

**Town of Plum Coulee  
Zoning By-law  
738-13**

# **TOWN OF PLUM COULEE**

## **ZONING BY-LAW 738-13**

**Prepared by:**  
**The Town of Plum Coulee  
Council**

**With the assistance of:**  
**Community Planning Services,  
Morden Region**

THE TOWN OF PLUM COULEE

BY-LAW NO. 738-13

BEING a by-law to regulate the use and development of land within the Town of Plum Coulee.

WHEREAS, pursuant to Section 40(2) of the said Planning Act, the Town of Plum Coulee has adopted a Development Plan;

AND WHEREAS Section 68 of The Planning Act, Chapter 30, S.M., 2006, provides that the municipality that is part of a planning district must adopt a Zoning By-law that is generally consistent with the development plan by-law and any secondary plan by-law in effect in the municipality.

NOW THEREFORE the Council of the Town of Plum Coulee, in meeting duly assembled, enacts as follows:

1. The Plum Coulee Planning Scheme By-law No. 696-06 and all amendments thereto is hereby rescinded.
2. The zoning provisions and regulations, attached hereto and forming part of this By-law, is hereby adopted.
3. This By-law shall be known as “The Plum Coulee Zoning By-law”.

DONE AND PASSED this 13<sup>th</sup> day of May, A.D. 2013.

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Mayor  
Archie Heinrichs

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Chief Administrative Officer  
Susan Stein

READ A FIRST TIME this 11<sup>th</sup> day of March, A.D. 2013.  
READ A SECOND TIME this 13<sup>th</sup> day of May, A.D. 2013.  
READ A THIRD TIME this 13<sup>th</sup> day of May, A.D. 2013.

Dated at Plum Coulee, Manitoba this the 8<sup>th</sup> day of April, A.D. 2013.

**TOWN OF PLUM COULEE**

**ZONING BY-LAW**

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# **PART 1 - DEFINITIONS**

## **Section 1 - RULES OF CONSTRUCTION**

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

## Section 2 - DEFINITIONS

2 The following definitions apply to this By-law:

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

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

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

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

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

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

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

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

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

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

**"Airport and Related Facilities"** means land or water which is used or intended for the landing or take-off of aircraft and any associated areas which are used or intended for use for airport buildings or other airport facilities or right-of-ways including taxi-ways, aircraft storage and hangers.

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

**"Alteration, incidental"** means:

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



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

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

**"Attached"** when used in reference to a building, means a building otherwise complete in itself, which is dependent for structural support, or complete enclosure, upon a wall or walls shared in common with an adjacent building or buildings.

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

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

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

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

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

**"Bedrooms"** means a habitable room located within a dwelling unit that is used primarily for sleeping.

**"Bedroom Suites"** means a bedroom located within a dwelling unit that contains washroom facilities for the exclusive use of the occupants thereof.

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

**"Blank Walls"** means exterior walls containing no windows, doors or other similar openings.

**"Buffer Strip"** means a strip of landscaping or vegetation used to provide a screen between sites in order to mitigate objectionable features between them.

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

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

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

**"Caretaker"** means a person in charge of a building on a temporary or interim basis.

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

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

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

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

**"Conditional use"** means the conditional use of land, buildings or structures which may be permitted in a particular zoning but only at the discretion of council in accordance with the Act and as provided for in Section 5 of PART 2, ADMINISTRATION.

**"Condominium"** means individual ownership of a unit in a multiple unit structure where expenses common to all parties are shared as per *The Condominium Act*.

**"Condominium Bare Land Unit"** means a unit of land defined by delineation of its horizontal boundaries without reference to any buildings on a condominium plan.

**"Condominium Unit"** means a part of the land or building that is designated as a unity by the condominium plan, and is comprised of the space enclosed by its boundaries and all material parts of the land within this space at the time the condominium declaration and plan are registered.

**"Construction or Constructed"** means the physical location, erection, increase or decrease in size of any building or structure or ground including any

excavation, building, drilling, digging, alteration, addition, extension, location, relocation, demolition, replacement and or development.

**“Conversion”** means a change in use of land or a building or an act done in relation to land or a building that results, or is likely to result in a change in the use of such land or building without involving major structural alterations.

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

**"Council"** means the Council of the Town of Plum Coulee.

**“Cultivated Land”** means land that is prepared and used for the growing of crops.

**“Curb Cutting”** means the cutting or lowering of a curb, sidewalk or boulevard, or any of them, to provide a driveway for vehicular and pedestrian access to a site.

**“Deck”** means an unenclosed roofless amenity area adjoining a building.

**“Density”** means the total number of dwelling units divided by the total area of land to be developed, expressed in either gross hectares and or acres.

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

**“Designated Officer”** or Municipal Designated Officer means the person or persons appointed by the RPGA Planning District Board or the Council of the Town of Plum Coulee to occupy the position of Designated Officer or Municipal Designated Officer.

**“Development Permit”** means a permit issued by the Planning District on behalf of the Town of Plum Coulee authorizing development, and may include a building permit and/or demolition permit. Although a development permit may not be required for the town, permits may be required from the Highway Traffic Board. A permit is required from the Highway Traffic Board for any structure or construction above, below or at ground level proposed within the control area adjacent to PTH 14.

**"Development Plan"** means the RPGA Planning District Development Plan and amendments thereto.

**“Drive-through facility”** means a facility designed to provide goods or services to the persons in standing (as opposed to parked) motor vehicles, including but not limited to a **drive-through** restaurant or bank.

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

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

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

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

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

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

**“Dwelling Unit Area”** means the total floor area of the dwelling unit contained within the outside surface of the exterior walls. This calculation shall exclude basement or other areas that are below- grade.

**“Elevation, Lot Grade”** means either the elevation of the finished ground surface at any specific reference point, at any point on the slope between two specific reference points on a lot, or a combination thereof.

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

**“Environmental Impact Statement”** means a study prepared in accordance with established procedures to identify and assess the impacts of development on a specified feature or system.

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

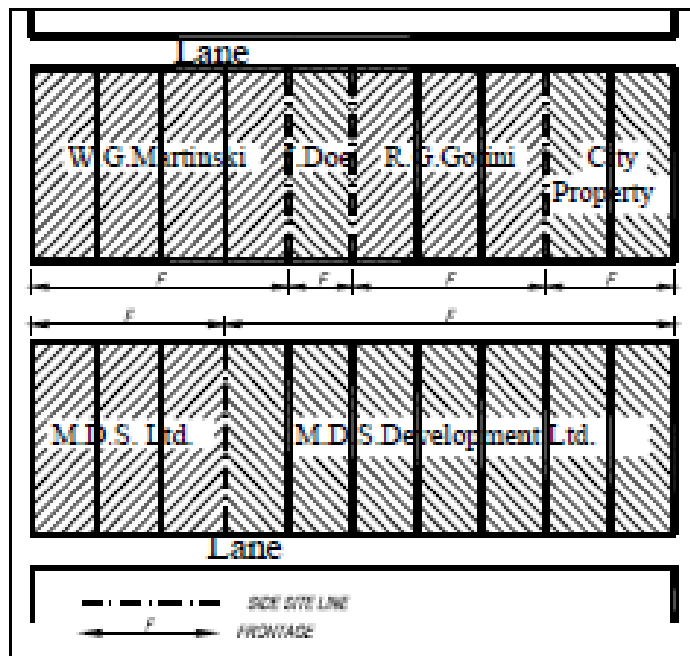
**"Family"** means one or more persons related by blood or marriage or common-law marriage, or a group of not more than three (3) persons who may not be related by blood or marriage, living together as a single housekeeping unit.

"Family" also includes domestic servants.

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

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

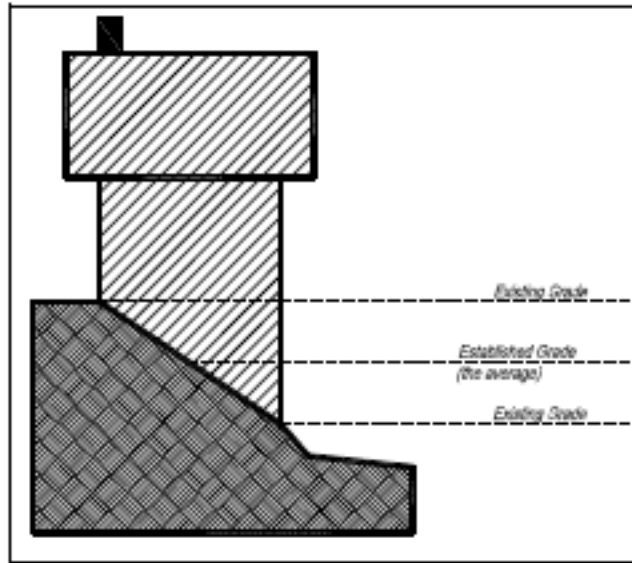
**"Frontage"** means all that portion of a site fronting on a street and measured between side lot lines.



**Figure 1: Frontage**

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

**"Grade, Building lot"** means the lot grade elevation of the finished ground surface immediately adjacent to the foundation of a building.



**Figure 3: Established Grade of a Building**

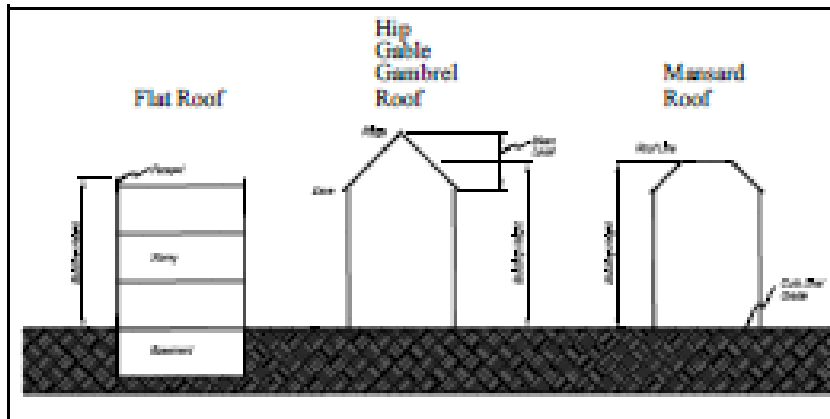
**"Grain storage structure"** means any structure which is designed to store any type of grain, but does not include the typical farm granary.

**"Groundwater"** means water below the surface of the ground.

**"Habitable Room"** means any room in a dwelling other than a non-habitable room.

**"Height"** means, when used with reference to a building or structure, the vertical distance between the horizontal plane through grade and a horizontal plane through:

- a) The highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20.00 degrees; and
- b) The average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of more than 20.00 degrees, provided that in such cases the ridge line of the roof shall not extend more than 1.52 m. (5.00 ft.) above the maximum permitted building height of the Zoning District.



**Figure 4: Height of Buildings**

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

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

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

**"Industrial, heavy"** means processing and manufacturing uses which cannot be classified as light industrial uses as defined herein.

**"Industrial, light"** means processing and manufacturing uses, provided that they do not create unusual fire, explosion or safety hazards, noise in excess of average intensity of street and traffic noise in the area in question; they do not emit smoke, dust, dirt, toxic or offensive odours or gas and there is not production of heat or glare perceptible from any sight line of the site on which the use is located. As a rule, in the agricultural zone, industries in this category should be secondary to the agricultural use, if not, they should not be of such a size that they create traffic problems or impact negatively on the surrounding area.

**"Institution"** means a building or part of a building used for a Residential-Related purpose by an organized body or society for promoting a particular object or cause, but does not include Private Clubs.

**"Kennel"** means any premises, on which more than two (2) animals are boarded, bred, trained or cared for, in return for remuneration or are kept for the

purpose of sale. A kennel shall not include a veterinary clinic, animal hospital or animal pound.

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

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

**“Livestock”** means animals or poultry not kept exclusively as pets, excluding bees.

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

**“Lot, corner”** means a lot located at the intersection of two public roadways, the interior angle of such intersection not exceeding 135.00 degrees.

**“Lot, Flag”** means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

**“Lot, Interior”** means any lot other than a corner lot or through lot.

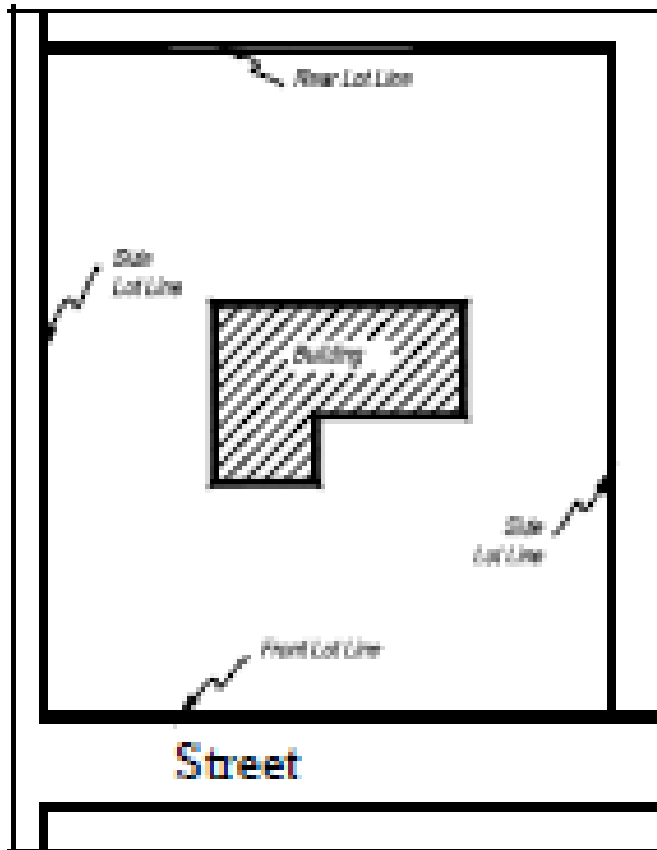
**“Lot, Through”** (also referred to as a Double Fronting Lot) means a lot having a pair of opposite lot lines along two streets. ON a through lot, both street lines shall be deemed front lot lines.

**“Lot Line, Front”** means the property line a lot abutting public roadway other than a lane. In the case of a corner lot, the front lot line is the shorter of the lot lines abutting a public roadway.

**“Lot Line, Rear”** means either the lot line which is furthest from and opposite the front lot line or, where there is no such lot line, the point of intersection of any side lot lines which is furthest from and opposite the front lot line.

**“Lot Line, Side”** means the property line of a lot other than a front lot line or rear lot line.





**Figure 6: Lot Lines**

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

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

**“Mobile Home Park”** means a parcel or land under one ownership upon which mobile home spaces are provided for rent or lease and have been approved by council.

**“Mobile Home Site”** means a site in a mobile home subdivision that may be purchased for the placement of a mobile home.

**“Mobile Home Subdivision”** means a parcel of land subdivided into mobile home sites that may be sold for the placement of mobile homes.

**“Modular Home Dwelling”** means a building assembly or system of building, sub-assemblies manufactured in its entirety, or in substantial part, off-site and transported to the point of use for installation on-site, with or without other specified components, as a finished building or as part of a finished building in accordance with CSA building regulations. Modular homes need not have electrical, plumbing, heating, ventilation, insulation or other service systems, but when such systems are installed at the off-site manufacture or assembly point, they shall be deemed a part of such building or system of building assemblies. Modular homes do not include open frame construction which can be completely inspected on site.

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

**“Motor Home”** means a certified and licensed vehicular structure, as defined in the *The Highway Traffic Act* that is used as temporary accommodation for recreational purposes and being independent of Municipal sewer, water and electrical services.

**“Municipal Building Inspector”** means the Municipal Building Inspector as appointed by the Council of The Town of Plum Coulee.

**“Municipality”** means the Municipal Corporation of the Town of Plum Coulee.

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

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

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

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

use regulations of the zone in which it is located, either on the effective date of this By-law, or amendments hereto.

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

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

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

**"Non-Habitable Room"** means a space in a dwelling unit providing a service function and not intended primarily for human occupancy, including bathrooms, entryways, corridors, or storage areas.

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

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

**"Occupancy"** means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

**"Occupancy Permit"** means permission or authorization issued in writing pursuant to applicable zoning regulations, to occupy any building or part thereof, in the Town of Plum Coulee.

**"Offensive or objectionable"** means, when used with reference to signage, lighting or a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise; vibration, smoke; dust or other particular matter; odour; toxic or non toxic matter; radiation hazards; fire or explosive hazards; heat; glare; unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which in the opinion of Council may be or become hazardous or injurious as regards health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land, building or structure.

**“Off Road Vehicle”** means any wheeled or tracked motor vehicle designed or adapted for cross-country travel on land, water, ice, snow, marsh or swamp land or other natural terrain, and includes motorcycles, all-terrain vehicles, mini-bikes, dirt-bikes and trail –bikes, dune or sport buggies, snowmobiles, and amphibious vehicles.

**“Outdoor Storage”** means the storage of merchandise, goods, inventory, materials or equipment or other items that are not intended for immediate sale, by locating them outside.

**"Owner"** means a person who appears by the records of the Land Titles Office to have any right, title, estate or interest in land and includes the agent of such a person in possession or occupation of the land with the express or implied consent of the owner as defined in the Act.

**"Parcel of land"** means the aggregate of all land described in any manner in the certificate of title as defined in the Act.

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

**“Passenger Vehicles”** means a motor vehicle that is designed, constructed or adapted for the principal purpose of transporting passengers, but excludes off-road, motor home, trailer, travel trailer and truck vehicles.

**“Patio”** means a paved area adjoining a building.

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

**“Pollution”** means the presence of foreign substances that adversely affect the natural constituents of the air, water or soil.

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

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

- (a) Communication, by way of telephone, telegraph, wireless or television;
- (b) Public transportation, by bus or other vehicle;

- (c) Production, transmission, delivery or furnishing of water, gas or electricity to the public at large; or
- (d) Collection of sewage, garbage or other waste.

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

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

**"Ready-To-Move Dwelling"** means a method of constructing a dwelling unit whereby all of its component parts have been assembled in an off-site manufacturing facility and transported to a site where it is anchored to a permanent foundation.

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

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

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

**"RPGA Planning District Board"** means the RPGA Planning District Board as established under *the Act*.

**"Runway"** means a defined rectangular area on a land aerodrome prepared for the landing and take-off of aircraft along its length.

**"Runway Strip"** means a rectangular area on a land aerodrome prepared for the landing and take-off aircraft along its length.

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

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

**"Separation Distance"** means a distance to be maintained between two uses, measured from the nearest points of any structure or areas upon which the uses are located.

**"Separation Space"** means open space around dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation, and privacy

**"Setback"** means the distance that a development or a specified portion of it must be set back from a lot line.

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

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

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

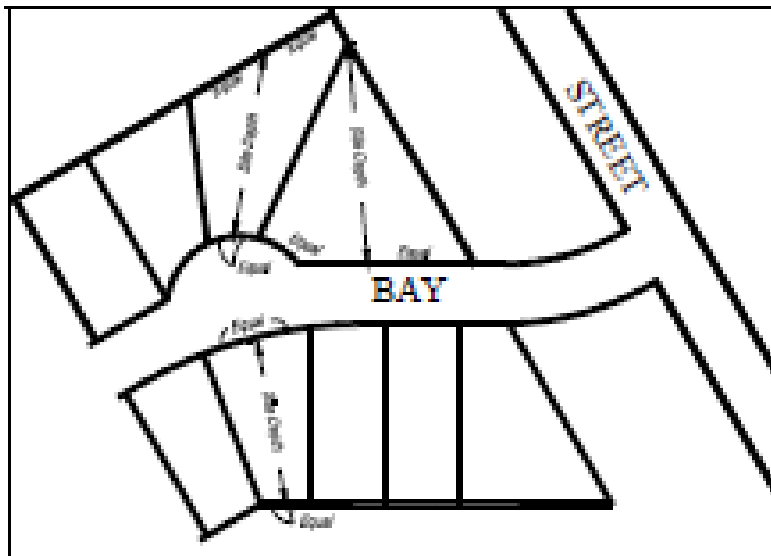
**"Site"** means an area of land consisting of one or more abutting lots, or a zoning site as defined herein unless the context indicates otherwise.

**"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 Coverage"** means the combined area of all buildings or structures on the site as a percentage of the site area, measured at the level of the lowest storey above the grade, including all enclosed and insulated decks, sunrooms, porches, and verandas, but excluding seasonal non-insulated structures, open or covered, such as decks, screened porches or verandas, patios at grade, steps, uncovered walks, wheelchair ramps, cornices, eaves and similar projections.

**"Site Depth"** means the average horizontal distance between the front and rear lot lines of the site.

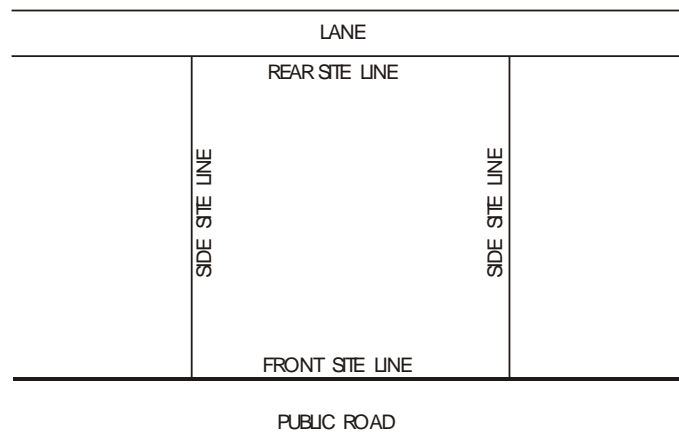


**Figure 7: Site Depth**

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

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

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



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

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

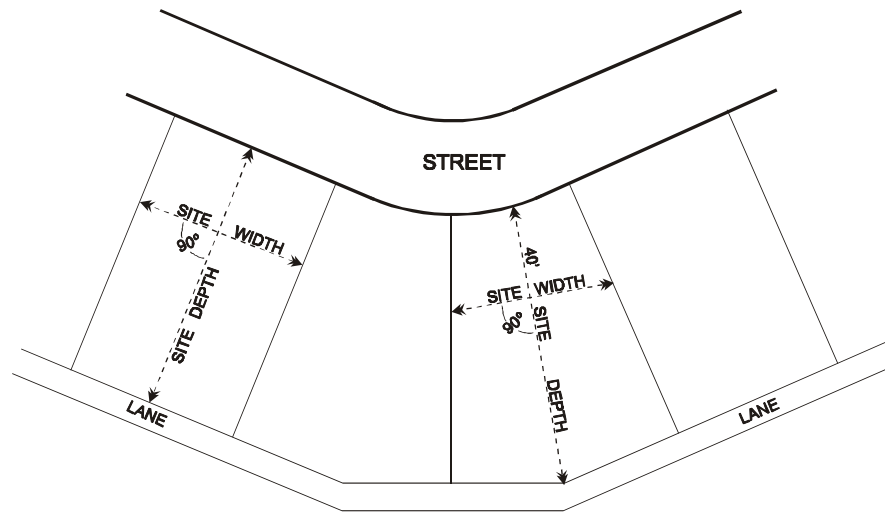
- (a) The area of the zoning site upon which a building is located, and the number of dwelling units or rooms within such building in relation to the area of the zoning site;
- (b) The location of exterior walls of buildings in relation to site lines, to other walls of the same building, to legally required windows, or to other buildings;
- (c) All open areas relating to buildings or structures and their relationship thereto; and
- (d) The size (including height of buildings and floor areas) of buildings or structures.

**"Site width"** means the following:

- (a) "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.



- (b) The following sketch illustrates the foregoing definition of site width:



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

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

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

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

**"Storey"** means that portion of a building which is situated between the top of any floor and the top of the floor next above it. If there is no floor above, the storey is the portion of the building which is situated between the top of any floor and the ceiling above it. If the top of the floor directly above a basement is more than 1.83m (6.00 ft) above grade, such basement shall be considered a storey for the purpose of this By-law.

**“Storey, half”** means a storey under a gable, hip or gambrel roof, the wall plates of which, on at least two opposite walls, are not more than 0.66m (2.17 ft) above the floor of such storey.

**"Street"** means a public roadway having a right-of-way at least 10.06m. (33 ft.) in width that affords the principal means of access to abutting land as defined in *the Act*.

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

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

**“Temporary Buildings and Uses”** means an incidental use, building or structure for which a development permit has been issued for a limited time only as determined by the Designated Officer. **“Traffic Generation”** means the volume of vehicular traffic generated over a prescribed area within a prescribed time frame, which can be directly attributed to a particular development or geographic area.

**“Trailer”** means a vehicle designed for carrying chattels, and for being towed by a motor vehicle.

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

**“Truck”** means a motor vehicle that is constructed or adapted to carry goods, wares, merchandise, freight or commodities.

**"Use"** means:

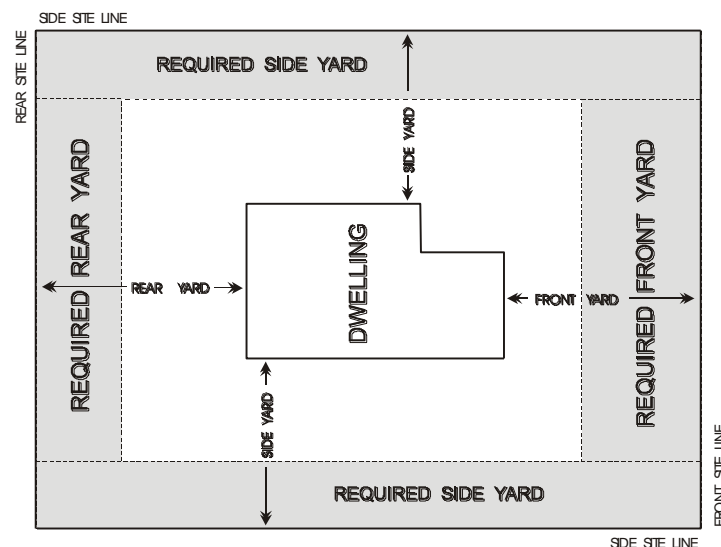
- (a) Any purpose for which a building or structure or land may be designed, arranged, intended, maintained or occupied, or
- (b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or structure or on land.

**“Variation Order”** means the altering of any of the regulations found in this By-Law in accordance with *the Act*.

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

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

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



### Section 3 – Sign Definitions

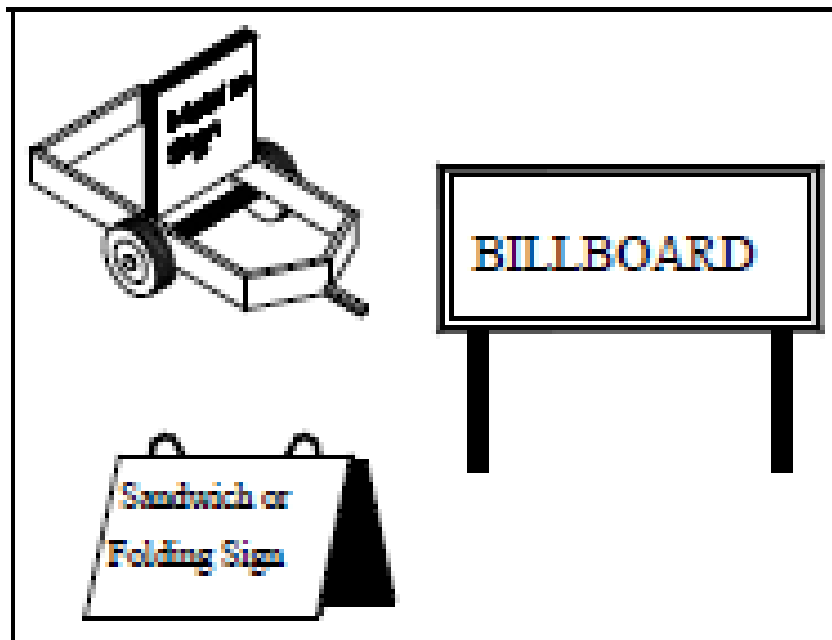
Terms and works used in this By-law regarding the regulations of signs, unless the context otherwise requires, are defined as follows:

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

**“Animated Sign”** means any sign or portion of a sign having moving parts or electronically controlled colour changes which depict action or give motion to the sign.

**“Awning Sign”** means a non-illuminated sign painted or stencilled on the fabric surface of a shelter supported entirely from the exterior wall of a building and designed to be collapsible, retractable or capable of being folded against the wall or supporting building.

**“Business Identification Sign”** means a sign identifying the name, dealer, franchise, association, primary function, product or service of the commercial activity conducted on the premises, and may include local advertising and changeable copy.



**Figure 10: Types of Signs (Mobile, Sandwich, Billboard)**

**“Canopy Sign”** means a sign attached to, or forming part of, a permanent building projecting or fixed structural framework which extends outward from the

exterior wall of a building and which may be roofed over or covered to provide protection over the entrance to the building.

**“Copy”** means the letters, graphics or characters which make up the message on sign face.

**“Copy Area”** means the total area within one or more rectangles which enclose the entire limits of the copy.

**“Directional Sign”** means on-premise or off-site signs providing direction to pedestrian or vehicular traffic without advertising copy, except a business logogram.

**“Electric Sign”** means any sign containing electrical wiring or lights built into the sign face which are intended for connection to an electrical energy source.

**“Fascia Sign”** means any sign painted on or attached to an exterior building wall so that the sign does not extend more than 40.00cm (15.75in.) out from the wall or beyond the horizontal limits of the wall.

**“Free Standing Sign”** means any sign supported independently of a building and permanently fixed to the ground.

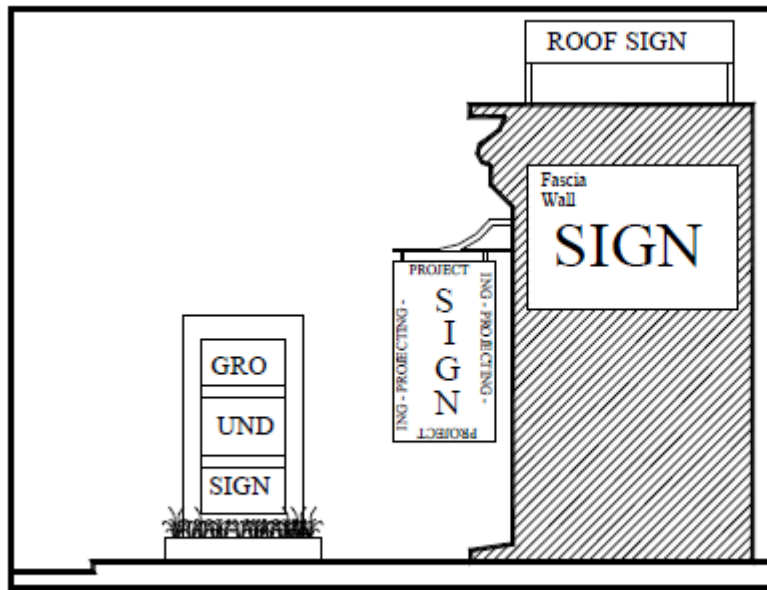
**“General Advertising Sign”** means a sign which directs attention to a business, activity, product, service or entertainment which cannot be considered as the principal products sold nor a principal business, activity, entertainment, or service provided on the premises where the sign is displayed, and general advertising has a similar meaning.

**“Height (sign)”** means the vertical distance measured from the finished ground surface directly under the sign to the highest point of the sign.

**“Identification Sign”** means a sign which contains only the name and address of a building, institution or person and the activity carried on in the building or institution, but does not include any other advertising copy.

**“Illuminated Sign”** means any sign having only steady illumination of the same intensity by artificial means, either from lighting directed on the sign face or from a light source located within the sign which is transmitted through a transparent or translucent sign face.

**“Mural Sign”** means a non-illuminated sign painted on exterior wall of a building which enhances the visual appearance of the building and does not include business identification or general advertising.



**Figure 11: Types of Signs (Ground, Roof, Fascia, Projecting)**

**“Official Sign”** means a sign required by, or erected pursuant to, the Provisions of Federal, Provincial or Municipal legislation.

**“Portable Sign”** means a sign greater than 0.50 sq. m. (5.38 sq. ft.) in area that is mounted on a stand or other support structure other than a stationary trailer and is designed in such a manner that the sign can readily be relocated to provide advertising at another location or readily taken on and off a site, and may include copy that can be changed manually through the use of attachable characters, message panels or other means.

**“Projecting Sign”** means any sign, except a canopy sign, which is supported by an exterior building wall and projects outward from the building wall by more than 40.00 cm. (15.75 in.).

**“Real Estate Sign”** means a sign displaying real estate copy.

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

**“Sign”** means any visual medium, including its structure and other component parts, illuminated or not illuminated, which is used or capable of being used, on a permanent or temporary basis, to identify or convey information, or to advertise or attract attention to a product, service, place, activity, person, institution or business. Without limiting the generality of the foregoing, signs shall include banners, placards, and painted messages.

**“Sign Alteration”** means any modification of a sign or supporting structure,

excluding the routine maintenance or repainting of a sign or changing the copy on signs specifically designed for this purpose.

**“Sign Area”** means the entire area of the sign on which copy is intended to be placed. In the case of double-faced or multi-faced sign, only half of the area of each face of the sign used to display advertising copy shall be used in calculating the total sign area.

**“Sign Structure”** means any structure which supports a sign, including materials used to conceal or improve the visual appearance of the structural parts.

**“Temporary Sign”** means a sign which is not permanently anchored to a footing extending below grade or permanently affixed to, or painted on, a building and on which the copy has been painted or affixed in a permanent manner. The copy on the sign shall relate to an activity, use or event of limited time duration not exceeding six months. Temporary signs include such signs as political campaign signs, real estate signs, construction identification signs, signs identifying seasonal businesses, signs advertising specific community events, and signs providing temporary identification for developments awaiting installation of a permanent sign. For the purpose of this By-law, temporary signs shall include sandwich and folding signs but not portable signs.

**“Warning Sign”** means an on-premise sign providing a warning to the public, including such signs as *No Trespassing* or *Private Driveway* signs.

## PART 2 - ADMINISTRATION

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## **PART 2 - ADMINISTRATION**

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

#### **TITLE**

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

#### **THE AREA**

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

#### **INTENT AND PURPOSE**

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

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

#### **RESPONSIBILITIES OF COUNCIL**

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

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

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

## **AMENDMENTS**

### **PROCEDURE**

- 4(1) Subject to the procedure required under Sections 74 to 82 of The Act, an amendment may be initiated by a resolution of intention by the Council or by application of one or more owners of the property or their agents within the area proposed to be changed. An application to amend the zoning by-law and all required information and fees as determined by Council and in accordance with Section 20 of this PART, shall be made to the Council.
- 4(2) Notwithstanding the provisions set out in 4(1), subject to subsection 80(2) of The Act, an application to amend the zoning by-law may be refused if, in the opinion of Council,
  - (a) It is without merit;
  - (b) the proposed amendment is not generally consistent with the development plan by-law; or
  - (c) it is the same as or substantially similar to an earlier application that was refused within one year before the day when the new application is made.

### **DECISION BY COUNCIL**

- 4(3) After giving the by-law amendment first reading Council shall give notice and hold a public meeting according to Section 74(1) of The Act, at which time it shall review all of the facts presented, and any representation made. It shall make its findings and determination in writing and shall transmit a copy thereof to the applicant. If Council approves the application, it shall proceed with the adoption of the amendment in accordance with the provisions of The Act.

### **OBJECTIONS**

- 4(4) Subject to the procedures required under Subsection 77(5) of The Act, anyone objecting to any amendment which subsequently has been given second reading by Council may file a further objection with the Municipal Board and the Municipal Board shall hold a hearing according to the provision of The Act.

## **DEVELOPMENT AGREEMENTS**

- 4(5) Where an application is made for the amendment of this by-law, the Council may require the owner to enter into an agreement pursuant to Section 81 of The Act. The development agreement may be registered in the Land Titles Office in the form of a caveat and shall be discharged when the requirements and conditions of the agreement have been met.

## **CONDITIONAL USES**

### **INTENT**

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

### **APPLICATION**

- 5(2) An application for a conditional use shall be processed and approved or rejected in accordance with the provisions of Section 103 of The Act.

### **FILING AN APPLICATION**

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

### **EXPIRY OF APPROVAL**

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

### **EXISTING CONDITIONAL USE**

- 5(5) Where a use is classified as a conditional use under this by-law or amendments hereto and legally exists as a permitted or conditional use at the date of the

adoption of this by-law or amendments hereto, it shall be considered as an existing conditional use.

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

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

## **REVOKING A CONDITIONAL USE PERMIT**

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

## **VARIATIONS**

### **VARIATIONS**

- 6(1) Any person may apply for a variation order, in accordance with the provisions of Section 94 of The Act.
- 6(2) An application for a variation order and all required information and fees shall be made to Council or the Development Officer.
- 6(3) An application for a variation order shall be processed and approved or rejected in accordance with the provisions of The Act.
- 6(4) The Development Officer may, in accordance with the provisions of Section 102 of The Act, grant or refuse, at his/her discretion, a minor variation not to exceed ten (10) percent of the requirements of this by-law governing any height, distance, area, size, intensity of use or the number of required parking spaces.

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

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

- 7(1) Temporary buildings, structures and uses for construction materials or equipment, both incidental and necessary to construction in the same zoning site may be permitted on a temporary basis subject to the issuance of a development permit.
- 7(2) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by Council or the Development Officer.

- 7(3) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than six (6) months and may not be renewed for more than two (2) successive periods at the same location.
- 7(4) In all cases, temporary buildings and structures:
- (a) may be used as an office space for the contractor or developer;
  - (b) shall not be used for human habitation, except as temporary accommodation for a caretaker, security, maintenance and construction personnel or other staff; and
  - (c) shall not be detrimental to the public health, safety, convenience and general welfare.
- 7(5) The following buildings, structures and uses may be permitted to be located on a site on a temporary basis without obtaining a development permit:
- (a) temporary signs;
  - (b) temporary buildings structures and uses associated with fairs, events, games, exhibitions, public markets, sales in public places, transient traders and similar provided the necessary licences are obtained as required;
  - (c) the placement of temporary structures accessory to a dwelling or mobile home such as playground and sports equipment; and
  - (d) temporary use of a residential site for purposes of a garage or yard sale

## **DEVELOPMENT OFFICER**

### **DUTIES OF THE DEVELOPMENT/DESIGNATED OFFICER**

- 8(1) The Council shall appoint a development/designated officer who, on behalf of the Town of Plum Coulee:
- (a) shall issue a development permit where the development of land, buildings or structures conforms to the adopted Development Plan, and the requirements of this by-law and amendments thereto, subject to the provisions of subsection 8(2) below;
  - (b) may enter any buildings or premises at all reasonable hours in the performance of his/her duties with respect to this by-law;
  - (c) may issue development permits for the temporary use of building, structures,

or land pursuant to the provisions of this by-law;

- (d) may issue zoning memoranda or such other documents necessary for the
- (e) administration and enforcement of this by-law;
- (f) shall allow or refuse such minor variations to the requirements of this by-law as authorized by Section 6(4) of this PART and in accordance with the provisions of Section 102 of The Act.
- (g) shall refer with his/her recommendations, to Council all applications for development permits involving:
  - (i) amendments to this by-law;
  - (ii) new conditional uses and changes to conditional uses as per Subsection 5. (3) of this PART;
  - (iii) variations from zone requirements in excess of that authorized by Subsection 6. (4) of this PART;
    - (iv) matters requiring the specific approval of Council pursuant to this by-law; and
  - (v) any other items which may require Council's attention;

## **DEFER APPROVAL OF PERMITS**

8(2) At the request of Council, the Development Officer shall defer approving an application for a development permit:

- (a) as provided for in Subsection 148(3) of The Act;
- (b) which would result in a violation of this by-law or any by-law of the Town of Plum Coulee; or
- (c) when any fees are due and owing to the Town of Plum Coulee under this by-law.

## **DUTIES OF THE OWNER**

### **DUTIES OF THE OWNER**

9(1) Neither the granting of a development permit nor the approval of the drawings and specifications nor the inspection made by the Development Officer shall in any way relieve the owner of the responsibility of complying with the requirements of this by-law or of any relevant by-laws of the Town of Plum Coulee.

9(2) Every owner shall:

- (a) in accordance with Section 175 and 176 of The Act, permit the Development Officer to enter any building or premises at any reasonable time for the purpose of administering or enforcing this by-law and shall not molest, obstruct or interfere with the Development Officer in the discharge of his duties under this by-law;
- (b) after the development/building application has been approved and the permit issued, obtain the written approval of the Development Officer before doing the work at variance with the approved documents filed; and
- (c) be responsible for obtaining where applicable, from the appropriate authorities, permits or licenses relating to the buildings, grades, sewers or water supply systems, plumbing, signs, blasting, street, occupancy, electrical, highways, and all other permits required in connection with the proposed work.

## **PERMITS**

### **PERMITS REQUIRED**

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

### **DEVELOPMENT PERMIT**

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

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



## DEVELOPMENT PERMIT NOT REQUIRED

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

- (a) the carrying out of work or maintenance or repair to any building or structure, provided that such works do not include structural alterations or major renovations;
- (b) the erection, construction or the maintenance of gates, fences, walls or other means of enclosures less than 2.00m. (6.56 ft) in height;
- (c) the temporary uses of a site or the erection or construction of temporary buildings or structures excepted under Section 7 of this PART;
- (d) the construction or maintenance of that part of a public works placed in or upon a public works easement;
- (e) the carrying out by the Town of Plum Coulee any operation for the maintenance or improvement of a public works, including the inspection, repair or renewal thereof;
- (f) the erection, placement, enlargement, structural alteration, relocation or use of any building or structure, excluding satellite dishes, not exceeding 10 sq. M. (107.642 sq ft.) in area; does not exceed 4.57m (15.00 ft.) or one storey in height; and is not considered a hazard by the Designated officer. That is normally incidental or accessory to a dwelling as the principal building or use;
- (g) An unenclosed deck or a deck enclosed by a rail or a parapet wall and a wheelchair ramp, all of which having a floor less than 0.61m. (2.00ft) above grade unless it is anchored to the building.
- (h) general landscaping and the planting or removal of trees and hedges intended as a shelterbelt or buffer; and the existing grade and natural surface drainage pattern is not materially altered.
- (i) the construction or erection of certain non-illuminated signs; and
- (j) private driveways and patios which are accessory to a development.
- (k) Temporary buildings, structures, and uses associated with fairs, events, games, exhibitions, public markets, sales in public places, transient traders and similar provided the necessary licenses under *The Municipal Act* and/or *The Buildings and Mobile Homes Act* are obtained as required.

- (l) Public and private communications facilities or towers not exceeding 10.67m (35.00 ft) above grade.
- (m) The following types of signs are exempt but this shall not relieve the owner or person in control of such signs from erecting and maintaining the signs in a safe and good condition:
  - i. Signs of less than 0.60 sq.m. (6.46 sq. Ft.) in area, advertising the sale, lease, or rent of property, premises, or buildings on that site;
  - ii. Memorial signs or tablets of bronze, brass, stone or other non combustible materials when built into or attached to the walls of a building or other structure provided such tablets bear only the name of the owner, the name and use of the building, the date of erection of the building or reading matter commemorating a person or event.
  - iii. Signs of a duly constituted governmental body, including traffic or regulating devices, legal notices, railway crossing, danger or other emergency signs;
  - iv. One real estate sign;
  - v. Non-illuminated directional signs, each sign not to exceed 0.50 sq.m. (5.38 sq. Ft.) in sign area;
  - vi. Signs posted by duly constituted public authorities in performance of their public duties;
  - vii. Flags or emblems of a political, civic, education or religious organization; and
  - viii. Signs required by law, government order or regulation.

## **DEVELOPMENT PERMIT REQUIREMENTS**

- 10(4) In addition to the requirements of any by-law of the Town of Plum Coulee or any other provincial regulations, all applications for a development permit shall be in a form prescribed by Council and no person shall erect, locate, relocate, use, or occupy any building, land or structure contrary to any development permit or the material furnished in the support of the application. Although a development permit is not required, permits may be required from the Highway Traffic Board. A permit is required from the Highway Traffic Board for any structure or construction above, below or at ground level proposed within the control area adjacent to PTH 14.

## **BUILDING PERMITS REQUIRED**

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

## **EXISTING BUILDING PERMITS**

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

## **BUILDING TO BE MOVED**

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

## **NON-CONFORMITIES**

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

- 11(1) A non-conforming use and a non-conforming building or structure shall be regulated in accordance with and subject to the provisions of Section 86-93 of *The Act*, unless otherwise provided for herein.

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

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

### **REPAIR OR REBUILDING**

- 11(3) Pursuant to the provisions of Subsection 89(2) of *The Act*, where a building or structure that does not conform to the provisions of the zoning by-law, is damaged or destroyed to an extent of fifty (50) percent or more of the replacement value of the building above its foundation, said building or structure may be repaired or rebuilt, but only in conformance with this by-law or amendments.

### **INCIDENTAL ALTERATIONS**

- 11(4) Incidental alterations as defined in this by-law may be made to a building containing a non-conforming use provided such building or use is not expanded contrary to Subsection 89(1) and Section 90 of *The Act*.

## **NON-CONFORMING PARCEL**

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

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

## **CHANGES**

11(6) Council may permit the following changes to existing non-conforming buildings, structures, uses or parcels of land by variation order as per subsection 92(1) of *The Act*:

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

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

## **CERTIFICATE AND FEES**

11(7) Council shall determine any fees paid to the Development Officer for the issuance of a non-conforming certificate in accordance with the provisions of Section 87 of *The Act*.

## **INTERPRETATION AND APPLICATION**

### **MINIMUM REQUIREMENTS**

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

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

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

### **PREVIOUS VIOLATIONS**

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

### **SITE REDUCED**

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

## **OTHER PROVISIONS**

### **PLANNING ADVISORY COMMITTEE**

- 13 Planning advisory committees may be established in order to advise and assist Council in the amendment or review of the zoning by-law or with other matters deemed necessary by Council.

### **PUBLIC UTILITIES AND SERVICES**

- 14 (a) Nothing in this by-law shall be so interpreted as to interfere with the construction, maintenance and operation to the facilities of any public utility, as defined by this by-law or public service such as police and fire

protection, provided that the requirements of such public utility or public service is of a standard compatible with the adjacent area and that any building or structure erected in any zone complies with the yard and area requirements applicable to the zone.

- 14 (b) All new principal buildings constructed on a site where feasible must be connected to such services as Municipal sewer or water. No new building permit shall be issued that cannot be connected to Municipal sewer or water unless so other wise approved by Council.

## **PUBLIC MONUMENTS AND STATUARY**

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

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

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

## **BASEMENT DWELLING UNIT**

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

## **ENFORCEMENT**

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

## **DEVELOPMENT AGREEMENT WITH COUNCIL**

### **NEED FOR DEVELOPMENT AGREEMENT**

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

Sections 81 and 150 of *The Act*, or

(d) the provision of a dedication or a general levy, if required;

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

## **REGISTRATION**

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

## **DISCHARGE**

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

## **FEE SCHEDULE**

### **AMENDMENT FEES**

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

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

### **OTHER FEES**

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

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

|                            | <u>Section</u> |
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# **PART 3 - LAND USE AND DEVELOPMENT PROVISIONS**

## **INTENT AND PURPOSE**

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

## **GENERAL SITE PROVISIONS**

### **ZONING SITE**

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

### **BUILDING GRADE**

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

### **BUILDINGS PER SITE**

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

### **SUBDIVIDING LAND**

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

## **SITE REQUIREMENTS**

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

## **VIOLATION OF PROVISIONS**

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

## **PUBLIC WORKS**

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

## **MUNICIPAL SERVICES**

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

## **BUILDING RELOCATION**

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

## **MULTIPLE USES**

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

## **DEVELOPMENT RESTRICTED**

### **UNSUITABLE FOR DEVELOPMENT**

- 23(1) Notwithstanding the provisions contained in this by-law, the Council may prohibit or restrict the development of an area of land for a use permitted in a zone if the area has been identified either by Council or other agencies as being subject to flooding, erosion, bank instability, landslide, subsidence, marshy or unstable, or otherwise hazardous or unsuitable for the proposed development and use by virtue of its soil or topography.

### **NOXIOUS OR OFFENSIVE USES**

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

### **FUTURE ROAD ALLOWANCE**

- 23(3) No building or structure shall be erected upon any land designated for a future road allowance by Council. Any development adjacent to said future road allowance should comply with the requirements of the by-law as if the said future road allowance was already in existence.

## **PUBLIC SERVICES**

### **PUBLIC MONUMENTS**

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

### **PUBLIC WORKS**

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

## **PART 4 - LAND USE ZONES**

|   | <u>Section</u> |
|---|----------------|
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## PART 4 – LAND USE ZONES

### ZONES

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

|             | <u>Symbol</u> | <u>Zone</u>                  |
|-------------|---------------|------------------------------|
| RESIDENTIAL | "RG"          | General Residential Zone     |
|             | "RMH"         | Residential Mobile Home Zone |
| COMMERCIAL  | "CG"          | Commercial General Zone      |
|             | "CH"          | Commercial Highway Zone      |
| INDUSTRIAL  | "MG"          | Industrial General Zone      |
| OTHERS      | "OR"          | Open Space/Recreational Zone |
|             | "AR"          | Restricted Agriculture Zone  |

## **ZONING MAPS**

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

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

### **DIMENSIONS**

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

### **REGISTERED PLANS**

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

### **ABBREVIATIONS**

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

- (a) "Ave." means Avenue;
- (b) "Blk." mean Block;
- (c) "Dr." means Drive;
- (d) "Pcl." Means Parcel;
- (e) "Pl." means Plan or Place, when pertaining to a street;
- (f) "Rge." means Range;
- (g) "Sec." means Section;
- (h) "S.P." means Special Plot Plan;
- (i) "S.S.P." means Special Survey Plan;

- (j) "St." means Street;
- (k) "T'p." or "Twp." means Township;
- (l) "W.P.M." or "W" means West of the Principal Meridian;
- (m) "P.R." means Provincial Road; and
- (n) "P.T.H." means Provincial Trunk Highway.

## **INTERPRETATION OF ZONE LIMITS**

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

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

doubt or dispute in a manner consistent with the provisions of this By-law and with the degree of detail as the measurements and directions as the circumstances may require.

## **INTERPRETATION OF ZONE REQUIREMENTS**

### **INTERPRETATION**

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

### **USES**

27(2) "USE AND SITE REQUIREMENT" Sections in PART 4 of this By-law, list all uses that are:

- (a) "P" - Permitted; or
- (b) "C" - Conditional;

in respective zones. All listed uses shall be interpreted in accordance with PART 1 - DEFINITIONS; shall be dealt with in accordance with procedures outlined in PART 2 - ADMINISTRATION and shall be subject to the provisions contained in PART 3 - LAND USE AND DEVELOPMENT PROVISIONS and PART 5 - SPECIAL USES AND PROVISIONS.

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

### **USES NOT LISTED**

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

- (a) the use was lawfully established prior to the effective date of this By-law in which case the use shall be dealt with as a non-conforming use, structure or building in accordance with Section 11 of PART 2 - ADMINISTRATION; or
- (b) the use, the opinion of Council, falls into a general use category established in the zone. Such uses shall be permitted uses where the general use category is "Permitted" and conditional uses where the general use category is "Conditional" in that zone.
- (c) If a land use is proposed that is not contemplated in this by-law then the development officer shall determine the most similar use in this by-



law and the provisions of the similar use shall then apply to the proposed land use.

#### **SITE REQUIREMENTS**

- 27(5) Site and other requirements shall be as set forth in the "USE AND SITE REQUIREMENT" Sections in PART 4. The requirements set forth therein shall apply to all uses, structures or buildings.

#### **MEASUREMENTS**

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

## **RESIDENTIAL ZONES**

### **INTENT AND PURPOSE**

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

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

"RMH" Residential Mobile Home Zone – This zone is to establish and provide areas for single-family mobile homes on individual registered lots which may be individually owned or within a mobile home park where the sites are leased.

## USE AND SITE REQUIREMENTS

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

**TABLE 4-1**  
**"RG" GENERAL RESIDENTIAL**  
**USE AND SITE REQUIREMENTS**

|  | Minimum Requirements |                   |                   |                  |                  | Parking Group No. (Table 5-2) |
|--|----------------------|-------------------|-------------------|------------------|------------------|-------------------------------|
|  | Site Area (Sq. Ft.)  | Site Width (Feet) | Front Yard (Feet) | Side Yard (Feet) | Rear Yard (Feet) |                               |
| <b>PERMITTED USES:</b>   |                      |                   |                   |                  |                  |                               |
| Accessory Uses, Buildings and Structures (See PART 5, Sec. 31) | N/A                  | N/A               | 25                | 5                | 5                | N/A                           |
| Parks, Playgrounds and Public Reserves                         | 3000                 | 25                | 25                | 10               | 20               | 20                            |
| Public Works   | 3000                 | 25                | 25                | 10               | 20               | N/A                           |
| Single Family Dwellings  | 4000                 | 40                | 25                | 5                | 5                | 1                             |
| Temporary Uses, Buildings and Structures (See PART 2, Sec. 7)  | N/A                  | N/A               | 25                | 5                | 5                | 20                            |
| <b>CONDITIONAL USES:</b>                                       |                      |                   |                   |                  |                  |                               |
| Bed and Breakfast  | 6000                 | 50                | 25                | 5                | 5                | 1/4                           |
| Community Day Care   | 5000                 | 50                | 25                | 10               | 20               | 7                             |
| Community Halls  | 5000                 | 50                | 25                | 10               | 20               | 7                             |
| Medical Clinics  | 12,000               | 75                | 25                | 10               | 20               | 13                            |
| Multiple Family Dwellings                                      | 6000                 | 60                | 25                | 5                | 20               | 1                             |
| Police and Fire Stations                                       | 12,000               | 75                | 25                | 10               | 20               | 16                            |
| Planned Unit Developments and Bare Land Unit Condominiums      | N/A                  | N/A               | N/A               | N/A              | N/A              | N/A                           |
| Religious Establishments                                       | 12,000               | 75                | 25                | 10               | 20               | 10                            |
| Residential Care Facilities                                    | 20,000               | 75                | 25                | 10               | 20               | 5/3                           |
| Senior Citizen Homes   | 6000                 | 60                | 25                | 5                | 5                | 1                             |
| Schools  | 20,000               | 200               | 25                | 15               | 25               | 17                            |
| Two Family Dwellings   | 8000                 | 75                | 25                | 5                | 20               | 1                             |

In addition to the requirements listed in Table 4-1, the following provisions shall also apply:

- (i) maximum allowable height for all principal buildings and structures shall be 30 feet or 3 stories in the case of a multi-family residential building unless otherwise approved by council;
- (ii) maximum allowable height for all accessory buildings and structures shall be 15 feet;
- (iii) minimum dwelling unit area shall be 600 square feet or 400 square feet in the case of a multi-family residential dwelling unit;
- (iv) maximum site coverage for buildings in this zone shall be at the discretion of Council, however no residential building shall cover more than 50% of the site area or 60% of the site area in the case of multi-family residential building and no accessory building or structure shall cover more than 10% of the site area; and
- (v) when located on a corner site, the minimum required side yard on the street side of the site shall be 15 feet for all principal and accessory buildings and structures.
- (vi) any development within the 'RG' zone situated near watercourses need to maintain a 10-15 m buffer on either side of the watercourse.

- 28(2) (b) The following use and site requirements shall apply in the "RMH" Residential Mobile Home Zone:

**TABLE 4-2**  
**"RMH" RESIDENTIAL MOBILE HOME**  
**USE AND SITE REQUIREMENTS**

|  | Minimum Requirements |                   |                   |                  |                  | Parking Group No. (Table 5-2) |
|--|----------------------|-------------------|-------------------|------------------|------------------|-------------------------------|
|  | Site Area (Sq. Ft.)  | Site Width (Feet) | Front Yard (Feet) | Side Yard (Feet) | Rear Yard (Feet) |                               |
| <b>PERMITTED USES:</b>   |                      |                   |                   |                  |                  |                               |
| Accessory Uses, Buildings and Structures (See PART 5, Sec. 31) | N/A                  | N/A               | 10                | 2                | 2                | N/A                           |
| Mobile Home Parks  | 40,000               | 200               | 25                | 10               | 20               | 1                             |
| Mobile Home space in a Mobile Home Park                        | 5000                 | 50                | 10                | 5                | 15               | 1                             |
| Mobile Home space in a mobile home subdivision                 | 5000                 | 50                | 10                | 5                | 15               | 1                             |
| Parks, Playgrounds and Public Reserves                         | 3000                 | 25                | 25                | 10               | 20               | N/A                           |
| Public Works   | 3000                 | 25                | 25                | 10               | 20               | N/A                           |
| Temporary Uses, Buildings and Structures (See PART 2, Sec. 7)  | N/A                  | N/A               | 25                | 5                | 5                | N/A                           |
| <b>CONDITIONAL USES:</b>                                       |                      |                   |                   |                  |                  |                               |
| Planned Unit Developments and Bare Land Unit Condominiums      | N/A                  | N/A               | N/A               | N/A              | N/A              | N/A                           |

In addition to the requirements listed in Table 4-2, the following provisions shall also apply:

### **MOBILE HOME PARKS**

- 28(3) (a) No mobile home park shall be established or expanded without the approval of Council.
- (b) Plans submitted to Council for approval of a mobile home park shall be drawn to scale and fully dimensioned indicating access roads, mobile home spaces, buffers, landscaping, storage compounds, common recreational areas, drainage, sewer and water services and pedestrian walkways.

## **ACCESSORY BUILDING OR STRUCTURES**

28(4) Accessory buildings or structures may be attached to the mobile home in which case the accessory structure shall be considered as being part of the mobile home and the yard requirements for the mobile home shall apply.

## **PERMITTED OBSTRUCTIONS IN YARDS**

28(5) The following obstructions are permitted in the required yards:

- (a) Canopies or awnings projecting five (5) feet or less;
- (b) Uncovered walks and driveways, trees, trellises, flagpoles, lighting fixtures or lamp posts;
- (c) A fence or hedge not over two and one-half (2 1/2) feet above the average level of the adjoining ground in the front yard and not over six (6) feet above the average level of the adjoining ground in the side yard and in the rear yard;
- (d) Shrubs and similar horticultural landscaping features provided that when they are placed in such a manner so as to produce a hedge effect, the height provision in paragraph (c) above is not exceeded;
- (e) Signs as permitted and regulated in PART 5 of this By-law; and
- (f) The District Development Officer may permit the erection of decks or other similar obstructions.

## **RECREATIONAL AREAS**

28(6) A central open space area shall be established and landscaped and shall be equal in area to a minimum of two hundred (200) square feet per mobile home space or twenty-four hundred (2,400) square feet, whichever is greater.

## **INTERNAL ROADWAY**

28(7) An internal roadway shall be established to serve all mobile home spaces and shall have a minimum width of forty (40) feet and shall contain an all weather driving surface a minimum of twenty-four (24) feet in width.

## **WALKWAYS**

28(8) A walkway, where provided, shall have a minimum width of ten (10) feet.

## **REQUIRED SERVICES**

28(9) Every mobile home park operator shall provide the following services:

- (a) connections to the Municipal sewer and water system at each space;
- (b) electrical and telephone service outlets at each space;
- (c) storage of refuse, garbage and debris in a sanitary manner at a location readily accessible to all mobile homes but not more than five hundred (500) feet from any mobile home;
- (d) illumination of all roadways and walkways to standards approved by Council;
- (e) clear marking of the boundaries of each mobile home space and identification of each space by a numbered sign;
- (f) landscaping, including grass, trees and shrubbery, in all areas of the mobile home park not occupied by mobile home pads, mobile home additions, storage areas, roads, walkways, driveways, parking stalls and other structures or facilities.

28(10) The owner of every mobile home shall install a painted, durable skirting to screen the view of the foundation supports and under carriage of his mobile home within sixty (60) days of location on the site.

## **MOBILE HOME SUBDIVISION REQUIREMENTS**

- 28(11)(a) Every space in a mobile home subdivision shall meet the minimum requirements specified in TABLE 4-2 "RESIDENTIAL MOBILE HOME USE AND SITE REQUIREMENTS".
- (b) The provisions of subsection (4) and (5) of this Section shall apply in a mobile home subdivision.

## **COMMERCIAL AND INDUSTRIAL ZONES**

### **INTENT AND PURPOSE**

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

- "CG" Commercial General Zone – This zone provides for general commercial uses intended to serve most of the retail and service needs of Plum Coulee and the surrounding area.
- "CH" Commercial Highway Zone – This zone provides for those businesses requiring large site areas for retail and personal services adjacent to major transportation routes and/or those businesses serving the needs of the travelling public.
- "MG" Industrial General Zone – This zone provides for light manufacturing, processing, distribution, transportation and warehouse uses which present minimum conflict with adjacent uses. Certain heavy industrial uses may be considered as conditional uses.



## USE AND SITE REQUIREMENTS

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

**TABLE 4-3**  
**"CG" COMMERCIAL GENERAL**  
**USE AND SITE REQUIREMENTS**

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

**Table 4-3 (Continued)**

| Table 4-3 (Continued)  | Minimum Requirements |                   |                   |                  |                  | Parking Group No. (Table 5-2) |
|--|----------------------|-------------------|-------------------|------------------|------------------|-------------------------------|
|  | Site Area (Sq. Ft.)  | Site Width (Feet) | Front Yard (Feet) | Side Yard (Feet) | Rear Yard (Feet) |                               |
| CONDITIONAL USES:  |                      |                   |                   |                  |                  |                               |
| Automobile Businesses including Sales and Services, Showrooms, Service Stations and Car Washes | 10,000               | 75                | 25                | 5                | 20               | 6/14                          |
| Building Supply Sales and Contractor Establishments  | 10,000               | 75                | 25                | 5                | 20               | 6/14                          |
| Community Day Care   | 5000                 | 50                | 25                | 10               | 20               | 7                             |
| Machine and Auto Body Shops  | 10,000               | 75                | 25                | 10               | 20               | 14                            |
| Multiple Family Dwellings with or without associated commercial uses                           | 10,000               | 75                | 25                | 10               | 20               | 1                             |
| Planned Unit Developments and Bare Land Unit Condominiums                                      | 10,000               | 75                | 25                | 10               | 20               | 1                             |
| Police and Fire Stations   | 10,000               | 75                | 25                | 10               | 20               | 16 + 9                        |
| Public Works Yards   | 6000                 | 50                | 25                | 10               | 20               | 20                            |
| Recreational Uses, including Clubs, Cinemas and Amusement Centres                              | 5000                 | 50                | 25                | 5                | 20               | 7/10                          |
| Warehousing excluding Auto Wrecking and Junk Yards   | 5000                 | 50                | 25                | 10               | 20               | 20                            |
| Wholesale Businesses   | 10,000               | 75                | 25                | 10               | 20               | 6                             |

In addition to the requirements listed in Table 4-3, the following provisions shall also apply:

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

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

**TABLE 4-4**  
**"CH" COMMERCIAL HIGHWAY**  
**USE AND SITE REQUIREMENTS**

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

**Table 4-4 (Continued)**

| Table 4-4 (Continued)  | Minimum Requirements |                   |                   |                  |                  | Parking Group No. (Table 5-2) |
|--|----------------------|-------------------|-------------------|------------------|------------------|-------------------------------|
|  | Site Area (Sq. Ft.)  | Site Width (Feet) | Front Yard (Feet) | Side Yard (Feet) | Rear Yard (Feet) |                               |
| CONDITIONAL USES:  |                      |                   |                   |                  |                  |                               |
| Building Supply Sales and Contractors Establishments (not completely enclosed) | 10,000               | 75                | 25                | 5                | 20               | 6/16                          |
| Drive-in Establishments  | 10,000               | 75                | 25                | 10               | 20               | 20                            |
| Feed and Seed Sales, Storage and Distribution                                  | 80,000               | 200               | 50                | 20               | 20               | 16                            |
| Light Industry   | 10,000               | 75                | 25                | 10               | 20               | 16                            |
| Machine and Auto Body Shops  | 10,000               | 75                | 25                | 10               | 20               | 14                            |
| Truck Terminals  | 80,000               | 200               | 50                | 20               | 20               | 16                            |
| Warehousing excluding Junk Yards and Auto Wrecking                             | 5000                 | 50                | 25                | 10               | 20               | 20                            |

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

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

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

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

|   | Minimum Requirements |                   |                   |                  |                  | Parking Group No. (Table 5-2) |
|---|----------------------|-------------------|-------------------|------------------|------------------|-------------------------------|
|   | Site Area (Sq. Ft.)  | Site Width (Feet) | Front Yard (Feet) | Side Yard (Feet) | Rear Yard (Feet) |                               |
| <b>PERMITTED USES:</b>  |                      |                   |                   |                  |                  |                               |
| Accessory Buildings, Structures and Uses (See PART 5, Sec. 31)  | N/A                  | N/A               | 25                | 5                | 5                | N/A                           |
| Animal Hospitals and Vet Clinics                                | 10,000               | 75                | 25                | 10               | 20               | 13                            |
| Building Supply Sales and Contractors Establishments            | 10,000               | 75                | 25                | 10               | 20               | 6/16                          |
| Feed, Seed, Grain and Vegetable Sales, Storage and Distribution | 80,000               | 200               | 50                | 20               | 20               | 16                            |
| Garden Supply Sales, Greenhouses and Nurseries                  | 20,000               | 100               | 25                | 10               | 20               | 8                             |
| Other Light Industry  | 10,000               | 75                | 25                | 10               | 20               | 16                            |
| Public Works  | 3000                 | 25                | 25                | 10               | 20               | N/A                           |
| Public Works Yards  | 6000                 | 50                | 25                | 10               | 20               | 20                            |
| Temporary Buildings, Structures and Uses (See Part 2, Sec. 7)   | N/A                  | N/A               | 25                | 5                | 5                | 20                            |
| Truck Terminals and Freight Stations                            | 80,000               | 200               | 50                | 50               | 20               | 16                            |
| Warehousing   | 5000                 | 50                | 25                | 10               | 20               | 20                            |

**Table 4-5 (Continued)**

|   | Minimum Requirements |                   |                   |                  |                  | Parking Group No. (Table 5-2) |
|---|----------------------|-------------------|-------------------|------------------|------------------|-------------------------------|
|   | Site Area (Sq. Ft.)  | Site Width (Feet) | Front Yard (Feet) | Side Yard (Feet) | Rear Yard (Feet) |                               |
| <b>CONDITIONAL USES:</b>  |                      |                   |                   |                  |                  |                               |
| Agricultural Product Manufacturing and Processing                                 | 20,000               | 100               | 25                | 10               | 20               | 16                            |
| Animal Kennels  | 10,000               | 75                | 25                | 10               | 20               | 9                             |
| Auction Marts   | 10,000               | 75                | 25                | 10               | 20               | 20                            |
| Bulk Fuel Storage and Sales   | 80,000               | 200               | 50                | 20               | 20               | 20                            |
| Concrete and Cement Batching and Asphalt Plants                                   | N/A                  | N/A               | 100               | 100              | 100              | 20                            |
| Livestock Processing  | 20,000               | 100               | 25                | 10               | 20               | 16                            |
| Other Heavy Industry including Scrap Metal and Junk Yards and Automobile Wrecking | 80,000               | 200               | 50                | 20               | 20               | 20                            |

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

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

## OPEN SPACE/RECREATIONAL AND AGRICULTURAL ZONES

### INTENT AND PURPOSE

30(1) The following Open Space / Recreational and Agricultural Zones are hereby established in order to carry out the intent and purpose as described below:

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

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

### USE AND SITE REQUIREMENTS

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

**TABLE 4-6**  
**"OR" OPEN SPACE/RECREATIONAL**  
**USE AND SITE REQUIREMENTS**

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

|   |        |     |    |    |    |     |
|---|--------|-----|----|----|----|-----|
| Public Swimming Pools   | 40,000 | 200 | 50 | 20 | 20 | 12  |
| Public Works  | 3000   | 25  | 25 | 10 | 20 | N/A |
| Recreation Complexes and Arenas                               | 80,000 | 200 | 50 | 20 | 20 | 20  |
| Temporary Buildings, Structures and Uses (See PART 2, Sec. 7) | N/A    | N/A | 25 | 5  | 5  | 20  |
| <b>CONDITIONAL USES:</b>                                      |        |     |    |    |    |     |
| Camping and Tenting Grounds                                   | 40,000 | 200 | 25 | 10 | 20 | 20  |
| Recreation Clubs  | 10,000 | 75  | 25 | 10 | 20 | 7   |
| Community Gardens   | N/A    | N/A | 20 | 10 | 10 | N/A |

In addition to the requirements listed in Table 4-6, the following provisions shall also apply:

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



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

**TABLE 4-7**  
**"AR" AGRICULTURAL RESTRICTED**  
**USE AND SITE REQUIREMENTS**

|  | Minimum Requirements |                      |                      |                     |                     | Parking<br>Group No.<br>(Table 5-2) |
|--|----------------------|----------------------|----------------------|---------------------|---------------------|-------------------------------------|
|  | Site Area<br>(Acres) | Site Width<br>(Feet) | Front Yard<br>(Feet) | Side Yard<br>(Feet) | Rear Yard<br>(Feet) |                                     |
| <b>PERMITTED USES:</b>   |                      |                      |                      |                     |                     |                                     |
| Accessory Buildings,<br>Structures and Uses (See<br>PART 5, Sec. 31) | N/A                  | N/A                  | 125                  | 25                  | 25                  | N/A                                 |
| Agricultural Activities  | 20                   | 400                  | 125                  | 25                  | 25                  | 20                                  |
| Agricultural Exhibition<br>Grounds and Buildings                     | 2                    | 200                  | 50                   | 25                  | 25                  | 20                                  |
| Cemeteries   | 1                    | 150                  | 50                   | 10                  | 20                  | 20                                  |
| Farmstead Dwellings  | 2                    | 200                  | 125                  | 25                  | 25                  | 1                                   |
| Parks, Playgrounds and Public<br>Reserves                            | N/A                  | N/A                  | 25                   | 5                   | 20                  | 20                                  |
| Public Works   | N/A                  | N/A                  | 25                   | 10                  | 20                  | N/A                                 |
| Temporary Buildings,<br>Structures and Uses (See<br>PART 2, Sec. 7)  | N/A                  | N/A                  | 25                   | 5                   | 5                   | 20                                  |

**Table 4-7 (Continued)**

| Table 4-7 (Continued)                                       | Minimum Requirements |                   |                   |                  |                  | Parking Group No. (Table 5-2) |
|---|----------------------|-------------------|-------------------|------------------|------------------|-------------------------------|
|   | Site Area (Sq. Ft.)  | Site Width (Feet) | Front Yard (Feet) | Side Yard (Feet) | Rear Yard (Feet) |                               |
| CONDITIONAL USES:   |                      |                   |                   |                  |                  |                               |
| Animal Hospitals, Kennels and Veterinary Clinics            | 1                    | 150               | 50                | 10               | 20               | 13                            |
| Bulk Fuel Sales and Storage                                 | 2                    | 200               | 50                | 25               | 25               | 20                            |
| Grain and Vegetable Storage                                 | 1                    | 150               | 50                | 10               | 25               | 16                            |
| Public Works Yards  | 1                    | 150               | 50                | 10               | 20               | 20                            |
| Race Tracks   | N/A                  | N/A               | 100               | 100              | 100              | 20                            |
| Riding Academies and Stables                                | 1                    | 150               | 50                | 10               | 20               | 20                            |
| Sand and Gravel Operations                                  | 1                    | 150               | 50                | 25               | 25               | 20                            |
| Sewage Treatment Plants and Lagoons                         | N/A                  | N/A               | 200               | 100              | 150              | 20                            |
| Community Gardens   | N/A                  | N/A               | 20                | 10               | 10               | N/A                           |
| Specialized Agriculture including Nurseries and Greenhouses | 2                    | 200               | 50                | 25               | 25               | 20                            |
| Airports  | 80000                | 400               | 100               | 100              | 100              | 20                            |

In addition to the requirements listed in Table 4-7, the following provisions shall also apply:

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

## **PART 5 - SPECIAL USES AND PROVISIONS**

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# PART 5 - SPECIAL USES AND PROVISIONS

## SECONDARY SUITES

### 30(6) Secondary Suites

- (a) Water supply, sewage disposal, and waste management shall be provided for a Secondary Suite in accordance with *Manitoba Environment Act* regulations.

### 30(6) (b) Within a principle dwelling:

- I. Not more than 1 Secondary Suite shall be permitted.
- II. Not more than 1 Secondary Suite shall be permitted on a single zoning site.
- III. The property containing a Secondary Suite shall contain a permanent habitable single- family (detached) dwelling.
- IV. The principal dwelling is to be occupied by the owner of the property.
- V. Maximum Floor Area shall not exceed 40% of the total habitable floor space of the principal dwelling or 80.00m<sup>2</sup> (861.10 sq.ft.) whichever is the lesser.
- VI. An exterior, private amenity space such as a deck or patio shall be provided for the Secondary Suite with a Minimum Area: 7.50m<sup>2</sup> (80.70 sq.ft.) and Minimum Dimension (length or width): no less than 1.50m (4.90 ft.)

### 30(6) (c) Secondary Suites detached from the principle dwelling shall comply with the following standards:

- I. Not more than 1 Secondary Suite, Temporary Additional Dwelling or Mobile Home shall be permitted on an established zoning site.
- II. The exterior of the secondary suite should incorporate building materials, textures, and colours that are similar to those found on the principal dwelling.
- III. The zoning site containing the Secondary Suite shall contain a permanent habitable single-family (detached) dwelling.
- IV. The principal dwelling is to be occupied by the owner of the property.
- V. Maximum Floor Area shall be no greater than 80m<sup>2</sup> (861.1 sq.ft.), and shall not exceed the maximum lot coverage for accessory buildings permitted within the same zone.

- VI. Maximum building height shall not exceed the maximum height of accessory buildings permitted within the same zone or a Coach house (above Grade) may be a maximum height of 8.00 metres (26.20 ft).
- VII. An exterior, private amenity space such as a deck or patio shall be provided for the Secondary Suite with a minimum area of 7.50m<sup>2</sup> (80.70 sq. Ft.) and a minimum length or width of no less than 1.5m<sup>2</sup> (4.90ft.).
- VIII. A minimum of one off-street parking space must be provided for each secondary suite.
- IX. The principal dwelling is to be occupied by the owner of the property.
- X. Maximum Floor Area shall be no greater than 80m<sup>2</sup> (861.1 sq.ft.), and shall not exceed the maximum lot coverage for accessory buildings permitted within the same zone.
- XI. Maximum building height shall not exceed the maximum height of accessory buildings permitted within the same zone or a Coach house (above Grade) may be a maximum height of 8.00 metres (26.20 ft).
- XII. An exterior, private amenity space such as a deck or patio shall be provided for the Secondary Suite with a minimum area of 7.50m<sup>2</sup> (80.70 sq. Ft.) and a minimum length or width of no less than 1.5m<sup>2</sup> (4.90ft.).
- XIII. A minimum of one off-street parking space must be provided for each secondary suite.

30 (6) (d) Secondary Suites detached from the principle dwelling shall comply with the following setbacks:

- I. The secondary suite minimum setback must be equal to or greater than the minimum setback from the front property line for a principal dwelling within the same zone.
- II. The secondary suite must be equal to or greater than the minimum setback from the rear property line for a principal dwelling within the same zone.
- III. Where a property backs onto a public lane, public right-of-way, public park, or a property zoned for commercial or industrial uses, the setback from the Rear Lot Line may be equal to or greater than 3.0m (9.80 ft.).
- IV. Must be equal to or greater than the minimum setback from the side property line for a principal dwelling within the same zone.
- V. Must have a minimum separation from the Principal Dwelling of 3m (9.8 ft.).

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

### **GENERAL**

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

### **LOCATION AND USE**

- 31(2) Accessory buildings and structures, except as otherwise regulated in this By-law, shall be subject to the following regulations:
- (a) Where the accessory building or structure is attached to a main building or structure, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building or structure;
  - (b) Detached accessory buildings or structures shall not be located closer than ten (10) feet to any main building or structure;
  - (c) No accessory building or structure shall be placed or constructed prior to the erection of the main building or structure except where it is necessary for the storage of the tools and materials for use during construction of the main building or structure or is essential to the construction of the main building or structure.

### **TYPES PERMITTED**

- 31(3) Accessory buildings, structures and uses shall be limited to those listed on TABLE 5-1 ACCESSORY USE TABLE, except where, in the opinion of Council, a similar accessory building, structure or use would be compatible with the character and use of the subject zone.

# TABLE 5-1 ACCESSORY USE TABLE

Legend: P - PERMITTED  
- NOT PERMITTED

| USE, BUILDING OR STRUCTURE   | ZONE |          |    |   |    |    |
|--|------|----------|----|---|----|----|
|  | RG   | ALL<br>C | MG | I | OR | AR |
| <b>A. PERMITTED WHEN INCIDENTAL OR ACCESSORY TO A DWELLING OR MOBILE HOME OR DWELLING UNIT.</b>  |      |          |    |   |    |    |
| 1. Children's playhouse, private greenhouse, summerhouse or conservatory, private swimming pool, open or enclosed (See Subsection 31(4)).  | P    | P        | -  | - | -  | P  |
| 2. Home Occupations (See Subsection 31(5))   | P    | P        | -  | - | -  | P  |
| 3. Permanent Outdoor Barbeques and similar cooking facilities  | P    | P        | -  | - | -  | P  |
| 4. Private garage, carport, covered patio, tool house, shed or similar building for storage of domestic equipment and supplies   | P    | P        | -  | - | -  | P  |
| 5. Gardens and incidental outdoor storage or materials associated with a residential use.  | P    | P        | -  | - | -  | P  |
| 6. Miscellaneous domestic structures such as playground and sports equipment, laundry poles and platforms, flagpoles and birdhouses, pads for mechanical or electrical equipment and similar uses. | P    | P        | -  | - | -  | P  |
| 7. Secondary Suites (See Subsection 30 (6))  | P    | P        | -  | - | -  | P  |
| 8. Bed and Breakfast Homes   | P    | P        | -  | - | -  | P  |
| <b>B. PERMITTED WHEN INCIDENTAL OR ACCESSORY TO ALL USES, EXCEPT AS OTHERWISE NOTED.</b>   |      |          |    |   |    |    |
|  |      |          |    |   |    |    |

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



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

(a) In "CH" Commercial Highway zones only. An accessory dwelling unit for the owner/operator is permitted in "CC" Commercial Central Zone when contained within the same building as the main use provided that:

- i) no more than fifty (50) percent of the total building floor area is occupied by the dwelling unit; and
- ii) the dwelling unit is not located in the front half of the main floor area facing the street.

## PRIVATE SWIMMING POOLS AND HOT TUBS

31(4) Private and semi-private swimming pools, hot tubs and similar structures when accessory to a residential use shall comply with the following provisions:

- (a) Outdoor pools and hot tubs shall comply with yard requirements for accessory buildings, structures and uses as set forth in the relevant Use and Site Requirements section. Notwithstanding the above requirements no outdoor pool or hot tub shall be located closer than five (5) feet to any side or rear site line.
- (b) All outdoor pools and hot tubs shall be completely enclosed with a fence or other suitable barrier constructed or erected in accordance with the following, as referenced in *The Buildings and Mobile Homes Act*:
  - (i) it shall have a minimum height of six (6) feet including gates which shall be self-closing and equipped with a lockable latch to prevent unauthorized entry;
  - (ii) there shall be no openings other than an entry to a building or a gate and it shall be constructed so as to prevent a child from crawling under either the fence or gate;
  - (iii) where other than chain link is used, the outside surface of the enclosure shall be relatively smooth so as not to provide foot or toe holds; and
  - (iv) the enclosure surrounding an outdoor pool shall be maintained in good repair.

In lieu of the enclosures specified under Articles 10.1.2.1. And 10.1.2.3., of *The Manitoba Building Code Act*.

The fence and gate are not required for a hot tub installed outdoors at a single-family dwelling if;

- I. The hot tub does not exceed 2.4m in diameter or 4.65m<sup>2</sup> in total surface area
- II. The hot tub has a cover that has the structural strength to support the weight of an adult walking across the top of the cover when it is in the closed position, and;
- III. Is capable of being locked in the covered position to prevent access to the water by unauthorized persons, and
- IV. At all times when use is not supervised by an adult, the hot tub is covered by a cover that complies with clause (b), and is locked.
- V. A hot tub capable of containing water to a depth 600mm or greater shall have installed on it a cover that complies with Clauses (1) (b) and (c) if the hot tub is installed outdoors at a single-family dwelling.

- (c) Notwithstanding the provisions of Subsection 32(2) (b) of PART 5 open decks and open stairways associated with outdoor pools or hot tubs may project to any side or rear site line.
- (d) Semi-private pools, when not located on a single-family dwelling site nor used solely by the occupants of the dwelling or their guests, are subject to the regulations governing swimming pools under *The Public Health Act*.
- (e) Nothing in this Subsection shall relieve any such structure from complying with spatial, structural, electrical, plumbing, health and safety or operational requirements contained in regulations under *The Building and Mobile Homes Act*, *Public Health Act* or other applicable statutes.

## HOME OCCUPATION

31(5) A home occupation may be permitted as an accessory use to a residential use provided that:

- (a) The Home Occupation shall be in contravention of this Zoning By-law unless it conforms to the Municipal Business Licensing By-Law and amendments thereto.
- (b) It is compatible with the residential character of the neighbourhood, such as the following uses:
  - (i) office or studio of an artist, musician, salesperson, professional, agent, tradesperson or contractor or person engaged in home crafts and hobbies;
  - (ii) private tutoring or lessons;
  - (iii) home day care;
  - (iv) telephone mail order or answering service;
  - (v) hairdressers and stylists; and
  - (vi) other such uses deemed by Council to meet the intent of this Subsection.
- (c) It is carried on in a dwelling unit or mobile home or its accessory building solely by the members of the family residing there without the employment of other persons;
- (d) The Home Occupation shall not include social escort services, automotive service uses and tow-truck operations.

- (e) In the case of retail sales or distribution, it offers articles for sale which are limited to those produced therein or articles that are produced elsewhere but are pre-packaged and held only on a temporary basis for distribution to customers;
- (f) There is no exterior display, no exterior storage of materials, containers, or finished or unfinished products, and no other exterior indication that the building is being used for any other purpose other than that of a dwelling, except for an identification sign, not exceeding 0.28 sq. M. (3.00 sq ft.) in area, indicating the name of the occupant and/or Home Occupation of the occupant provided the sign is attached to and parallel with the wall of the principal or accessory building.
- (g) The premises is not used for manufacturing, welding or other light industrial use, and the home occupation carried on therein shall not produce noise, vibration, smoke, dust, odour, litter, light or heat, interference in radio or television reception to adjacent dwelling units, there than that normally associated with a dwelling, nor shall it create or cause any fire hazard, electrical interference or traffic congestion on the street;
- (h) The site provides for the off-street parking of all vehicles associated with the dwelling and the home occupation; and
- (i) The Home Occupation shall be operated as a secondary use only, and shall not chance the principal character or external appearance of the dwelling unit involved. No more than 27.87 sq. M. (300 sq. ft.) or twenty-five percent (25%) of the gross floor area, whichever is the lesser, shall be devoted to home occupations in any dwelling unit, mobile home or accessory building.
- (j) A permit for a Home Occupation is not transferable to a new homeowner.
- (k) If a home occupation creates a situation where, in the opinion of Council:
  - (i) materials and commodities are delivered to or from the residence which are of such bulk or quantity as to require regular or frequent delivery by commercial vehicle or trailer; or
  - (ii) customers' or clients' vehicles are parked in such a manner or of such frequency as may be considered incompatible in the subject zone; or
  - (iii) it contravenes any of the other requirements outlined in Subsection 31(5)(a) above;

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

## **SIGN REGULATIONS**

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

## **Sign Permits**

31(7) The Following information shall be submitted, in duplicate, with an application for a sign permit, and the appropriate application form shall be fully and accurately completed:

- (a) The municipal address and legal description of the land or building where the sign is to be erected.
- (b) The applicant's name, address, telephone number and interest in the land.
- (c) The name of the business or development where the sign is to be erected.
- (d) A letter from the owner of the property on which the sign is to be erected, if the applicant is not the owner of the property.
- (e) Two sets of working drawings for the proposed sign showing:
  - I. The overall dimensions of the sign, including all sign boxes and cabinets.
  - II. A description or illustration of the copy to be displayed on the sign;
  - III. The method of illumination, if any
  - IV. The materials from which the sign is to be constructed; and
  - V. Method used to support the sign and the type of wall construction if the sign is anchored to a building.
- (f) Two sets of sketch plan showing:
  - I. The location of the sign on the building or property;
  - II. The clearance from grade from the lowest portion of the sign;
  - III. Maximum extension of the sign above the building roof or parapet wall;
  - IV. The distance of the maximum projection of the sign beyond the building wall; and
  - V. Any sidewalks, pedestrian passageways, or public roadways that the proposed sign will extend over.

## **BED AND BREAKFAST HOMES**

31 (8) A Bed and Breakfast Home shall comply with the following regulations:

- (a) There shall be no exterior display or advertisement larger than 0.56 sq. m. (6.00s sq. ft) in area, provided that no sign shall be illuminated and any sign must be compatible with the residential character of the area.
- (b) The Bed and Breakfast Home shall not generate vehicular traffic or parking that is in excess of what is normally characteristic of the area.
- (c) The Bed and Breakfast Home shall have a maximum of:
  - I. Three bedrooms or bedroom suites

- (d) Meals shall be limited to the owner-occupants of the Bed and Breakfast Home and resident guests therein with no cooking facilities allowed in the bedrooms or bedroom suites.
- (e) In addition the parking regulations for the primary use, one additional on-site parking space shall be provided for each bedroom or bedroom suite.
- (f) Approved smoke alarms shall be required:
  - I. In every bedroom or bedroom suite; and
  - II. In the common corridor of every storey or floor level, even if no bedroom or bedroom suite is provided on that storey or floor level.

The Smoke alarms are to be electrically hard wired to each other in cases where major renovations are to take place.

- (g) An approved 2.20 kg. (4.85 lb.) multi-purpose portable fire extinguisher shall be visibly mounted near the kitchen exit door, preferably the door leading directly outdoors.

## **YARDS**

### **GENERAL REQUIREMENTS**

32(1) Except as herein provided, the following provisions shall apply in all zones to ensure adequate yards and setbacks:

(2) Permits are required from the Highway Traffic Board for any development/structure proposed within the control area of PTH 14. The local authority is responsible for structure setbacks adjacent to the PR system within the boundaries of the Town of Plum Coulee.

- (a) The yard requirements shall be as set forth in the USE AND SITE REQUIREMENTS of each zone;
- (b) All yards and other open space required for any use shall be located on the same site as the use;
- (c) Where permitted in this By-law, a building containing more than one unit with common party walls, such as a semi-detached two-family dwelling, row housing or businesses shall be considered as one(1) building occupying one (1) site for the purpose of side yard regulations;

- (d) Minimum required yards contained in this By-law do not relieve the owner from compliance with the Highway Traffic Board, the Highways Protection Act, and Government Services or Manitoba Building Code requirements where said requirements demand greater setbacks; and
- (e) On a corner site, no fences, wall, hedge, shrubs or other landscape features shall be placed in such a manner as to produce a fence effect or visual barrier hazardous to vehicle and pedestrian traffic.

## **YARD EXCEPTIONS**

32(2) Notwithstanding the yard requirements set out in PART 4 of this by-law, the following yard exceptions shall apply in all zones:

- (a) Where sites comprising forty (40) percent or more of the entire frontage of the block are developed with buildings, the average front yard depths established by such buildings shall establish the minimum front yard depths for the entire frontage of the block.
- (b) The following features and accessory buildings, structures and uses may be permitted to project into or located in the following yards:
  - (i) May project into any required yard
    - Agricultural crops
    - Landscape features (trees, shrubs, plants)
    - Public Works equipment
    - Lighting fixtures and other landscape architectural features
    - Signs
    - Unenclosed outdoor display of commodities and products normally sold on the site (all "C" and "MG" zones only)
    - Architectural features such as eaves, gutters, chimneys, bay windows awnings and fire escapes provided they project no closer than two (2) feet to any site line
    - Fences and hedges up to 1.22m (4.00 ft.) feet height in any front yard and 2.00 m (6.56 ft.) height in any side or rear yard (height restrictions do not apply in "MG" "OR" and "AR" zones)
    - The maximum fence or hedge height in a front yard shall be 3.05 m (10.00 ft.) in a "MG" "OR" and "AR" zone.
    - Permitted materials for the construction of a fence shall include fir, cedar, hemlock, polyvinyl chloride, ornamental block, brick, metal, and concrete, any combination of the above or any other material subject to the Municipal Designated Officer or Council.
    - Parking and Loading Spaces
    - Recreation Areas
    - Uncovered Walks and Driveways
    - Guardrails for ramps



- Ramps for Handicapped
  - Temporary Building, Structures & Uses
- (ii) May project into required rear or side yard
- incidental storage of materials, refuse/garbage bins and structures
  - open unenclosed and uncovered stairs, balconies, porches or decks attached to the main building may project up to ten (10) feet into the required rear yard

## **HEIGHT EXCEPTIONS**

33 The maximum height requirements contained in the USE AND SITE REQUIREMENTS of this By-law shall not apply to limit the height of:

- (a) chimneys and flues;
- (b) elevators and bulkheads;
- (c) flagpoles, communication towers, aerials and lines;
- (d) roof-mounted satellite dishes;
- (e) steeples and spires;
- (f) water storage tanks, electrical apparatus or mechanical rooms, without habitable space, associates with the operation of a building or structure; and
- (g) grain elevators and grain or other agricultural product handling structures.

## **PARABOLIC SATELLITE DISH ANTENNAE**

34 (1) Satellite dish antennae and related equipment shall be subject to the following regulations:

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

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

## **CANVAS BUILDINGS**

- 34 (2) Canvas buildings or building with similar material, excluding temporary canvas buildings such as gazebos and rain covers as determined by the Designated officer shall not be allowed in any Residential, Commercial or Community Service (excluding the Parks and Recreation Zone's.)

## **BOATS, TRAILERS AND MOTOR HOMES**

- 34 (3) Boats, trailers and motor homes if they are used for personal use are allowed to be stored in the Rear or Side yard of a residential property provided that:

- a) The Rear or Side Yards are vehicle accessible;
- b) Residential occupancy is prohibited during storage;
- c) Storage is not used for commercial purposes unless specifically allowed for in that Zone; and
- d) They comply with the parking requirements provided in this By-law.
- e) They cannot be allowed to park in the front driveway for more than 14 consecutive days.

## **PARKING**

### **PARKING AND LOADING**

- 35(1) The parking, loading and entrance requirements are intended to promote traffic safety, avoid improper entranceways and prevent traffic congestion caused by parking and loading on the streets.

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

- 35(2) Off-street parking spaces shall be provided and maintained in accordance with the specific requirements of the particular zone where the use is located, and the following provisions:
- (a) All accessory off-street parking spaces shall be located on the same zoning site as the use served, unless permitted by a variation order to locate elsewhere;

- (b) The surface of an accessory off-street parking area and its access driveways shall be surfaced and designed in such a manner that there will be no free flow of water on either asphalt, concrete or paving bricks, or suitably surfaced with gravel, crushed rock or other aggregated material;
- (c) The accessory off-street parking spaces provided for a use shall be solely for the parking of automobiles of employees, occupants, patrons or visitors of such use; and shall not be used for major motor vehicle repair work; and
- (d) Where a common parking area other than a driveway, abuts a "RG" Residential General Zone, the owner or developer of the parking area shall construct and maintain a solid fence or hedge not less than four (4) or more than six (6) feet in height along any portion of the parking area boundary which abuts the said "RG" Zone.

## **NUMBER OF PARKING SPACES REQUIRED**

35(3) Accessory off-street parking for all uses shall be provided according to TABLE 5-2 "PARKING GROUP TABLE." The parking group for each use shall be identified on the Use and Site Tables in each zone. For the purpose of computing the off-street spaces, the following shall apply:

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

## **PARKING AREA DESIGN**

35(4) The layout and design of accessory off-street parking areas shall be as follows:

(a) The minimum dimensions for accessory off-street parking areas shall be in accordance with TABLE 5-3 "PARKING AREA DIMENSIONS"; and

(b) Each parking area shall have an overhead clearance of at least seven and a half (7.5) feet.

**TABLE 5-2**  
**PARKING GROUP TABLE**

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

**TABLE 5-3****PARKING AREA DIMENSIONS**

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

**GENERAL PROVISIONS FOR OFF-STREET LOADING**

35(5) All accessory off-street loading spaces shall be located within the same zoning site and shall be maintained in accordance with the following provisions:

- (a) Each off-street loading space shall have access to a public street or lane;
- (b) Each off-street loading space shall be not less than twelve (12) feet in width nor have less than twelve (12) feet overhead clearance;
- (c) The accessory off-street loading spaces provided for a use shall be solely for the loading and unloading of vehicles; and, except as provided in Subsection 35(6) below, shall not be used to satisfy any accessory off-street parking requirements or portion thereof;
- (d) When a building or structure is enlarged, or a use is extended or changed, the accessory off-street loading spaces shall be provided for the enlargement, extension or new use; and
- (e) When the computation of the number of accessory off-street loading spaces required by this By-law results in a requirement of a fractional loading spaces, any fraction less than one-half ( $1/2$ ) of a loading space may be disregarded, whereas a fraction of one-half ( $1/2$ ) or more of a loading space shall be counted as one (1) loading space.

## LOADING REQUIREMENTS

35(6) Accessory off-street loading spaces shall be provided as follows:

- (a) No separate off-street loading space is required for any building having a gross floor area of less than ten thousand (10,000) square feet, however one of the required off-street parking spaces shall also serve as an off-street loading space;
- (b) Commercial and Industrial Uses which occupy a floor area larger than ten thousand (10,000) square feet provided one(1) loading space for each twenty thousand (20,000) square feet of gross floor area or part thereof;
- (c) Institutional and public uses including hospitals, assembly halls, clubs, lodges, government, schools and office buildings which occupy a floor area larger than ten thousand (10,000) square feet shall provide one (1) loading space for each thirty thousand (30,000) square feet of gross floor area or part thereof.

## ENTRANCES AND EXITS

35(7) The following regulations shall apply to all off-street public parking areas, automobile service stations, drive-in establishments, multiple-family residential, shopping areas and other such commercial uses requiring the provision of vehicular entrances and exits to the site:

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

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

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

## **ALTERNATE FORMS OF DEVELOPMENT**

### **INTENT**

- 36(1) The intent of this section is to provide for alternate forms of land development within the Town of Plum Coulee including multiple uses of a site, multiple buildings or structures on a single site, bare land unit condominiums and similar which may not comply with the specific provisions of the Site Requirements Tables of this By-law. The design of such developments shall, however, produce an environment of stable and desirable character and shall incorporate at least the equivalent standards of amenity, parking and loading and other requirements and standards as applicable to this By-law.

### **CONDOMINIUMS**

- 36(2) Condominium developments are characterized by individual ownership of dwelling or land units and common ownership of all other property including buildings and structures or part thereof, open space, roadways, pathways and equipment held by the condominium corporation. Such bare land condominium developments shall be conditional uses and shall be regulated by the following provisions:
- (a) each "bare land unit" as defined in The Condominium Act, which is delineated by horizontal land boundaries, shall be considered a "site" as defined herein for the purposes of determining site area and width, yards and other requirements;
  - (b) those "common elements" as defined in the said Act, which will be ordinarily used for the passage of vehicles or pedestrians including roads, road allowances, streets and lanes but not including pedestrian walkways or off-street vehicle parking areas, shall be considered:
    - (i) a "street" as defined herein where such thoroughfare is over thirty-three (33) feet in width ; and
    - (ii) a "lane" as defined herein where such thoroughfare is not over thirty-three (33) feet in width; and
    - (iii) the provisions of the Use Table and Site Requirement Table for the zone in which the development is to be located and all other regulations and requirements of this By-law shall apply; and



- (iv) In condominium developments where the individual dwelling units within a building form the condominium units, the development shall be considered as a multiple-family dwelling. That is, the individual condominium units within the building shall be considered as dwelling units within a multi-family dwelling (apartment block or townhouse) for the purposes of this By-law, and the building containing the condominium units shall be considered as a multi-family dwelling for the purposes of site, yard, height, etc. requirements.
- (e) Condominium Development which propose a mixture of different land uses, or which do not conform to the requirements of this By-law may be deemed by Council, a Planned Unit Development and shall be subject to Subsection 36(3) below.

## **PLANNED UNIT DEVELOPMENTS**

36(3) A Planned Unit Development is primarily a major land development project which, because of its size or complexity, high density, mixture or land uses or other unusual characteristics, is planned as a single entity in accordance with an overall site plan. There are many possible innovative projects with Planned Unit Development, including but not limited to the following:

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

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

- (a) The Use Table and Site Requirement Table of each specific Zone shall not directly apply to Planned Unit Developments. The design, however, shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards of amenity, open spaces, building separation, parking and other requirements and provisions of this By-law;
- (b) An application for the establishment of a Planned Unit Development shall be accompanied by the following information:
  - (i) those requirements normally required for the issuance of a development permit as outlined in PART 2; and
- (c) (i) such additional information as Council may consider necessary for the review of the proposal.
- (c) A residential Planned Unit Development may contain two or more principal buildings subject to the following criteria:
  - (i) the minimum site area for a Planned Unit Development shall be one (1) acre;
  - (ii) side, front and rear yards equal to the requirements of the zone in which the Planned Unit Development is located, shall be maintained;
  - (iii) in no case shall buildings be closer to each other than the sum of the required yards for adjoining walls; and
  - (iv) the density of development shall not be increased by greater than ten (10) percent of the normal density permitted in that zone.

## **MULTIPLE USES**

36(4) This Subsection provides for more than one main use, building or structure on a single site where it is reasonable to conduct such additional uses on the same site without requiring subdivision of the subject parcel. The multiple use provisions herein shall be applied to situations where, in the opinion of Council, the development is not of a magnitude to necessitate a Planned Unit Development. (See Subsection 36(3).)

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

- (a) the second or subsequent use, building or structure is a permitted or conditional use listed in the Use Table and Site Requirement Table of the subject zone;

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

the conditional use provisions under Section 5 of PART 2 of this By-law shall apply; and
- (c) all provisions of this By-law relating to each main use are met.

Where a proposed second or subsequent use on a zoning site is accessory or incidental to the main use, such as an incidental commercial use contained within the same building, it shall be regulated under Section 31 of PART 5, Accessory Buildings, Structures and Uses.

### **SUBDIVISION OF EXISTING ATTACHED DWELLINGS**

- 36(5) For the purpose of changing from a tenancy to an ownership situation, a site with two-family attached dwelling or row type dwelling located thereon may be subdivided into two or more sites provided that:
- (a) any new side site line shall, where possible, be a straight line between the front and rear site lines, located in such a manner that the party wall of two adjacent units shall form part of the new side site line;
  - (b) each site created shall have frontage on a street other than a lane;
  - (c) each site created shall provide not less than one (1) on-site parking space having access directly to either a public lane or street;
  - (d) the permitted use for each site created shall be for one attached single-family dwelling unit only;
  - (e) all applicable provisions of the Town of Plum Coulee Building By-law shall be complied with; and
  - (f) notwithstanding the minimum requirements of TABLE 4-1, any new site created pursuant to this Subsection shall have a minimum site area of 4,000 square feet and a minimum frontage of 35 feet. No side yard is required along a party wall.

## **SPECIAL RESTRICTIONS – AIRPORTS**

### **HEIGHT RESTRICTIONS**

- 37(1) No building or structure constructed around the airport shall exceed the following height restrictions:
- (a) no building or structure along the edge of a runway shall exceed a height of one (1) foot vertical for every seven (7) feet measured horizontally from the edge of the runway strip;
  - (b) no building or structure located in the take-off or approach paths to a runway shall exceed a height of one (1) foot vertical for every 40 (forty) feet measured horizontally from the ends of the runway strip and diverging 10% from the extension of the edges of the runway strip.

### **DEFINITIONS**

- 37(2) For the purpose of this section, the following definitions shall apply:
- (a) **Runway:** means a defined rectangular area on a land aerodrome prepared for the landing and take-off of aircraft along it's length.
  - (b) **Runway Strip:** means a rectangular area extending one hundred (100) feet on either side of the centreline of the runway and two hundred (200) feet beyond the ends of the runway.