums and Art Centres	P	C	C
Non-Farm Dwellings	-	-	C
Offices, Governmental, Medical, Dental and Optical	P	-	-
Parks, Playgrounds, Tot Lots or Buffer Strips	P	P	P
Public Utility Buildings or Structures	P	C	C
Recreational Facilities, including Tennis Courts, Hiking Trails and Swimming Pools	P	P	C
Religious Institutions, including Churches, Temples, Church Halls and Church Educational Facilities	P	-	C
Schools, Private or Public	P	C	-
Sewage Treatment Plants and Lagoons	-	-	C
Telecommunication Towers	-	-	C
Waste Disposal Grounds	-	-	C
Water Treatment Plants and Reservoirs	-	C	C
Accessory Uses, Buildings and Structures	P	P	P

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

8.2.1 In the Institutional and Open Space / Recreational Zones, an accessory use, building or structure includes, but is not limited to, the following:

- (a) Buildings or structures required for the operation or maintenance of any institutional, recreational or other use which is a permitted or conditional use in the zone in which the principal use is located;
- (b) Off-street parking areas as required and regulated in section 8.4 of this PART;
- (c) Antennas, including satellite dish antennas;
- (d) Fences, walls, decks, patios, gazebos, statuary, flagpoles and similar features; and
- (e) Accessory signs as permitted and regulated in section 8.5 of this PART.

8.2.2 In the Limited Development Zone, an accessory use, building or structure includes, but is not limited to, the following:

- (a) Non-farm dwellings, mobile or modular homes when accessory to a permitted or conditional agricultural use;
- (b) A private garage, carport, covered patio, toolhouse, shed, service building associated with storage buildings and structures or other similar building associated with a principal use but excluding grain storage buildings and structures;
- (c) A private swimming pool, greenhouse, garden house, conservatory, or child's playhouse;
- (d) Home-based businesses accessory to a permitted residential use of a dwelling or mobile home as regulated in section 9.1 of PART 9;
- (e) Antennas, including satellite dish antennas;
- (f) Fences, decks, patios, gazebos, statuary, flagpoles and similar features; and
- (g) Accessory signs, subject to the provisions of section 8.5 of this PART.

## **8.3 Institutional, Open Space/Recreational and Limited Development Bulk Regulations**

8.3.1 The Institutional, and Open Space/Recreational and Limited Development Bulk Regulations shall be as set forth in TABLE 8-2 and shall apply to all permitted and conditional uses within each respective zone.

8.3.2 The owner shall maintain the minimum site area, site width, required yards and other requirements specified herein for any use.

- 8.3.3 No land shall be subdivided into sites, unless each site conforms with the bulk regulations as set forth in TABLE 8-2.
- 8.3.4 No required yard shall be reduced below the minimum requirements as set forth in TABLE 8-2 unless a minor variation or variation order is approved in accordance with the provisions of *The Planning Act*.
- 8.3.5 All required yards specified for any use shall be located on the same site as the principal use, and shall be maintained as open space. The following features are permitted to be located in required yards unless otherwise specified:
- (a) Portable buildings not exceeding one hundred (100) square feet in floor area for the storage of domestic equipment may be located within any required interior side yard or required rear yard, provided that a separation distance of one (1) foot is maintained from a site line, and a separation distance of three (3) feet is maintained from any dwelling, mobile or modular home;
  - (b) Parking and loading areas;
  - (c) Open terraces, steps, decks and patios not exceeding a height of four (4) feet above grade, provided that there is a minimum separation of fifteen (15) feet from any site line;
  - (d) Chimneys, alcoves, eaves, gutters, canopies, awnings and other similar building elements, provided that they do not project any more than two (2) feet into any required yard;
  - (e) Trees, shrubs, trellises, arbours, retaining walls, wheelchair access ramps, flagpoles, lighting fixtures, and similar features;
  - (f) Fences and walls, provided that the height of these features does not exceed:
    - (i) four (4) feet within any required front yard or corner side yard; and
    - (ii) six (6) feet within any required interior side yard or required rear yard; and
  - (g) Signs subject to the provisions of section 8.5 of this PART.

**TABLE 8-2: INSTITUTIONAL, OPEN SPACE / RECREATIONAL AND LIMITED DEVELOPMENT BULK TABLE**

PERMITTED AND CONDITIONAL USES	MINIMUM REQUIREMENTS (a)(b)				
	Site Area sq ft	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)
Churches, Church Halls and other Religious Institutions	15,000	100	25	15	15
Communications Facilities	10,000	75	25	15	15
Golf Courses	50 acres	575	25	15	15
Institutions such as Personal Care Homes and Senior Citizen Houses	12,000 (c)	75	25	15	15
Libraries, Museums and Art Centres	6,000	50	25	15	15
Non-Farm Dwellings	2 acres (d)	200	125	25	25
Offices, Government, Medical, Dental and Optical	10,000	75	25	15	25
Parks, Playgrounds, Tot Lots and Buffer Strips	6,000	60	25	15	15
Recreation Facilities, including Tennis Courts, Hiking Trails and Swimming Pools	15,000	100	25	15	15
Schools, Private or Public	5 acres	300	75	25	25
Sewage Disposal Lagoon	3 acres	300	125	50	50
Telecommunication Towers	2 acres	200	125	25	25
Waste Disposal Ground	5 acres	300	125	50	50
All Other "I" Institutional Zone Uses	30,000 sq ft	100	25	15	15
All Other "OR" Open Space/Recreational Zone Uses	30,000 sq ft	100	15	15	15
All Other "LD" Limited Development Zone Uses	40 acres	500	125	25	25
Accessory Uses, Buildings and Structures	-	-	(e)	(e)	(e)

The following notations and exceptions form part of TABLE 8-2:

- (a) The maximum height of all buildings and structures shall be thirty (30) feet, with the exception of grain storage bins and features such as antennas, chimneys and church spires;
- (b) Where a site abuts a highway under the jurisdiction of Manitoba Transportation and Government Services, the owner shall obtain all permits required for setbacks of buildings and structures;

- (c) Twelve thousand (12,000) square feet of site area for the first three (3) dwelling units and one thousand (1,000) additional square feet of site area, for each additional dwelling unit;
- (d) The maximum site area shall be ten (10) acres unless physical features of the site, such as natural drains, shelterbelts, etc., indicate that a slightly larger site would be appropriate; and
- (e) In the case of accessory buildings or structures, the required yards shall be the same as the required yards for the principal building or structure, except as otherwise provided for herein.

8.3.6 The owner shall maintain the minimum site area, site width, required yards and other requirements specified herein for any use. Furthermore, the minimum requirements allocated to a use as specified by this By-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the requirements for any other use.

#### **8.4 Parking**

8.4.1 For all permitted and conditional uses in the Institutional, Open Space/Recreational and Limited Development Zones, at least one (1) accessory off-street parking space shall be provided for every one thousand five hundred (1,500) square feet of floor area with an additional parking space provided for each fifteen hundred (1,500) square feet increase in floor area.

8.4.2 Where an accessory parking lot is provided for three (3) or more vehicles, the design of the parking lot including all exits and entrances shall conform to the provisions of section 5.16 of PART 5 and shall be subject to the approval of the Development Officer.

8.4.3 Every parking space shall be designed in accordance with the criteria set out in section 5.16 and TABLE 5-1 of PART 5 of this By-law.

8.4.4 When a building or structure is enlarged or a use is changed, the accessory off-street parking spaces shall be provided for the enlargement, change, or new use, in accordance with the provisions of section 8.4 of this PART.

8.4.5 All required accessory off-street parking spaces shall be located on the same site as the use served, unless a variation order is obtained for parking spaces located elsewhere.

#### **8.5 Signs**

8.5.1 The following signs are permitted in the Institutional, Open Space / Recreational and Limited Development Zones and may be installed without the issuance of a development permit:

- (a) One identification sign not exceeding four (4) square feet in surface area per site;
- (b) One bulletin board not exceeding sixteen (16) square feet in surface area per site for religious institutions;

- (c) One temporary real estate sign or construction sign not exceeding sixteen (16) square feet in surface area per site;
- (d) Directional signs for parking and loading areas;
- (e) Temporary posters, bulletins, legal notices and the like; and
- (f) Mobile or temporary signs not to exceed thirty-five (35) square feet in sign surface per side for the purpose of advertising a social, community, or family related event provided the sign is on the same site as the event.

8.5.2 All other signs shall be subject to the issuance of a development permit, and the location of the signs shall be subject to the approval of the Development Officer.

8.5.3 In no case shall any permanent sign contain any animated components or flashing, rotating or scintillating lights.

## **PART 9: RULES FOR SPECIFIC USES**

### **9.1 Home-Based Businesses**

Home-based businesses are governed by the following rules:

- (a) They shall be carried on in a dwelling unit or mobile home or its permitted accessory building;
- (b) They shall be carried on principally by the members of the family residing at the same dwelling unit or mobile home;
- (c) Persons employed or otherwise engaged in the business who do not reside in the dwelling may not exceed two (2) persons in all zones;
- (d) In all zones except the "LD" Limited Development Zone, there can be no processing or outside storage of goods or materials, and in the "LD" Limited Development Zone, the location of all exterior processing and storage shall be subject to review and approval by the Development Officer;
- (e) Not more than forty (40) percent of the floor area may be devoted to the home-based business in all zones;
- (f) One business sign, either freestanding or affixed to the wall of a principal or accessory building is permitted, not exceeding:
  - (i) in the "LD" Zone, thirty-two (32) square feet; and
  - (ii) in all other zones, six (6) square feet in any location;
- (g) They shall not generate undue traffic or congestion, or if located in the vicinity of a provincial highway, should not impair the safe and efficient operation of the highway;
- (h) They shall not by reason of emission of odour, dust, smoke, noise, gas, fumes, light, vibration, refuse matter or water carried wastes become offensive or obnoxious or create a nuisance beyond any site line; and
- (i) In the urban zones, the residential character of the property shall be maintained.

### **9.2 Special Limitations Governing the Development of Non-Farm Dwellings**

- 9.2.1 No dwelling, mobile or modular home shall be constructed or located within one thousand five hundred (1,500) feet of the site of any municipal sewage lagoon or within one thousand three hundred twelve (1,312) feet of a solid waste disposal site.
- 9.2.2 No dwelling, mobile or modular home or other habitable building shall be constructed or located within five hundred (500) feet of the site of a hazardous material storage facility including bulk fuel or farm chemical supply facility.



### **9.3 Hazardous Materials Storage**

No bulk farm chemical supply warehouse, bulk fuel or fertilizer storage facility shall be located within five hundred (500) feet of a building used for human occupancy or individual residence.

## **PART 10: ADMINISTRATION**

### **10.1 Administration and Enforcement**

In the administration and enforcement of this By-law The Village of Benito authorizes and directs the Board of The Swan Valley Planning District to proceed under PART 11.

### **10.2 Responsibilities of Council**

Subject to the provisions of *The Planning Act*, the Council is responsible for the enactment or repeal of this By-law in accordance with the provisions of *The Planning Act* and:

- (a) Considering the adoption or rejection of proposed amendments to this By-law;
- (b) Considering the approval or rejection of applications for conditional use and variations;
- (c) Considering the revocation of any approved conditional use as a result of any violation by the owner of any conditions specified by Council on the conditional use order; and
- (d) Establishing a schedule of fees as provided for in section 10.10 of this PART.

### **10.3 Responsibilities of the Board**

Subject to the provisions of *The Planning Act*, The Swan Valley Planning District Board is responsible for:

- (a) Administering and enforcing the provisions of this By-law;
- (b) Administering and enforcing those provisions of *The Planning Act*, where applicable;
- (c) In accordance with provisions of *The Planning Act*, establishing a schedule of fees and charges for development permits. Until all applicable fees and charges have been paid in full, no action shall be taken on any application; and
- (d) Process applications to be submitted to Council for amendments, variations and conditional uses and the collection of fees as provided for herein.

### **10.4 Responsibilities of the Development Officer**

Subject to the provisions of *The Planning Act*, the Development Officer shall be the person appointed as such by the Board of The Swan Valley Planning District who on behalf of The Village of Benito, shall:

- (a) Receive and review applications for development permits;
- (b) Issue development permits, and otherwise administer and enforce the provisions of this By-law and *The Planning Act*, where the proposed development of land,

buildings or structures conforms with this By-law, other by-laws of The Village of Benito, and any applicable regulations of the provincial and federal governments;

- (c) Receive and process applications for amendments to this By-law, conditional use orders and variation orders;
- (d) Issue zoning memoranda and any other documents as may be necessary for the administration and enforcement of this By-law;
- (e) Allow or refuse minor variations (up to 10%) of stated setback requirements) of this By-law as authorized by and in accordance with the provisions of *The Planning Act*; and
- (f) Exercise the powers of remedy and enforcement set out in PART 11.

### **10.5 Responsibilities of the Owner**

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

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

### **10.6 Development Permits**

10.6.1 A development permit is required for any of the following:

- (a) Subject to subsection 10.6.2 of this PART, the erection, construction, enlargement, structural alteration or placing of a building or structure;
- (b) The establishment of a use of land or a building or structure;
- (c) The change of a use of land or a building or structure from the existing use to a use which is not a permitted use; and

(d) The alteration or enlargement of an approved conditional use.

10.6.2 Every owner shall be required to obtain a development permit prior to the commencement of development, including the commencement of construction or relocation of any building or structure, except as provided for in subsection 10.6.3 below. The issuance of a development permit in respect of a building or structure does not affect the obligation to obtain a building permit or other permit where they are required under the building By-law for such a building or structure, nor does it relieve the owner from the responsibility of obtaining any other permit or approval that may be required by any other administrative body, including business licenses, environmental approvals, highway access and structure location approval and similar approvals.

10.6.3 A development permit is not required for the following:

(a) The erection, construction, enlargement, structural alteration or placing of the following as accessory structures:

- i) fences,
- ii) signs (not including advertising signs where they are conditional uses),
- iii) lighting,
- iv) flagpoles,
- v) sheds and buildings for the storage of domestic equipment and supplies, except those with a floor area exceeding one hundred (100) square feet,
- vi) communications aerials or antennas,
- vii) garden houses or children's playhouses,
- viii) unenclosed patios, and
- ix) temporary signs and notices including real estate signs; and

(b) The maintenance, replacement, or restoration of building components and finishes, provided that the size of the building or structure is not materially increased, or the structural load carrying capacity of any component is not reduced.

10.6.4 Notwithstanding the development permit exemptions listed in subsection 10.6.3 of this PART, all such exempted activities shall be subject to all other requirements of this By-law and of any government department, including the highway control areas adjacent to provincial trunk highways and provincial roads.

10.6.5 An application for a development permit shall be made by the owner or owners of the site in question, or by a person authorized in writing by them.

10.6.6 An application for a development permit shall be accompanied by plans drawn to scale showing the following:

- (a) The shape and dimensions of the site to be used and built on;
- (b) The location and dimensions of existing buildings and structures and their distances from property lines;
- (c) The location and dimensions of the proposed building, structure, enlargement or alteration, including separation distances from site boundaries;

- (d) The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use; and
- (e) Vehicular access and utility connections;

and shall include any other information required by the Development Officer to determine compliance with, and to provide enforcement of, this By-law.

10.6.7 An application for a development permit shall be accompanied by the fee prescribed by the Board of The Swan Valley Planning District.

10.6.8 Despite apparent compliance with this By-law, the Development Officer may refuse to issue a development permit where the proposed building, structure or use does not, to the Development Officer's knowledge, comply with The Swan Valley Planning District Development Plan, the municipal building By-law, or with any other by-law.

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

10.6.10 All proposed development shall be in accordance with the application and drawings submitted to and approved by the Development Officer. No work shall vary from the approved application and drawings without the prior written authorization of the Development Officer, and the owner shall ensure that all development is completed in accordance with the approved development permit.

10.6.11 The Development Officer may revoke a development permit

- (a) Where any information accompanying the development application is incorrect or incomplete and an existing or proposed building, structure or use is thereafter found to be in contravention of this By-law, the municipal building by-law, or any other by-law; or
- (b) Where the development permit was issued in error.

## **10.7 Application for Amendment**

10.7.1 An application for an amendment to this By-law, including a change to the maps, shall be made to the Development Officer by the owner or owners of the land in question, or by a person authorized in writing by them.

10.7.2 An application for amendment shall be accompanied by plans drawn to scale showing the following:

- (a) The shape and dimensions of the land affected;
- (b) The location and dimensions of existing buildings and structures;
- (c) The location and dimensions of any proposed building, structure, enlargement or alteration;

(d) The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;

and shall include any other information required by the Development Officer to determine compliance with, and to provide for enforcement of, this By-law.

10.7.3 An application for an amendment shall be accompanied by the fee prescribed by the Council.

10.7.4 Following such consultation, review and report (if any) as the Council deems necessary, the application shall be submitted to Council, which shall decide whether or not to start the procedures for enactment of an amendment.

10.7.5 On receipt of an application for amendment, Council may, prior to the hearing date prescribed under *The Planning Act*, refer the application to Manitoba Intergovernmental Affairs or any other department or agency for its review and comment.

## **10.8 Applications for Variances and Conditional Uses**

10.8.1 An application for a variation or conditional use shall be made to the Development Officer by the owner or owners of the site, or by a person authorized in writing by them.

10.8.2 An application for a variation or approval of a conditional use shall be accompanied by the plans and information described in subsection 10.6.6 of this PART.

10.8.3 An application for a variation or approval of a conditional use shall be accompanied by the fee prescribed by the Board or Council.

10.8.4 Where an application for a variation or conditional use has been submitted, a public hearing shall be held by the Council, to receive representations from any person with respect to the proposal, and notice of the public hearing shall be given as required by *The Planning Act*.

10.8.5 On receipt of an application for a variation or approval of a conditional use in proper form, the Village may, prior to the hearing date prescribed under *The Planning Act*, refer the application to Manitoba Intergovernmental Affairs or any other department or authority for its review and comment.

10.8.6 Council shall either approve or deny the variation or conditional use, and may establish conditions of approval appropriate to the circumstances, in accordance with the provisions of *The Planning Act*.

10.8.7 Council may subsequently revoke any approved conditional use as a consequence of any violation of conditions specified at the time of approval.

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

10.8.9 Except as provided for in subsection 2.2.2 of PART 2, any change in the circumstances of a conditional use shall be subject to the provisions of subsections 10.8.1 through 10.8.8 of this PART and the provisions of *The Planning Act*.

**10.9 Development Agreements**

10.9.1 In accordance with the provisions of *The Planning Act*, where an application is made for the amendment of this Zoning By-law, Council may require the owner or the person entitled to be registered as an owner of the land, building, or structure to which the amendment will apply, as a condition to its enactment, to enter into a development agreement with The Village of Benito in respect of that land as well as contiguous land owned or leased by the applicant.

10.9.2 Where an application is made for the subdivision of land, Council may require the owner or the person entitled to be registered as owner of the land to enter into a development agreement with The Village of Benito, in accordance with the provisions of *The Planning Act*.

10.9.3 A development agreement may contain provisions with respect to the responsibilities for the provision of various services and other improvements, such as water and sewer piping, lot grading and drainage, street construction, and other matters as provided for in *The Planning Act*.

**10.10 Fee Schedule**

10.10.1 The fees shall be as established by Council for any amendment, conditional use order, variation order, zoning memorandum or non-conforming use certificate to this By-law.

10.10.2 The Board shall, by By-law, establish a fee schedule for development permits and other charges to be paid by any person for services rendered by any employee of the Board.

## **PART 11: ENFORCEMENT**

### **11.1 Entry for Inspection and Other Purposes**

11.1.1 The Development Officer may, after giving reasonable notice to the owner or occupier of land or a building or other structure to be entered:

- (a) Enter the land, building or structure at any reasonable time for the purpose of inspection, enforcement and or action authorized by this By-law or *The Planning Act*;
- (b) Request that anything be produced to assist in inspection, remedy, enforcement or authorized action; and
- (c) Make copies of anything related to the inspection, remedy, enforcement, or authorized action.

11.1.2 The Development Officer must display or produce on request identification showing his or her official capacity.

11.1.3 In an emergency or in extraordinary circumstances, the Development Officer need not give reasonable notice or enter at a reasonable time and may do the things referred to in clauses 11.1.1 (a) and (c) of this PART without the consent of the owner or occupant.

### **11.2 Order to Remedy Contravention**

11.2.1 If the Development Officer finds that a person is contravening this By-law or *The Planning Act*, the Development Officer may by written order require the person responsible for the contravention to remedy it if, in the opinion of the Development Officer, the circumstances so require.

11.2.2 The order may:

- (a) Direct a person to stop doing something, or to change the way in which the person is doing it;
- (b) Direct a person to take any action necessary to remedy the contravention, including the removal or demolition of a building or structure (or part of one) that has been constructed, erected or placed in contravention and, if necessary to prevent a reoccurrence of the contravention;
- (c) State a time within which the person must comply with the directions; and
- (d) State that if the person does not comply with the directions within the time stated, the Village of Benito will take the action or measure at the expense of the person.



### **11.3 Review by the Board**

11.3.1 A person who receives an order under subsection 11.2.1 of this PART may request the Board of The Swan Valley Planning District to review the order, by written notice given within fourteen (14) days after the date the order is received.

11.3.2 After giving the person a reasonable opportunity to be heard, the Board may confirm, vary, substitute or cancel the order or decision.

### **11.4 Enforcement and Penalties**

11.4.1 The enforcement of this By-law or any resolution or order enacted by the Board under *The Planning Act* or any regulation made thereunder shall be in accordance with *The Planning Act*.

11.4.2 Any penalty imposed for a violation of this By-law shall be in accordance with *The Planning Act*.

## PART 12: INTERPRETATION

### 12.1 Footnotes

The footnotes are part of this By-law.

### 12.2 Permitted Uses

Where a use appears in the Use and Bulk Tables as a permitted use, it shall not be construed to include any use which appears as a conditional use for the same zone.

### 12.3 Definitions

12.3.1 Terms not defined in this By-law which are defined in *The Planning Act*, have the meaning provided in *The Act*.

12.3.2 Where the following terms appear in this By-law they have the meaning provided as follows:

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

- (a) Is subordinate to, incidental to, and serves the principal building, structure or use;
- (b) Is customarily subordinate in area, extent, or purpose to the principal building, structure or use served;
- (c) Contributes to the comfort, convenience or necessity of occupants of the principal building, structure or use served; and
- (d) Is located on the same zoning site as the principal building, structure or use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning site with the building, structure or use served.

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

**"Act, Planning"**, means *The Planning Act*, R.S.M. 1987, being Chapter P80 of the Continuing Consolidation of the Statutes of Manitoba and all amendments thereto.

**"Agricultural activities"**, means a use of land for agricultural purposes (excluding livestock) limited to farming of agricultural crops including cereal and forage crops, market gardening, nurseries and greenhouses and similar uses.

**"Agricultural Implement Sales and Services"**, means a building and open area, used for display, sale or rental of new or used farm implements and where incidental repair work is done.

**"Alteration"**, means a change or modification to an existing building, structure or use.

**"Alteration, structural"**, means, for the purpose of this By-law, any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

**"Automobile, mobile home or trailer sales area"**, means an open area, used for the display, sale or rental of new or used automobiles, mobile homes or trailers, and where repairs are made they shall generally be done within a completely enclosed building.

**"Automobile service station"**, means a building or portion thereof and land used for supplying fuel, oil and minor accessories and making repairs to motor vehicles at retail direct to the customer, and where repairs are made, they shall generally be done within a completely enclosed building.

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

**"Basement"**, means that portion of a building between two floor levels which is partly underground but which has at least one half of its height from finished floor to finished ceiling above adjacent finished grade as approved.

**"Bed and Breakfast Establishment"**, means a building or portion thereof, other than a hotel or motel, where lodging or lodging and meals are provided for compensation, exclusive of the proprietor and his family.

**"Board"**, means the Board of The Swan Valley Planning District as established under *The Planning Act*.

**"Building"**, means, for the purpose of this By-law, a structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels.

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

**"Building, principal"**, means the structure in which the principal use of the site is conducted.

**"Bulk"**, means the term used to describe the size of a building or structure or land, and their relationship to each other, and therefore includes:

- (a) The size (including height of building and floor area) of buildings or structures;
- (b) The size of the zoning site (including area and width 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, or to other buildings; and

(d) All open areas relating to buildings or structures and their relationship thereto.

**"Camping and tenting grounds"**, means an area of land designed and improved to accommodate travel trailers, motor homes, tent trailers, tents and other camping accommodations on a temporary basis for recreation and vacation purposes.

**"Cellar"**, means that portion of a building between two floor levels which is partly or wholly underground and which has more than one-half of its height, from finished floor to finished ceiling, below adjacent finished grade as approved.

**"Cemetery"**, means land for the burial of the deceased and dedicated for cemetery purposes, including columbaria, crematoria, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

**"Conditional use"**, means for the purpose of this By-law, a use which, because of its unique characteristics and the impact which it may have on nearby premises, will be subject to special consideration and approval procedures which will take into account the public need for the proposed use at a given location, as well as any mitigative measures deemed appropriate by Council.

**"Council"**, means the Council of The Village of Benito.

**"Day care"**, means as follows:

- (a) **Group day care**, means the provision of child care services to nine (9) or more children not over the age of twelve (12) in a provincially licensed facility with access to an outdoor recreation area; and
- (b) **Home day care**, means the provision of child care services in a family dwelling unit with access to an outdoor recreation area, in which the owner or tenant resides, or churches or halls, to children, including the children of the owner or tenant, not over twelve (12) years of age. The number of children shall not exceed eight (8). Determination of licensing shall be the responsibility of the owner/operator of the service and the provincial authority.

**"Development Officer"**, means a person appointed by The Swan Valley Planning District Board who is responsible for those duties as provided for herein.

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

**"Dwelling"**, means a building or portion thereof designed for residential occupancy in accordance with the provisions of *The Manitoba Buildings and Mobile Homes Act*.

**"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.

**"Dwelling, non-farm"**, means a single-family dwelling, mobile or modular home on a site used for residential purposes, regardless of the owner's occupation, and found in the "Limited Development Zone".

**"Dwelling, single-family"**, means a detached building designed, used or intended to be used exclusively for occupancy by one (1) family.

**"Dwelling, two-family"**, means a detached building designed, used or intended to be used by two (2) families, with each family having exclusive occupancy of a dwelling unit.

**"Dwelling, multiple-family"**, means a building containing three or more dwelling units, with each family having exclusive occupancy of a dwelling unit.

**"Dwelling, semi-detached"**, means one or a pair of two attached single-family dwellings divided in whole or in part by a common vertical wall, each of which has an independent entrance either directly from the outside or through a vestibule.

**"Dwelling, duplex"**, means a two-family dwelling that is divided horizontally into two separate dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule.

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

**"Existing"**, means existing on the effective date of this By-law.

**"Family"**, means one or more persons related by blood or marriage or common-law marriage occupying a dwelling unit, or a group of not more than four (4) unrelated persons, living together and maintaining a common household, which shall be deemed to exist if all members thereof have access to all parts of the dwelling.

**"Garage"**, means a building or portion thereof in which a motor vehicle is stored, repaired, washed or serviced.

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

**"Grade"**, means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Development Officer.

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

**"Home-based business"**, means an accessory use which is carried on principally by the members of the family residing at the same dwelling unit or mobile home or its permitted accessory building and is incidental to or secondary to the principal residential use.

**“Hotel”**, means a building or part thereof wherein accommodation is provided for transient lodgers, in any individual room or suite, with or without cooking facilities, and may include accessory uses such as restaurants, beverage rooms, banquet halls, and meeting rooms.

**“House, boarding, lodging or rooming”**, means a building or portion thereof, other than a hotel or motel, where lodging, or lodging and meals, are provided for compensation, exclusive of the proprietor and his family.

**“Lane, public”**, means a thoroughfare not over thirty-three (33) feet in width in public ownership which affords only a secondary means of access to abutting property.

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

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

**“Mobile home park”**, means an area of land upon which mobile home spaces are rented to individual mobile home owners, and which has been approved by Council.

**“Mobile home site”**, means a site in a mobile home subdivision which may be purchased for the placement of a mobile home.

**“Mobile home space”**, means a space in a mobile home park for the placement of a mobile home.

**“Mobile home subdivision”**, means an area of land subdivided to provide mobile home sites in accordance with the subdivision approval procedure of *The Planning Act*.

**“Modular home”**, means a pre-fabricated portable dwelling unit similar to but distinct from a mobile home, in that a modular home does not have a chassis designed to accommodate wheels. Modular homes are designed to be transported to a site on a flatbed truck and may be folded, collapsed or telescoped when in tow, and which may be extended on the site for additional interior space. Modular homes are distinct from ready-to-move dwellings in that they are not designed or constructed to the same building code requirements.

**“Motel”**, means a building not over two storeys in height wherein sleeping accommodation is provided for transient lodgers, in which there is an exit from individual rooms or suites directly to the outdoors, and may include accessory uses such as restaurants, beverage rooms, banquet halls, and meeting rooms.

**“Motor home”**, means a self-propelled vehicle designed for temporary living, sleeping and eating accommodation of persons and includes a camper pick-up and camper van.

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

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

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

**"Open Space"**, shall mean that required portion of a site at ground level unoccupied by principal or accessory buildings and available to all the occupants of the building. Open space as a zone is defined in the "Open Space/Recreational Zone".

**"Owner"**, means an owner as defined in *The Planning Act*.

**"Parcel of land"**, means a parcel as defined in *The Planning Act*.

**"Parking area"**, means an open area of land other than a street or lane, or an area within a structure, used for the parking of vehicles.

**"Parking area, public"**, means an off-street parking area used for the temporary parking of vehicles and is available for public use whether free, for compensation or as an accommodation for clients, customers, employees or visitors.

**"Parking space"**, means a space on a parking area, public parking area or zoning site for the temporary parking or storage of a motor vehicle.

**"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 owners, persons or businesses.

**"Public space"**, means land owned or under the control of a government for the interest or use of the people as a whole.

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

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

(d) Collection of sewage, garbage or other waste.

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

**"Recycling depot"**, means a building where waste materials such as paper, plastic and metals are collected and separated for storage and transfer to market.

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

**"Residential care facility"**, means the use of any building or structure, or part thereof, which is advertised, announced or maintained for the express or implied purpose of providing lodging, meals, care and supervision, or transitional services to persons not related by blood, marriage or adoption to the operator, nor to each other, but does not include a facility licensed or designated as an institution by The Manitoba Health Services Commission.

**"Shopping centre"**, means a building or group of buildings designed, developed, owned and managed as a unit by a single owner or tenant, or group of owners or tenants containing three or more separated spaces for lease or occupancy of commercial uses or business or professional offices.

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

- (a) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on or in a building or other structure;
- (b) Is used to identify, direct attention to, or advertise;
- (c) Is visible from outside a building, but shall not include show windows as such; and
- (d) May include the following types:
  - (i) **advertising sign**, means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zoning site where the sign is maintained, including a billboard sign;
  - (ii) **bulletin board sign**, means a sign of permanent character, but with movable letters, words or numerals indicating the names of persons associated with, or events conducted upon, or products or services offered upon the premises upon which such sign is maintained, e.g., school, church, community centre, etc.;
  - (iii) **business sign**, means an accessory sign directing attention to a business, commodity, service or entertainment conducted, sold, or offered upon the same zoning site where the sign is maintained;



- (iv) **construction sign**, means a sign which identifies a construction project and information relative thereto;
- (v) **identification sign**, means an accessory sign that identifies the business, owner, or resident and/or the street address and which sets forth no other advertisement;
- (vi) **real estate sign**, means a sign advertising the sale, rental or lease of the premises on which it is maintained; and
- (vii) **mobile sign**, means any structure designed for transport, which is placed or maintained at one (1) particular location for the express purpose and intent of promoting or conveying an advertising message. The removal of the wheels from such a sign does not change the inherent portability which was part of the design.

**"Sign surface area"**, means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any other material or colour forming an integral part of the display; excluding the necessary supports or uprights on which it is placed. In computing the sign surface area in square feet, standard mathematical formulas for known or common shapes will be used. In the case of irregular shapes, straight lines drawn closest to the extremities of the shape will be used. Where a sign has two (2) faces placed back to back and at no point more than three (3) feet from one another, the sign surface area of the sign may be taken as the sign surface area of one (1) face.

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

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

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

**"Site depth"**, means the horizontal distance between the centre points in the front and rear site lines.

**"Site, interior"**, means a site other than a corner site or a through site.

**"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 front site line shall be that line which is the continuation of the front site line of any abutting interior site, or in the case of a corner site which is abutted by two interior sites, the front site line shall be the site line which is shorter, otherwise the Development Officer may select the front site line;
- (b) **Rear site line**, means that boundary of a site which is most nearly parallel to the front site line and in the case of a site in which the side site 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; and
- (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.

**"Site, through"**, means a site having a pair of opposite site lines along two (2) more or less parallel streets.

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

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

- (a) Is occupied, or intended to be occupied, by a principal 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 public access satisfactory to the Council; and
- (c) Is of sufficient size to provide the minimum requirements of this By-law for a permitted or conditional use in a zone where the use is located.

**"Street"**, means for the purpose of this By-law, a thoroughfare in public ownership which provides the principal means of access to abutting property.

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

**"Travel Trailer"**, means any vehicle or portable structure constructed so as to permit temporary occupancy thereof for lodging purposes or for use as an accessory building or structure in the conduct of a business, trade, or occupation, and which is designed and constructed so that it is, or may be, mounted on wheels and used as a conveyance on streets and highways, and which is propelled or drawn by its own or other motive power.

**"Use"**, means:

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

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

except as otherwise permitted herein, and which extends along a site line to a depth or width (measured from the site line) specified in the yard requirement for the zone in which such zoning site is located.

- (a) **Yard, front**, means a yard extending along the full length of the front site line between the side site lines;
- (b) **Yard, rear**, means a yard extending along the full length of the rear site line between the side site lines;
- (c) **Yard, side**, means a yard extending along the side site line from the front yard to the rear yard;
- (d) **Yard, corner side**, means a side yard which adjoins a public street; and
- (e) **Yard, interior side"** means a side yard which is located adjacent to another zoning site, or to a lane separating such side yard from another zoning site.

# **APPENDIX “A”**

## **ZONING MAP**

**Attached to**

**By-law No. 10/04**

**of**

**THE VIILLAGE OF  
BENITO**

# **APPENDIX “B”**

## **METRIC CONVERSION TABLE**

**APPENDIX "B"**  
**METRIC CONVERSION TABLE**

<b>FEET</b>	<b>METRES</b>	<b>SQ. FEET</b>	<b>SQ. METRES</b>
1	0.30	4	0.37
2	0.61	6	0.56
2.5	0.76	16	1.49
3	0.91	32	2.97
4	1.22	35	3.25
5	1.52	100	9.29
6	1.83	400	37.16
7	2.13	480	44.59
8	2.44	600	55.74
9	2.74	1000	92.90
10	3.05	1500	139.35
12	3.66	3250	301.93
15	4.57	5000	464.50
17	5.18	6000	557.40
18	5.49	6500	603.85
20	6.10	7500	696.75
24	7.32	9000	836.10
25	7.62	10000	929.00
30	9.14	12000	1114.80
33	10.06	15000	1393.50
40	12.19	20000	1858.00
50	15.24	30000	2787.00
60	18.29		
65	19.81	<b>ACRES</b>	<b>HECTARES</b>
70	21.34	2	0.81
75	22.86	3	1.21
85	25.91	5	2.02
100	30.48	10	4.05
110	33.53	40	16.19
125	38.10	50	20.24
150	45.72		
200	60.96		
300	91.44		
500	152.40		
575	175.26		
1312	399.90		
1500	457.20		

