

THE MUNICIPALITY OF RHINELAND

By-law No. 2015-6

BEING a by-law of The Municipality of Rhineland to regulate the use and development of land in the LUD of Gretna;

WHEREAS, Section 68 of The Planning Act provides that the Council of a municipality must adopt a zoning by-law which generally conforms to a development plan adopted for the area;

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

1. The Town of Gretna By-law No. 762-2006 and all amendments thereto is hereby rescinded.
2. The Zoning By-law, attached hereto and forming part of this By-law, is now adopted.
3. That this By-law shall be known as the Gretna Zoning By-law.
4. The Zoning By-law shall take force and effect on the date on which it received third reading by Council.

DONE AND PASSED by the Council of The Municipality of Rhineland, in the Province of Manitoba duly assembled this 22nd day of April, 2015.


Reeve Don Wiebe


Chief Administrative Officer Michael Rempel

Read a first time this 7th day of January, A.D. 2015.

Read a second time this 22nd day of April, A.D. 2015.

Read a third time this 22nd day of April, A.D. 2015.





Department of Municipal Government

Community and Regional Planning Branch
323 North Railway Street
Morden, Manitoba R6M 1S9
T 204-822-2840 F 204-822-2847

Friday, 17 April 2015

Michael Rempel
Chief Administrative Officer
RM of Rhineland
Box 270
Altona MB
R0G 0B0

Dear Sir:

Re: New Town of Gretna Zoning By-law # 2015-6

This office has circulated the above noted By-law #2015-6. This new zoning by-law will apply to the LUD of Gretna.

This new By-Law # 2015-6 was circulated for review and comment to Manitoba Hydro, Conservation, Transportation, Agriculture, the Mines Branch, Heritage Resources, Water Management, Water Stewardship and MTS. There were no objections raised by any of the reviewing agencies. Community and Regional Planning have no outstanding concerns with By-Law # 2015-6.

As the hearing has already taken place, and no objections were received, said By-law may be given 2nd and 3rd readings. **Please supply this office with one certified copy of By-law 2015-6 (with a zoning map) once the zoning is fully implemented.**

Yours truly,

Original signed by

Evelyn Holley
Community Planner

EH/ss

Table of Contents

PART 1: ADMINISTRATION.....	1
General	1
TITLE AND COMPONENTS	1
AREA.....	1
INTENT AND PURPOSE.....	1
APPLICATION	2
RELATION TO OTHER BY-LAWS.....	2
EFFECTIVE DATE	2
Interpretation.....	2
MINIMUM AND MAXIMUM REQUIREMENTS	2
ILLUSTRATIONS.....	2
TABLES.....	3
HEADINGS.....	3
DEFINITIONS.....	3
MULTIPLE USES AND BUILDINGS.....	3
Responsible Authorities.....	3
RESPONSIBILITIES OF COUNCIL.....	3
DUTIES OF THE OWNER.....	3
DEVELOPMENT OFFICER	4
Procedure And Applications.....	4
ZONING BY-LAW AMENDMENT	4

Table of Contents

VARIANCES.....	5
CONDITIONAL USE	5
DEVELOPMENT AGREEMENT.....	6
Development to Comply	6
REQUIREMENT FOR COMPLIANCE WITH THIS BY-LAW	6
PERMITTED PROJECTIONS	6
Development Permit.....	7
DEVELOPMENT PERMIT REQUIRED.....	7
CONDITIONS TO DEVELOPMENT PERMITS.....	9
EXPIRY AND REVOCATION	9
LAND UNSUITABLE FOR DEVELOPMENT.....	10
Non-Conforming Uses, Buildings, and Lots	10
Fees.....	11
Enforcement	11
Transition.....	11
RELATIONSHIP TO FORMER BY-LAWS.....	11
APPLICATIONS AND CONSTRUCTION IN PROCESS	12
PART 2: DEFINITIONS	13
RULES OF CONSTRUCTION.....	13
RULES OF MEASUREMENT	14
GENERAL TERMS.....	16
PART 3: ZONING DISTRICTS AND MAPS	26
Zoning Districts.....	26
ESTABLISHMENT OF ZONES	26
INTENT AND PURPOSE OF SPECIFIC ZONING DISTRICTS	26
Zoning Maps.....	27
ZONING DISTRICT MAPS.....	27
ZONING DISTRICT BOUNDARIES RULES	27
PART 4: AGRICULTURE ZONES	29
Use Requirements.....	29
TABLE 1: "AR-G" AGRICULTURAL RESTRICTED – GRETN A ZONE USE AND SITE REQUIREMENTS.....	30
ACCESSORY USES, BUILDINGS AND STRUCTURES.....	31

Table of Contents

TEMPORARY BUILDINGS AND USES	32
Site Requirements	32
AREA AND YARD REQUIREMENTS	32
RETENTION OF SITE REQUIREMENTS.....	32
SUBDIVIDING LAND	32
PERMITTED OBSTRUCTIONS IN A REQUIRED YARD	33
ACCESSORY BUILDINGS AND USES PERMITTED	33
Other Provisions	34
MULTIPLE USES	34
SIGN REGULATIONS.....	34
RURAL HOME OCCUPATIONS.....	34
SPECIAL RESIDENTIAL PROVISIONS.....	34
SECONDARY SUITES	34
Livestock Production Operations.....	36
LIVESTOCK ANIMAL UNITS TABLE	36
CONDITIONAL LIVESTOCK OPERATIONS.....	36
TABLE 2: ANIMAL UNIT SUMMARY TABLE	36
LIVESTOCK OPERATION SITING CRITERIA.....	37
LIVESTOCK OPERATION MANURE STORAGE AND DISPOSAL	38
EXCEPTIONS.....	38
MUTUAL SEPARATION OF DWELLINGS AND LIVESTOCK OPERATIONS	38
TABLE 3: MUTAL SEPARATION OF DWELLINGS AND LIVESTOCK OPERATIONS	39
LIVESTOCK AS ACCESSORY USE	39
NOTICE OF PUBLIC HEARING FOR LIVESTOCK OPERATIONS	39
Wind Energy Generation System (WEGS)	40
PART 6: TOWN ZONES	41
Use Requirements.....	41
TABLE 4: "R – G" GENERAL RESIDENTIAL – GRETNALAND ZONE USE AND SITE REQUIREMENTS.....	42
TABLE 5: "C – G" COMMERCIAL GENERAL – GRETNALAND ZONE USE AND SITE REQUIREMENTS.....	43
TABLE 6: "I – G" INDUSTRIAL GENERAL – GRETNALAND ZONE USE AND SITE REQUIREMENTS	44
TABLE 7: "EI – G" EDUCATIONAL AND INSTITUTIONAL – GRETNALAND ZONE USE AND SITE REQUIREMENTS.....	45
TABLE 8: "PR – G" PARKS AND RECREATION – GRETNALAND ZONE USE AND SITE REQUIREMENTS.....	46
ACCESSORY USES, BUILDINGS OR STRUCTURES.....	47

Table of Contents

TEMPORARY BUILDINGS AND USES	47
URBAN HOME OCCUPATIONS	47
SITE REQUIREMENTS.....	48
RETENTION OF SITE REQUIREMENTS.....	48
SUBDIVIDING LAND.....	48
AREA AND YARD REQUIREMENTS.....	48
PROJECTIONS INTO REQUIRED YARDS.....	49
ACCESSORY BUILDINGS AND USES PERMITTED.....	49
Other Provisions	50
NOXIOUS OR OFFENSIVE USES	50
ONLY ONE DWELLING ON A SITE	50
MULTIPLE USES.....	50
FRONT YARD EXCEPTIONS.....	50
MOBILE HOME STANDARDS.....	50
SIGN REGULATIONS.....	50
SECONDARY SUITES	51
PART 8: DEVELOPMENT STANDARDS	53
Intent.....	53
Parking and Loading	53
Parking Area Surface	53
Parking Area Maintenance.....	53
Calculation of Spaces.....	54
TABLE 9: PARKING REQUIREMENTS.....	54
Dimensions of Parking Spaces.....	55
Location of Parking Areas	56
Access to Parking Areas and Spaces	56
Other Parking Regulations	57
Loading Requirements.....	57
Entrances and Exits.....	57
Additional Standards for Single- and Two- Family Dwellings.....	58
Part 9: Signage	59
INTENT	59
SIGN REGULATIONS.....	59
Appendix A: Zoning Maps	

Part 1:

Administration

General

TITLE AND COMPONENTS

- 1-1. This By-law shall be known as the "Gretna Zoning By-law".

AREA

- 1-2. The Area to which this zoning by-law shall apply shall be the entire Town of Gretna.

INTENT AND PURPOSE

- 1-3. This By-law is intended to promote orderly and thoughtful development in The Town of Gretna (hereafter referred to as the "Town") by:
- a. Implementing the goals, principles, and policies of the *RPGA Development Plan*;
 - b. Defining the limits, powers and duties of Council and the Development Officer, and the landowner and/or developer as they relate to this By-law; and
 - c. Regulating:
 - i. All buildings and structures erected hereafter;
 - ii. All uses or changes in use of buildings, structures and land established hereafter;

Part 1: Administration

- iii. All structural alterations or relocations of existing buildings and structures occurring hereafter;
- iv. All enlargements or additions to existing buildings, structures or uses; and
- v. The development of all land including lot and parcel areas, sizes, frontages and site requirements.

APPLICATION

- 1-4. This By-law applies to land, buildings, and structures in the Town.
- 1-5. All activity and development within the Town must conform to the provisions of this By-law and be consistent with the *RPGA Development Plan*.
- 1-6. This By-law does not apply within streets, public lanes, paths or pathways, or public works within a zoning district.
- 1-7. This By-law does not apply to the construction, maintenance, or operation of public service works within a public utility right-of-way.
- 1-8. This By-law does not apply to the construction or maintenance of public monuments, statuary, or similar structures.

RELATION TO OTHER BY-LAWS

- 1-9. Whenever provisions of any By-law of the Town or any requirements of the Provincial or Federal Government impose overlapping regulations over the use of land or buildings or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest standard shall govern.

EFFECTIVE DATE

- 1-10. This By-law shall be in full force and effect when it is given third reading by the Council of the Town.

Interpretation

MINIMUM AND MAXIMUM REQUIREMENTS

- 1-11. The provisions of this By-law shall be interpreted to be the minimum regulations except where the abbreviation for, or word, maximum is used, in which case the maximum applies.

ILLUSTRATIONS

- 1-12. Drawings and illustrations in this By-law are for information purposes only to illustrate the meaning of the written text. Where any conflict or inconsistency arises between a drawing or illustration and the text of the By-law, the text governs.

Part 1: Administration

TABLES

- 1-13. Tables form part of the By-law and provide regulatory standards, either to supplement text or in place of text. Table headings, including column headings, row headings, and groupings of columns and rows, form part of this By-law, and have legal effect. Table notes, located within the tables, indicate special situations that affect the application of standards to specific zones and are also part of this By-law. Where any conflict or inconsistency arises between a table and the text of the By-law, the text governs.

HEADINGS

- 1-14. Part, section, subsection, clause, sub clause, and paragraph headings are not part of this By-law.

DEFINITIONS

- 1-15. Words, phrases and terms in this By-law shall be given the defined meaning unless defined in *The Act* in which case the definition in *The Act* takes precedence.
- 1-16. Word, phrases and terms not defined in this By-law or *The Act* shall be given the usual and customary meaning except where, in the opinion of Council, the context indicates a different meaning in which case the definition given by Council shall take precedence.

MULTIPLE USES AND BUILDINGS

- 1-17. Where any land, building or structure is used for more than one purpose, all provisions of this By-law relating to each shall apply. Where there is a conflict, the more restrictive regulations shall prevail, except as otherwise approved by Council.
- 1-18. There shall be only one principal or main building on a zoning site unless otherwise permitted herein.

Responsible Authorities

RESPONSIBILITIES OF COUNCIL

- 1-19. Subject to the provisions of *The Act*, Council is responsible for:
- Administering and enforcing the provisions of this By-law;
 - Considering the adoption or rejection of proposed amendments or the repeal of this By-law;
 - Approving or rejecting variance applications;
 - Approving or rejecting conditional use applications, and may revoke the authorized conditional use for any violation of any additional conditions imposed by it;
 - Establishing a schedule of fees; and
 - Appointing a Development Officer to administer this By-law.

DUTIES OF THE OWNER

- 1-20. Neither the granting of a development or building permit, nor the approval of a site plan, nor the approval of a drawing and specifications, nor the inspections made by the Development Officer

Part 1: Administration

shall in any way relieve the owner of the responsibility of complying with the requirements of this By-law, of any relevant By-laws of the Town, or of any provincial or federal acts or regulations.

1-21. Every owner shall:

- a. Permit the Development Officer to enter any building or premises at any reasonable time for the purpose of administering or enforcing this By-law;
- b. After the development application has been approved and the permit issued, obtain the written approval of the Development Officer before doing any work at variance with the approved documents filed; and
- c. Be responsible for obtaining, where applicable, from the appropriate authorities, permits or licences relating to the building, grades, sewers or water supply systems, plumbing, signs, blasting, street, occupancy, electrical, highways, provincial drainage license, and all other permits required in connection with the proposed work.

DEVELOPMENT OFFICER

1-22. Council shall appoint a Development Officer, who may:

- a. Advise the public with respect to the requirements of this By-law and other pertinent legislation;
- b. Receive completed applications for development permits, variances, conditional uses, and amendments to the Zoning By-law;
- c. Issue development permits where the development conforms to the Development Plan, and the requirements of this By-law and amendments thereto, subject to the provisions of Section 1-22(d) below;
- d. Defer approving an application for a development permit:
 - i. as provided for in Section 148(3) of *The Act*;
 - ii. which would result in a violation of this By-law or any By-law of the Town; or
 - iii. to any person who has failed to pay any fees due and owing to the Town under this By-law;
- e. Allow or refuse such minor variances to the requirements of this By-law as authorized by and in accordance with Section 1-32 below;
- f. Enter any buildings or premises at all reasonable hours in the performance of his duties with respect to this By-law, and in accordance with *The Act*; and
- g. Issue zoning memoranda or such other documents necessary for the administration and enforcement of this By-law.

Procedure And Applications

ZONING BY-LAW AMENDMENT

1-23. An application to amend the By-law shall be processed in accordance with *The Act*.

1-24. An amendment may be initiated by a resolution by Council, or by application of one or more owners of the property or their authorized agents.

1-25. Council shall ensure that any amendments to the Zoning By-law are consistent with the

Part 1: Administration

Development Plan.

- 1-26. Applications to amend this By-law shall be made to the Development Officer including reasons in support of the application.
- 1-27. Applications to amend the Zoning By-law maps shall be made to the Development Officer and submit the following:
- a status of Title issued within 60 days prior to the receipt of the application;
 - name, signature, address and interest in the land of the applicant or authorized agent;
 - a letter of authorization if the application is being filed by an authorized agent;
 - a statement signed by the applicant stating costs incurred by the Town in processing the proposed amendment shall be covered by the applicant, whether it be enacted or not, including, but not limited to, all mapping, printing, reproduction, planning, engineering, legal, surveys and advertising costs;
 - the appropriate application fee; and
 - a brief written statement outlining reasons for the application.

VARIANCES

- 1-28. A building or structure or use established by a variance order or special exception prior to the coming into force of this By-law shall, subject to the provisions of the variance order or special exception, be deemed to conform to the provisions of this By-law.
- 1-29. Any person may apply for a variance order in accordance with the provisions of *The Act*.
- 1-30. An application for a variance order and all required information and fees, as determined by the Variance Board, shall be made to the Development Officer.
- 1-31. All variances shall be processed in accordance with Part 6 of *The Act*. The provisions contained in the Building Code will be considered in the approval of any variance order.
- 1-32. The Development Officer may, in accordance with the provisions of Section 102 of *The Act*, grant or refuse, a variance order that varies:
- any height, distance, areas, size or intensity of use requirement in this By-law by no more than ten percent (10%); or
 - the number of parking spaces required by this By-law by no more than ten percent (10%).

CONDITIONAL USE

- 1-33. An application for a conditional use shall be processed and approved or rejected in accordance with the provisions of *The Act*.
- 1-34. The application shall be filed with Development Officer and shall be accompanied by a site plan and other data as Council may prescribe and such fees as determined by Council.
- 1-35. Approval of a conditional use shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the decision, unless it is renewed prior to the expiry date at the discretion of Council for an additional period of twelve (12) months.

Part 1: Administration

- 1-36. Where an existing use was listed as a permitted or conditional use under the previous zoning By-law and amendments thereto, and is listed as a conditional use under this By-law, it shall be considered as a legally existing conditional use.
- 1-37. Any change in a conditional use shall be subject to Section 1-33 through 1-36.

DEVELOPMENT AGREEMENT

- 1-38. Council may enter into an development agreement with the affected property owner as a condition of an amending By-law, variance order, or conditional use regarding:
- a. the use of the land and any existing or proposed building;
 - b. the timing of construction of any proposed building;
 - c. the siting and design of any proposed building;
 - d. the provision of parking;
 - e. landscaping, the provision of open space or the grading of land and fencing;
 - f. the construction and maintenance – at the owner's expense or partly at the owner's expense – of works, including but not limited to, sewer and water, waste removal, drainage, public roads, connecting streets, street lighting, sidewalks, traffic control, access and connections to existing services;
 - g. the payment of a sum of money to the Town in lieu of the requirement under Section 1-38(f) to be used for any of the purposes referred to in that Section; and/or,
 - h. the dedication of land or payment of money in lieu thereof, where the application is for an amendment to a zoning by-law to permit a residential use, use for a mobile home park or an increase in residential density.
- 1-39. Development agreements may be registered by caveat with Manitoba Land Titles.

Development to Comply

REQUIREMENT FOR COMPLIANCE WITH THIS BY-LAW

- 1-40. No development or use of land or building may take place or be maintained except in conformity with this By-law and with any development agreement, variance, conditional use approval, condition or permit issued under this By-law. The duty to comply with this By-law is imposed on the owner of a parcel or building, whether as lessee, tenant, occupier, agent or otherwise. The Town's approval of development application, the issuance of a permit, the approval of drawings and specifications, or completion of inspections does not relieve a person from the responsibility to comply with this By-law or any other By-law.

PERMITTED PROJECTIONS

- 1-41. The Development Officer may allow an obstruction or exception not listed in Sections 1-28 through 1-32 provided the obstruction or exception will have no greater impact on surrounding properties than those permitted.

Development Permit

DEVELOPMENT PERMIT REQUIRED

- 1-42. No person shall undertake or permit the existence of a development that is subject to this By-law without first making application and obtaining a development permit for that purpose except for the following:
- a. the carrying out by the Town of Gretna any operation for the maintenance or improvement of a public works, including the inspection, repair or renewal thereof;
 - b. single level decks twenty four (24) inches or less in height above grade located in a side or rear yard of a single family or two-family dwelling;
 - c. permitted accessory structures less than one hundred and twenty (120) square feet in building area located in a side or rear yard of a single family or two-family dwelling;
 - d. permitted fences in a side or rear yard of a single family or two-family dwelling; and
 - e. in all zoning districts, temporary tents less than nine hundred (900) square feet in building area.
- 1-43. The following must comply with any development standards in this By-law and obtain approvals from other government agencies if required but no development permit is required:
- a. regular maintenance and repair of any development provided it does not include structural alternations;
 - b. private driveways and patios;
 - c. a fence, wall, or gate;
 - d. an accessory building that:
 - i. is less than one hundred and twenty five (125) square feet in area;
 - ii. does not exceed fifteen (15) feet or one storey in height; and
 - iii. is not considered a hazard by the Development Officer.
 - e. an unenclosed deck or a deck enclosed by a rail or parapet wall and a wheelchair ramp, all of which having a floor less than two (2) feet above grade unless it is anchored to the building;
 - f. landscaping where the existing grade and natural surface drainage pattern is not materially altered;
 - g. the erection or placement of a temporary building, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building is removed within thirty (30) days of substantial completion or as determined by the Development Officer;
 - h. properly erected and maintained signs that:
 - i. are less than 6.5 square feet in area, advertising the sale, lease, or rent of property, premises, or building on that site; and,

Part 1: Administration

- ii. commemorate a person, place or event, or commemorative tablets when built into or attached to walls of a building or other structure.
 - iii. are installed by a government including traffic or regulating devices, legal notices, railway crossing, danger or other emergency signs;
 - iv. advertise a property for sale, rent or lease to a maximum of one sign;
 - v. are non-illuminated directional signs less than 6.5 square feet;
 - vi. are posted by duly constituted public authorities in performance of their public duties;
 - vii. are flags or emblems of a political, civic, educational or religious organization; and,
 - viii. are required by law, government order or regulation.
 - i. 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 under *The Municipal Act* and/or *The Buildings and Mobile Homes Act* are obtained as required; or,
 - j. public and private communication facilities or towers not exceeding thirty six (36) feet above grade.
- 1-44. All applications for a development permit shall:
- a. be made by a person with a legal or equitable estate or interest in the property sought to be developed or a person duly authorized by him/her in that regard;
 - b. conform to the Development Plan, any Secondary Plan or development by-laws or it will be rejected;
 - c. be accompanied by all applicable fees and charges; no action shall be taken on any development permits until all applicable fees and charges have been paid in full;
 - d. be accompanied by all information requested by the Development Officer to show apparent compliance with this By-law and any other relevant by-laws, including but not limited to:
 - i. building Location Certificates;
 - ii. a site plan, drawn to scale, showing the actual dimensions and shape of the site to be built upon;
 - iii. the exact size and location on the site of buildings already existing, if any; and
 - iv. the location and dimensions of the proposed building, enlargement or structural alterations.
 - e. include such other information as may be required by Council including:
 - i. existing or proposed use of the land;
 - ii. the number and location of automobile parking spaces and loading spaces;
 - iii. the number of families, dwelling units or rental units the building is designed to accommodate;
 - iv. conditions existing on the site;
 - v. current copies of relevant titles, easements caveats; or

Part 1: Administration

- vi. a surveyor's certificate prepared by a Manitoba land surveyor and such other matters as may be necessary to determine conformance with and provide for the enforcement of this By-law.

CONDITIONS TO DEVELOPMENT PERMITS

- 1-45. The Development Officer or Council may impose, with respect to a permitted use, such conditions as are required to ensure compliance with this By-law.
- 1-46. The Development Officer or Council may, as a condition of issuing a development permit, require the applicant to make satisfactory arrangements for the supply of electric power, vehicular and pedestrian access, or any of the aforementioned, including payment of the costs of installation or constructing any such utility or facility by the applicant.
- 1-47. The Development Officer or Council may, as a condition of issuing a development permit require that an applicant enter into an agreement or such interim agreement, which shall be attached to and form part of such development permit, to do all or any of the following:
 - a. to construct, or pay for the construction of, or improvement to, a public roadway required to give access to the development;
 - b. to specify the location and number of vehicular and pedestrian access points to sites from public roadways, including the construction thereof or improvements thereto;
 - c. to install, or pay for the installation of, utilities that are necessary to serve the development, or pay the recovery costs of services which have already been installed;
 - d. to repair, improve or reinstate, or to pay for the repair, improvement or reinstatement, of any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise harmed by the development or building operations upon the site; and
 - e. to construct, or pay for the construction of, or improvement to, land drainage works that are necessary to serve the development.
- 1-48. The Development Officer or Council may require any agreement entered into pursuant to Section 1-42 of this PART to be caveated against the title to the site at the Land Titles Office.

EXPIRY AND REVOCATION

- 1-49. The right of an owner under a Development Permit shall expire and terminate if the work authorized by the permit is not commenced within twelve (12) months from the date of issuance of the permit, or within any extensions of that time period granted by the Development Officer, and reasonably continued without interruption after such period.
- 1-50. The Development Officer may suspend or revoke a development permit where there is to the Development Officer's knowledge a violation of this By-law or any other by-law of the Town in respect of the development including without limitation where:
 - a. any division of the zoning lot results in making the structure on the zoning lot illegal under the terms of this By-law;
 - b. there is any reduction of required yards for a building or any further reduction of non-conforming yards; or
 - c. any information supplied for the development permit is incorrect.

Part 1: Administration

LAND UNSUITABLE FOR DEVELOPMENT

- 1-51. Notwithstanding the provisions contained in this By-law, Council may prohibit the development of land for a use permitted in any zone if Council is of the opinion that the land is subject to flooding, erosion or subsidence or is within a permafrost area, is low-lying, marshy or unstable, or otherwise unsuitable or hazardous for the proposed purpose by virtue of its soil, topography or unique conditions.
- 1-52. No building or structure shall be erected upon any land designated for a future road allowance and any development adjacent to said future road allowance shall comply with the requirements of the By-law as if the said future road allowance was already in existence.

Non-Conforming Uses, Buildings, and Lots

- 1-53. A non-conforming use and a non-conforming building or structure shall be regulated in accordance with and subject to the provisions of *The Act*, unless otherwise provided for in this By-law.
- 1-54. No use that lawfully exists on the effective date of this By-law is non-conforming solely because:
- a. when it was established no conditional use approval was required and under this By-law conditional use approval is required;
 - b. it exists with less than the accessory off-street parking or loading spaces required by this By-law; or,
 - c. it exists with a non-conforming accessory sign.
- 1-55. A protected non-conformity that existed prior to the effective date of this By-law remains a protected non-conformity for the purposes of this By-law unless it complies with this By-law. The intent of this By-law is to permit a non-conformity to continue until it is removed but not to encourage its survival.
- 1-56. Structural alteration may be made to a non-conforming building or structure, provided that the alteration conforms to the requirements of this By-law, or where such requirements may be varied and approved by Council.
- 1-57. Repairs or incidental alterations may be made to a non-conforming structure.
- 1-58. Where Council determines that a non-conforming building or structure is damaged by more than fifty percent (50%) of the cost of constructing an equivalent new building or structure, the building or structure may be repaired or rebuilt in conformance with this By-law and any approved variance if a building permit is obtained within one hundred and eighty (180) days of the date of damage and restoration begins within one (1) year.
- 1-59. If the size or dimensions of an existing parcel of land do not conform with this By-law, the owner of the land may:
- a. use the land for any use permitted under this By-law; and
 - b. if all other requirements of this By-law such as yards, building height, and floor area are met, construct or alter a building on the land.
- 1-60. A non-conforming use of a structure or of a parcel of land, or portion thereof, which is, or hereafter becomes, abandoned, vacant, or unoccupied, and remains vacant and unoccupied for twelve (12) consecutive months, shall not thereafter be occupied or used except for a use which conforms to the applicable zoning district regulations. For the purpose of this PART, the stock in

Part 1: Administration

trade within the structure or on the land shall not in itself constitute a use thereof, nor shall the occasion or partial operation of such equipment or the presence of any stock in trade in itself constitute a use of any structure or parcel of land.

- 1-61. A person with an interest in a building, a parcel of land or an operation involving a use of land that does not comply with this By-law may apply to the Town with adequate documentation for a certificate confirming that the building, parcel, use of land, or intensity of use was lawfully in existence before the enactment of this By-law.
- 1-62. A non-conforming sign may be structurally altered, reconstructed, or replaced in the same location and position in any way that does not change the size, height, or degree of illumination.
- 1-63. Unless otherwise provided for herein an existing building, structure or use which was illegal under the provisions of Town of Gretna Zoning By-law No. 762-2006 in force on the effective date of this By-law and amendments thereto shall not become or be made legal solely by reason of the adoption of this By-law; and to the extent that, and in any manner that, said illegal building, structure or use is in conflict with the requirements of this By-law, said building, structure or use remains illegal hereunder.
- 1-64. In accordance with Section 121 of *The Act*, a site area or site width or required yard reduced below the minimum requirements of this By-law by virtue of a public works, street or public utility shall be deemed to conform to the requirements of this By-law. For example, the widening of a road that reduces the front yard depth of a property so that it does not comply with this By-law would be deemed acceptable.

Fees

- 1-65. Council shall, by By-law, establish a fee schedule for development permits, variance orders, zoning amendments, conditional use orders, zoning memoranda and non-conforming certificates.

Enforcement

- 1-66. Any offences or penalties charged by Council in order to enforce this By-law shall be in accordance with *The Act*.

Transition

RELATIONSHIP TO FORMER BY-LAWS

- 1-67. 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.
- 1-68. The adoption of this By-law shall not prevent any pending or future legal action to deal with any existing land use violations.
- 1-69. Any use lawfully in existence prior to this By-law, which did not require a Conditional Use Order prior to this By-law, but that would require a Conditional Use Order to comply with this By-law, shall be deemed to have a Conditional Use Order sufficient to create compliance with this By-law provided that no addition, enlargement, or expansion is approved as a Conditional Use under this By-law.

Part 1: Administration

- 1-70. A development for which final approval was granted prior to the effective date of this By-law may be completed in accordance with the provisions of Town of Gretna Zoning By-law No. 762-2006 or the approved plan, subdivision documents, and any other approved order, permits and conditions.

APPLICATIONS AND CONSTRUCTION IN PROCESS

- 1-71. Where a development application has been submitted for any type of approval required but no final action has been taken by the appropriate decision-making body on such application prior to the effective date of this By-law, the application shall be reviewed and considered in accordance with either the provisions of the By-law in place on the date of submittal or the provisions of this By-law, at the applicant's option.
- 1-72. Any building or structure or portion thereof for which a necessary permit has been issued but which has not been completed or is not in full operation at the date when this Zoning By-law becomes effective, and which is not designed for a use permitted in the zone in which it is located or is proposed to be located, may be completed and operated for the non-conforming use for which it was designed if it comes into full operation within one year of the said date and shall, together with the site on which the same is situated and the use to which the same and the said site are put, be subject to all the provisions of this By-law in respect of nonconforming uses.



Part 2:

Definitions

RULES OF CONSTRUCTION

2-1. The following rules of construction apply to the entire 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 in this By-law but defined in *The Planning Act*, *The Municipal Act* or the By-laws of the Town of Gretna shall be construed as defined in such Acts and By-laws.
- c. Words, phrases and terms neither defined in this By-law nor in *The Planning Act*, *The Municipal Act*, nor in the By-laws of the Town of Gretna shall be given their usual and customary meanings except where the context clearly indicates a different meaning.
- d. Where any requirements of this By-law result in a fraction of a unit, a fraction of one-half or more is considered a whole unit and a fraction of less than one half, is disregarded.
- e. Words used in the singular include the plural and words used in the plural include the singular.
- f. Words used in the present tense include the future tense and words used in the future tense include the present tense.
- g. The phrase "used for" includes "arranged for", "designed for", or "occupied for".
- h. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

Part 2: Definitions

- i. 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; and
 - iii. "either-or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- j. 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.
- k. 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.

RULES OF MEASUREMENT

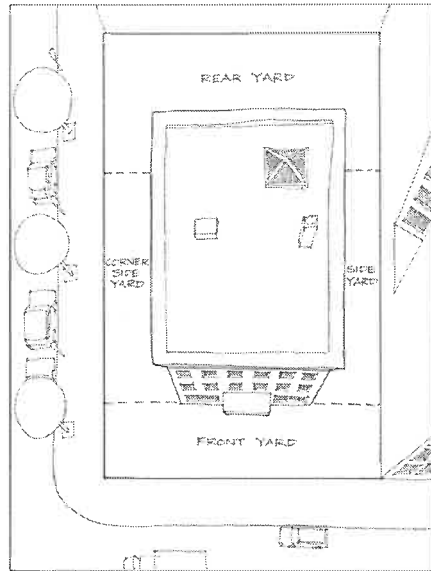
2-2. The following rules of measurement apply to the text of this By-law:

- a. Building height is measured as the vertical distance from grade to the:
 - i. highest point of the roof surface of a flat roof or a shanty roof;
 - ii. deck of a mansard roof; or
 - iii. mean height level between eaves and ridge for gable, hip or gambrel roof.
- b. Floor area is measured as the sum of all gross floor areas of all the floors of all buildings and structures on the zoning site and shall include:
 - i. basements when used for residential, commercial or industrial purposes, but not including space used for storage or the housing of mechanical or central heating equipment;
 - ii. any area used for parking within the principal building;
 - iii. floor space used for mechanical equipment (with structural headroom of seven (7) feet or more) except equipment, open or enclosed, located on the roof;
 - iv. elevator shafts and stairwells at each storey except shaft and stair bulkheads and exterior unroofed steps or stairs; and
 - v. penthouses, mezzanines, attics where there is structural headroom of seven (7) feet or more.
- c. Lot area is measured as the amount of gross land areas contained within the property lines of a lot or parcel.
- d. Lot coverage is measured as the percentage of the total lot area covered by buildings. The following structures are not counted as covered areas for purposes of determining lot coverage:
 - i. areas covered by open swimming pools and hot tubs;

Part 2: Definitions

- ii. open decks, landings, and stairs less than four (4) feet above grade;
 - iii. accessory structures with a cumulative lot coverage under one hundred and twenty (120) square feet in total area; and
 - iv. any permitted projections.
- e. Lot depth is the horizontal distance between the centre points in the front and rear lot lines. In the case of a flag lot, the lot depth is measured as one-half of the cumulative horizontal lengths of all of the sidelines of the lot.
- f. Lot depth line:
 - i. for an interior lot or corner lot, the lot depth line is the line between the front lot line centre point to the rear line centre point; and
 - ii. for a through lot, the lot depth line is the line between the centre points on the two front lot lines with the maximum horizontal separation.
- g. Lot line centre point
 - i. the centre point of a lot line is located at one-half the cumulative distance of the length of all line segments or arcs forming the lot line.
- h. Lot width
 - i. lot width is the lesser of the horizontal distance between the side lot lines of a lot, measured at right angles to the lot depth line at a point midway between the front and rear lot lines, or at fifty (50) feet from the front lot line; and,
 - ii. notwithstanding 2-2h(i), in the circumstance of a flag lot where a drive-way extends more than fifty (50) feet back from the front lot line, the lot width will be measured as the horizontal distance between the side lot lines beyond the length of the driveway.
- i. Yards or Setbacks
 - i. yards or setbacks means those areas of lots that are unoccupied and unobstructed from its lowest level to the sky, except as specifically allowed in Section 1-40 (Permitted Projections into Required Yards) of this By-law. Yards or setbacks extend along a lot line or wall to a depth or width (measured from the lot line or wall) specified in the yard requirements for the zoning district in which such lot is located; and
 - ii. when an accessory building forms part of the main building, said accessory building shall be deemed part of the main building for the purpose of calculating yard requirements.

Part 2: Definitions



GENERAL TERMS

2-3. The following definitions apply to the text of this By-law:

"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;

Part 2: Definitions

- 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, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and animal and poultry husbandry, with the exception of a livestock production operation, 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.

"Agriculture Crop Protection Warehouse" means the facility used to store, blend and/or distribute chemicals used for crop protection and production. Products can include herbicides, insecticides, fungicides, rodenticides and fertilizers, but does not include anhydrous ammonia.

"Agricultural implement sales and services", means a building and open area, used for display, sale or rental of new or used farm implements and where repair work is done.

"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.

"Aircraft Landing Field", means any area of land or water which is used or intended for use for the landing or taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including taxiways, aircraft storage and tie-down areas, hangars and other related buildings and open spaces.

"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.

Part 2: Definitions

"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 1 of this By-law.

"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.

"Bed and Breakfast" means accommodation for transient lodgers in no more than three (3) individual rooms or apartments.

"Body of Water" means any containment of water not entirely contained on land controlled by the livestock production operation.

"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.

"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 or building as defined in *The Act* and as provided for in PART 1: ADMINISTRATION.

Part 2: Definitions

"Contractors yard" means land or buildings for the storage of building and construction building, machinery and materials or for the performance of shop or assembly work related to building and construction.

"Cottage, seasonal", means a dwelling unit constructed and used as a secondary or temporary place of residence for vacations and recreational purposes and not as the principal residence of the owner or occupant thereof.

"Council", means the Council of the Town of Gretna.

"Density" means the total number of dwellings units divided by the total area of land to be developed, expressed in gross acres.

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

"Development Permit", means a permit authorizing a development that is subject to a zoning by-law.

"Development Plan", means the *RPGA 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 farm buildings and structures.

"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.

"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.

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

"Family", means one (1) 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.

"Common-law" means a man and a woman living together as family without the sanctity of marriage.

Part 2: Definitions

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.

"Feedlot", means any parcel of land or premises on which the principal use is the concentrated feeding of livestock within a confined area.

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

"Heavy Industry" means processing and manufacturing uses which cannot be classified as light industrial uses as defined herein.

"Home occupation" means an occupation, trade, profession or craft carried on in or from a dwelling unit or its accessory building for consideration and which is clearly secondary or accessory to the residential use of the dwelling unit.

"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, licenced beverage rooms, banquet halls, ballrooms and meeting rooms.

"Junk Yard" means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to metals, paper, rags, rubber tires and bottles. A junk yard includes an automobile wrecking or dismantling yard but does not include uses established entirely within an enclosed building.

"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.

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

"Light Industry" means the assembly, fabrication, and/or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, or odours and that pose minimal health and safety hazards with appropriate mitigation and development standards so as not to impact the use and enjoyment of neighbouring properties. As a rule, industries in this category are secondary to the agricultural operation, if not, they should not be of such a size that they create traffic problems or impact negatively on the surrounding area.

"Livestock", means animals or poultry not kept exclusively as pets, excluding bees.

"Livestock confinement area", means an outdoor non-grazing area where livestock are confined by fences or other structures, or topography, and includes a feedlot, paddock, corral, exercise yard or holding area."

Part 2: Definitions

"Livestock operation", means a permanent or semi-permanent facility or non-grazing area where at least ten (10) animal units of livestock are kept or raised either indoors or outdoors, and includes all associated manure collection facilities, but does not include an auction mart.

"Livestock production operation", means a feedlot, paddock, corral (other than a pasture), or enclosed facility where animals are or will be confined, fed, maintained or stabled for a total of forty five (45) consecutive days or more.

"Livestock waste or Animal Unit Values", means the number of animals producing seventy three (73) kilograms of nitrogen in a twelve (12) month period, as set out in TABLE 4-3 OF PART 4 of this By-law.

"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. 1987* and amendments thereto.

"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, licenced beverage rooms, banquet halls, ballrooms and meeting rooms.

"Motocross Race Track" means a closed course typically comprised of natural or man-made terrain used for racing and recreational use of motorcycles, all-terrain vehicles, snowmobiles, or bicycles.

"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 (1) 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.

Part 2: Definitions

"Non-conforming sign", means any lawful sign which does not comply with one (1) or more of the applicable site regulations on the effective date of this By-law or amendments hereto.

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

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

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

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

"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.

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

"Public utility" or "public works", 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 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.

"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.

"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 use does not include two-family dwellings or multiple family dwellings.

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

Part 2: Definitions

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

- 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.

"Sign surface area" means the entire area within a single continuous perimeter enclosing the extreme limits of the display, excluding the necessary supports or uprights on which it is placed. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than three (3) feet from one another.

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

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

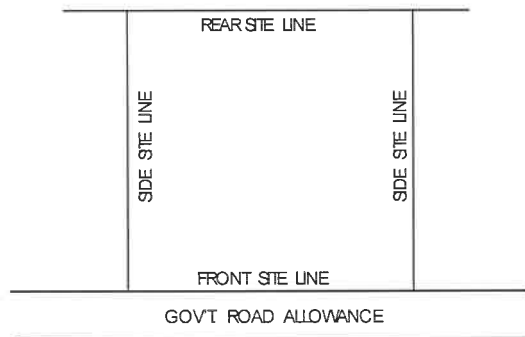
"Site, corner", means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred and thirty five (135) degrees.

"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:

Part 2: Definitions



"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 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 fifty (50) feet from the front site line, whichever is the lesser.

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

- a. is occupied, or intended to be occupied, by a 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.

"Stable", means a detached accessory building for the keeping of cattle, or horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

"Street", means a street as defined in *The Act*.

"Storage Container", means any non-fixed structure or container that is used for storage, that does not have a door or other entranceway into a residential or non-residential structure, that does not have water fixtures within its confines, and the use of which is limited solely to the storage of inanimate objects. For the purposes of this by-law, storage containers shall be treated as an accessory use, building, or structure.

Part 2: Definitions

"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.

"Use", means:

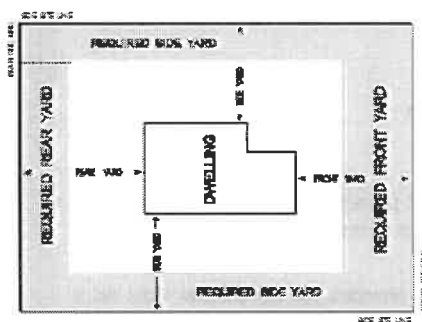
- a. any purpose for which a building or structure or land may be designed, arranged, intended, maintained or occupied, or
- b. any activity, occupation, business or operation carried on, or intended to be carried on, in a building or structure or on land.

"Wind Energy Generation System (WEGS)", means any device or group of devices such as a wind charger, windmill or wind turbine that converts wind energy to electrical energy whether it is for personal use or for generation of power for sale by a private commercial enterprise.

"Wind Energy Generation System Accessory Facilities", means any facilities, equipment, machinery and other devices necessary to the proper operation and maintenance of a wind energy generation system, including, but not limited to access roads, collector and feeder lines and power substations.

"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:





Part 3:

Zoning Districts and Maps

Zoning Districts

ESTABLISHMENT OF ZONES

- 3-1. The following zones are hereby established:
- a. "C-G" Commercial General – Gretna Zone
 - b. "I-G" Industrial General – Gretna Zone
 - c. "EI-G" Educational and Institutional – Gretna Zone
 - d. "PR-G" Parks and Recreation – Gretna Zone
 - e. "R-G" General Residential – Gretna Zone
 - f. "AR-G" Agricultural Restricted – Gretna Zone

INTENT AND PURPOSE OF SPECIFIC ZONING DISTRICTS

- 3-2. The agricultural zone established in this By-law is intended to provide sufficient room for Gretna's eventual expansion, while still permitting complimentary uses in order to minimize conflicts with non-agricultural uses.
- a. The "AR-G" Agricultural Restricted – Gretna Zone provides for agricultural uses on a restricted basis in areas adjacent to the developed portions of Gretna in a manner which avoids land use conflicts and preserves those lands designated for Town expansion.

Part 3: Zoning Districts & Maps

- 3-3. The Town zones established in this By-law provide for the development of the Town of Gretna, where distinct commercial, residential and industrial zones can be identified.
- a. The "C – G" Commercial General – Gretna Zone provides for general commercial uses intended to serve most of the retail and service needs of Gretna and the surrounding area.
 - b. The "I – G" Industrial General – Gretna 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.
 - c. The "EI – G" Educational and Institutional – Gretna Zone is intended to accommodate concentrations of government, educational, health care and other institutional uses on relatively large tracts of land.
 - d. The "PR – G" Parks and Recreation – Gretna Zone provides for public and private recreational uses such as arenas, sports fields, golf courses, skating rinks, parks, and similar facilities and open spaces.
 - e. The "R – G" General Residential – Gretna 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.

Zoning Maps

ZONING DISTRICT MAPS

- 3-4. The location and boundaries of the zoning districts established in this By-law are shown on the Zoning Maps in APPENDIX A.

ZONING DISTRICT BOUNDARIES RULES

- 3-5. In the interpretation of the boundaries of the Zones as shown on the Zoning Maps in APPENDIX A, the following rules shall apply:
- a. boundaries indicated as approximately following the centre lines of streets, public lanes, footpaths, public walks, rivers, and public rights-of-way are construed to follow such centre lines;
 - b. boundaries indicated as approximately following lot or holding lines, parcel lines, block lines, street lines, public utility rights-of-way lines or site lines as shown on any plan registered in the Land Titles Office, shall be construed as following said lines;
 - c. boundaries indicated as following municipal limits are construed as following said limits;
 - d. boundaries indicated as following a pipeline, railway right-of-way or public utility right-of-way are construed as following the centre line of the right-of-way, unless clearly designated otherwise;

Part 3: Zoning Districts & Maps

- e. boundaries indicated as following the centre lines of streams or rivers are construed as following the centreline of such streams or rivers;
- f. boundaries indicated as following the shorelines of streams or rivers are construed as following the ordinary highwater mark of such streams or rivers; and
- g. if a street, public lane, footpath, or public walk shown on Zoning Maps is lawfully closed, the land formerly comprising it shall be included within the zoning district within which it is located. If the centre line of said closed right-of-way was a zoning district boundary between two or more different zoning districts, the zoning district boundary shall continue to be the former centre line.



Part 4:

Agriculture Zones

Use Requirements

- 4-1. No land shall be used or occupied and no structure shall be erected, altered, used or occupied hereinafter for any use in the Agricultural Restricted – Gretna “AR-G” Zone in which such land or structure is located other than a use listed in TABLE 1 Agricultural Restricted Use and Site Requirements with the exception of uses lawfully established prior to the effective date of this By-law.
- 4-2. Notwithstanding anything in this By-law to the contrary, new or expanding livestock operations are not permitted in the Agricultural Restricted Zone abutting Town zones.
- 4-3. Any use listed as a “CONDITIONAL USE” in TABLE 4-1 or TABLE 4-2 shall comply with the regulations as set forth in Sections 1-32 through 1-36, PART 1 “ADMINISTRATION”.

Part 4: Agriculture Zones

TABLE 1: "AR-G" AGRICULTURAL RESTRICTED – GRETNA ZONE USE AND SITE REQUIREMENTS

	Minimum Requirements				
	Site Area (acres)	Site Width (feet)	Front Yard (feet)	Side ^a Yard (feet)	Rear Yard (feet)
PERMITTED USES:					
Accessory Uses, Buildings or Structures (see Section 4-4 of this PART)	N/A	N/A	125	5	5
Agricultural Activities	40	400	125	25	25
Contractors Yard	2	200	125	10	10
Department of Highways temporary or permanent storage yards	2	200	125	10	10
Farmstead Dwellings ^b	2	200	125	25	25
Grain and Vegetable Storage	5	100	125	10	25
Schools, Churches and Community Halls	2	200	125	10	10
Single Family Residence	2	200	125	10	25
Single Family Residences ^c	40	400	125	25	25
Sugar Beet and Flax Straw Storage	20	200	125	25	25
Agricultural Exhibition Grounds and Buildings	2	200	50	25	25
Cemeteries	1	150	50	10	20
Parks, Playgrounds and Public Reserves	N/A	N/A	25	5	20
Public Works	N/A	N/A	25	10	20
Temporary Buildings, Structures and Uses (See Section 4-4 of this PART)	N/A	N/A	25	5	5
CONDITIONAL USES:					
Uses not otherwise listed					
Specialized Agriculture including Nurseries and Greenhouses	2	200	50	25	25
Animal Hospitals, Kennels and Veterinary Clinics	1	150	50	10	20
Bulk Fuel Sales and Storage	2	200	50	25	25
Grain and Vegetable Storage	1	150	50	10	25
Livestock Operations under 10 AU (See Animal Units Table in Table 2)	20	400	125	25	25
Race Tracks	N/A	N/A	100	100	100
Sewage Treatment Plants and Lagoons	N/A	N/A	200	100	150
Public Works Yards	1	150	50	10	20
Sand and Gravel Operations	1	150	50	25	25
Riding Academies and Stables	1	150	50	10	20
Notes:					

Part 4: Agriculture Zones

	Minimum Requirements				
	Site Area (acres)	Site Width (feet)	Front Yard (feet)	Side ^a Yard (feet)	Rear Yard (feet)
a)	When adjacent to a municipal road allowance or Provincial Highway, the side yard shall be increased to one hundred and twenty five (125) feet for all buildings, structures and shelterbelts.				
b)	Coolers or other structures specifically designed for the temporary storage of animal deadstock will require a minimum front yard setback of sixty (60) feet; boilers will require a minimum front yard setback of fifty (50) feet.				
c)	For secondary suites, see Section 4-16 through 4-19 of this PART.				

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

- a. maximum allowable height for all principal buildings and structures shall be 35 feet;
- b. maximum allowable height for all accessory buildings and structures shall be 15 feet;
- c. minimum dwelling unit area shall be 600 square feet;
- d. 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
- e. 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.

ACCESSORY USES, BUILDINGS AND STRUCTURES

4-4. In the agricultural zones accessory uses, buildings or structures include but are not limited to the following:

- a. farm dwelling, including a single family dwelling or a mobile home, when on the same site with a permitted or approved agricultural activity;
- b. secondary dwelling, including a single-family dwelling, two family dwelling, dormitory, or mobile home, when on the same site with permitted or approved agricultural activity and other permitted or approved uses where, in the opinion of the Council, said dwelling is essential for the maintenance, operation and care of the permitted or approved use, and is for the exclusive habitation of labourers employed by the farming operation;
- c. buildings or structures for the operation and maintenance of an agricultural activity;
- d. storage of goods used in or produced by agricultural activities on the same site with such activities, unless such storage is excluded by the zone regulations;
- e. a private garage, carport, covered patio, toolhouse, shed, and other similar buildings for the storage of domestic equipment and supplies;
- f. incinerators and individual sewage disposal systems, subject to the authority having jurisdiction;
- g. Home Occupations (See Section 4-14 of this PART);
- h. signs as permitted and regulated in Section 4-13 of this PART;

Part 4: Agriculture Zones

- i. private communications utilities such as television and radio antennas, aerals or dishes and other private utilities;
- j. secondary suites (see Section 4-16 through 4-19 of this PART); and
- k. any use that is both complementary and secondary to the primary use established on the site.

TEMPORARY BUILDINGS AND USES

- 4-5. Temporary buildings, structures and uses for construction materials or equipment, both incidental and necessary to construction in the same zone may be permitted on a temporary basis subject to the issuance of a development permit under the following conditions:
- a. development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by Council; and
 - b. each development permit issued for a temporary building, structure or use shall be valid for a period of not more than six (6) months and may not be renewed for more than two (2) successive periods at the same location.

Site Requirements

AREA AND YARD REQUIREMENTS

- 4-6. The agricultural site requirements shall be as set forth in TABLE 3. Explanations and exceptions to the site requirements are as follows:
- a. buildings, structures and hedges adjacent to provincial roads, major provincial highways and centers of intersections of same shall have a setback in accordance with the *Highways Protection Act* and the *Highway Traffic Act* or as varied from time to time;
 - b. yards provided for a building or structure, existing on the effective date of this Zoning By-law or amendments thereto, shall not be reduced, or further reduced, if already less than the minimum requirements of this PART; and
 - c. all yards and other open space required for any use shall be located on the same site as the use.

RETENTION OF SITE REQUIREMENTS

- 4-7. It shall be a continuing obligation of the owner to maintain the minimum site area, yards and other open spaces required herein for any use as long as it remains in existence.

SUBDIVIDING LAND

- 4-8. Except as provided for in this PART, no parcel of land shall hereafter be divided into sites, unless each site conforms to the requirements of this By-law.
- 4-9. There shall be a maximum of one (1) farm yard split on a yard site that is a minimum of five (5) acres existing at the date of the passing of this By-law, and no further farm yard splits shall be granted on the lands.

Part 4: Agriculture Zones

PERMITTED OBSTRUCTIONS IN A REQUIRED YARD

4-10. Required yards, as provided for in Section 4-1 shall be maintained clear of obstructions except as follows:

- a. agricultural activities excluding buildings and structures;
- b. fences and hedges subject to the following:
 - i. no fence or hedge which may act as a wind break shall be located within fifty (50) feet of the edge of any road allowance.
 - ii. no fence or hedge which may act as a wind break or obstruction to visibility near an uncontrolled intersection shall be located within an area formed by the intersecting road lines and a straight line joining points on the said road lines one hundred and fifty (150) feet from the point of intersection of the road lines.
 - iii. no hedge or line of trees shall be placed within twenty (20) feet of a side or rear property line without the written agreement of the adjacent property owner.
- c. trees, shrubs and similar horticultural landscaping features provided that when they are placed in such a manner so as to produce a hedge effect, the provisions in clause (b) of this subsection are not exceeded;
- d. signs with the exception of advertising signs, as permitted and regulated by Section 4-13;
- e. parking and temporary storage of vehicles and equipment;
- f. architectural features including eaves, chimneys, fire escapes and open, unenclosed stairways, balconies, porches and platforms not covered by a roof or canopy may project into any required yard up to a maximum of forty percent (40%) of the affected required yard; and
- g. golf courses, excluding associated buildings.

ACCESSORY BUILDINGS AND USES PERMITTED

4-11. Where this By-law provides that any premises may be used or a building or structure may be erected or used for a purpose, the purpose includes any building or use accessory thereof. Accessory buildings, except as otherwise regulated in the By-law, shall be subject to the following regulations:

- a. where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all requirements of this By-law applicable to the main building.
- b. detached accessory buildings shall not be located in any required front yard, except as provided for elsewhere herein.
- c. in no instance shall an accessory building be located within a dedicated easement right of way.

Other Provisions

MULTIPLE USES

- 4-12. 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.

SIGN REGULATIONS

- 4-13. No sign shall be placed in a manner which would obstruct visibility at an intersection of two roads or a road and a railway or in any manner which may create a danger to the public.

RURAL HOME OCCUPATIONS

- 4-14. Subject to the issuance of a development permit, a home occupation may be permitted as a secondary use to a dwelling or mobile home in the agricultural zones provided that:
- a. it shall be limited to those indoor and outdoor uses which do not interfere with the rights of other residents to enjoyment of their area;
 - b. the creation of dust, noise, vibration, smoke, odour, litter, light or heat shall be limited so that these effects do not extend beyond the limits of the subject site so as to cause interference with adjacent property and uses; nor shall it create or cause any fire hazard, electrical interference or other hazardous effect;
 - c. 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 prepackaged and held only on a temporary basis for distribution to customers. Some outdoor work, product display, signage and storage of materials or products associated with the home occupation may be permitted; and
 - d. the site provides for on-site parking and loading area for all vehicles associated with the dwelling or mobile home and the home occupation.

SPECIAL RESIDENTIAL PROVISIONS

- 4-15. Notwithstanding other requirements of this PART, a residence shall be considered a permitted use on any parcel existing at the time of the coming into force of this By-law.

SECONDARY SUITES

- 4-16. A secondary suite shall be developed in accordance with this By-law and water supply, sewage disposal, and waste management shall be provided in accordance with *Manitoba's Environment Act* regulations.
- 4-17. Within a principal dwelling:
- a. not more than one (1) secondary suite shall be permitted;
 - b. not more than one (1) secondary suite shall be permitted on a single zoning site;

Part 4: Agriculture Zones

- c. the property containing a secondary suite shall contain a permanent habitable single-family (detached) dwelling;
 - d. the principal dwelling must be an existing permanent structure;
 - e. the principal dwelling is to be occupied by the owner of the property; and
 - f. maximum floor area shall not exceed eight hundred and fifty (850) square feet.
- 4-18. Secondary suites detached from the principal dwelling shall comply with the following standards:
- a. not more than one (1) secondary suite, temporary additional dwelling or mobile home shall be permitted on an established zoning site;
 - b. the exterior of the secondary suites should incorporate building materials, textures, and colours that are similar to those found on the principal dwelling;
 - c. the zoning site containing the secondary suite shall contain a permanent habitable single-family (detached) dwelling;
 - d. the principal dwelling is to be occupied by the owner of the property;
 - e. maximum floor area shall be no greater than nine hundred (900) square feet, and shall not exceed the maximum lot coverage for accessory buildings permitted within the same zone.
 - f. 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 twenty five (25) feet; and
 - g. a minimum of one off-street parking space must be provided for each secondary suite.
- 4-19. Secondary suites detached from the principal dwelling shall comply with the following setbacks:
- a. 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;
 - b. 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;
 - c. 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 ten (10) feet;
 - d. must be equal to or greater than the minimum setback from the side property line for a principal dwelling within the same zone;
 - e. must be equal to or greater than the minimum setback from the exterior side property line for a principal dwelling within the same zone; and
 - f. must have a minimum separation from the principal dwelling of ten (10) feet.

Livestock Production Operations

LIVESTOCK ANIMAL UNITS TABLE

- 4-20. Any reference in this By-law to Livestock Animal Units (A.U.) shall use TABLE 2 to determine the amount of livestock waste produced and/or the number of animals permitted.

CONDITIONAL LIVESTOCK OPERATIONS

- 4-21. Livestock operations shall be a conditional use in "AR-G" Restricted Agricultural - Gretna Zone where they meet any one of the following conditions:
- the operation shall not exceed ten (10) livestock animal units (A.U.); or
 - the operation has, under ownership or by way of agreement, less than 1.25 acres per animal unit (A.U.) of land available for animal manure disposal.
- 4-22. When considering a conditional use application for a livestock operation, Council shall take into consideration:
- the type of operation and livestock;
 - size of the operation;
 - manure management system (i.e. type of facility, handling and storage, etc.);
 - manure disposal system (i.e. disposal site, etc.);
 - nature of area (treed, open crop, soil types, water table, etc.);
 - prevailing winds;
 - neighbouring land uses, distances to non-compatible uses, etc.;
 - the land base under ownership and agreement;
 - the *Farm Practices Guidelines for Manitoba*; and
 - the *Livestock Manure and Mortalities Management Regulation of the Environment Act*.

TABLE 2: ANIMAL UNIT SUMMARY TABLE

	A.U. Produced By One Livestock	Livestock Producing One A.U.
Dairy		
Milking cows, including associated livestock	2.000	0.5
Beef		
Beef cows, including associated livestock	1.250	0.8
Backgrounder	0.500	2
Summer pasture/replacement heifers	0.625	1.6
Feeder cattle	0.769	1.3
Hogs		

Part 4: Agriculture Zones

	A.U. Produced By One Livestock	Livestock Producing One A.U.
Sows, farrow to finish	1.250	0.8
Sows, farrow to weanling	0.313	3.2
Sows, farrow to nursery	0.250	4
Weanlings	0.033	30
Growers/finishers	0.143	7
Boars (artificial insemination operations)	0.200	5
Chickens		
Broilers	0.0050	200
Roasters	0.0100	100
Layers	0.0083	120
Pullets	0.0033	300
Broiler breeder pullets	0.0033	300
Broiler breeder hens	0.0100	100
Turkeys		
Broilers	0.010	100
Heavy toms	0.020	50
Heavy hens	0.010	100
Horses		
Mares, including associated livestock	1.333	0.75
Sheep		
Ewes, including associated livestock	0.200	5
Feeder lambs	0.063	16
Other livestock or operation type		
Inquire with your regional agricultural engineer or livestock specialist		

LIVESTOCK OPERATION SITING CRITERIA

4-23. In the case of conditional livestock operations:

- no manure storage facility shall be located within three hundred and twenty eight (328) feet (100 m) of any property line of the land affected by a livestock operation;
- no livestock confinement area shall be located within one hundred and sixty five (164) feet (50 m) of any property line of the land affected by a livestock operation; and
- no livestock confinement area shall be located within three hundred and twenty eight (328) feet (100 m) of any water course, body of water, or well.

Note: Requirements under Section 4-23 (a) and (c) are regulations under *Manitoba Regulation 42/98 - Livestock Manure and Mortalities Management Regulation* and therefore cannot be varied. Compliance with the requirements does not relieve the operator from compliance with complementary or additional requirements which may be required under *Manitoba Regulation 42/98-Livestock Manure and Mortalities Manitoba Regulation*.

Part 4: Agriculture Zones

LIVESTOCK OPERATION MANURE STORAGE AND DISPOSAL

4-24. In no case, shall the manure from any livestock production in any Agricultural zone be:

- a. stored within three hundred and twenty eight (328) feet (100 M) of a water course, body of water, or well;
- b. stored within three hundred and twenty eight (328) feet (100 M) of the property line of the operator;
- c. spread within three hundred and twenty eight (328) feet (100 M) of a single residence (excluding residence of operator) or designated residential area and one hundred and sixty four (164) feet (50 M) of any water course or body of water. These distances may be reduced by fifty percent (50%), if manure injected; and
- d. spread within ½ mile (800 M) of any town or village boundary unless provided for in a conditional use permit for the livestock production operation. This distance can be reduced to ¼ mile (400 M) for dry manure.

Note: Requirements under Section 4-24 are regulations under *Manitoba Regulation 42/98* and therefore cannot be varied. Compliance with the requirements does not relieve the operator from compliance with complementary or additional requirements which may be required under *Manitoba Regulation 42/98-Livestock Manure and Mortalities Management Regulation*.

EXCEPTIONS

4-25. The following are not subject to the requirements for livestock operations unless, in the opinion of the Council, they create a pollution problem:

- a. livestock auction markets;
- b. agricultural fairs;
- c. livestock sale yards, in which livestock may be kept for a period not exceeding ten (10) days.

MUTUAL SEPARATION OF DWELLINGS AND LIVESTOCK OPERATIONS

4-26. A mutual separation distance shall be maintained between livestock operations and any single dwelling or group of dwellings in a village or residential area. The dwellings of the operator shall be excluded from this requirement. The mutual separation distance shall be as follows:

Part 4: Agriculture Zones

TABLE 3: MUTAL SEPARATION OF DWELLINGS AND LIVESTOCK OPERATIONS

Size of Livestock Operation in Animal Units	Separation Distance in Metres (Feet) from Single Residence		Separation Distances in Metres (Feet) from Residentially-Zoned Areas	
	To Earthen Manure Storage Facility	To Animal Housing Facility and Non-earthen Manure Storage Facility	To Earthen Manure Storage Facility	To Animal Housing Facility and Non-earthen Manure Storage Facility
10 -100	200 (656)	100 (328)	800 (2,625)	530 (1,739)
101 – 200	300 (984)	150 (492)	1,200 (3,937)	800 (2,625)
201 – 300	400 (1,312)	200 (656)	1,600 (5,249)	1,070 (3,511)
301 – 400	450 (1,476)	225 (738)	1,800 (5,906)	1,200 (3,937)
401 – 800	500 (1,640)	250 (820)	2,000 (6,561)	1,330 (4,364)
801 - 1,600	600 (1,968)	300 (984)	2,400 (7,874)	1,600 (5,249)
1,601 - 3,200	700 (2,297)	350 (1,148)	2,800 (9,186)	1,870 (6,135)
3,201 - 6,400	800 (2,625)	400 (1,312)	3,200 (10,499)	2,130 (6,988)
6,401 - 12,800	900 (2,953)	450 (1,476)	3,600 (11,811)	2,400 (7,874)
> 12,800	1,000 (3,281)	500 (1,640)	4,000 (13,123)	2,670 (8,760)

This separation distance is deemed to be a required yard for the purposes of this By-law and variances may be considered. However, if a variation is proposed all residences within the separation distance must be notified of the variation hearing. In the case of existing operations which do not comply with the separations any change or expansion to the operation must receive the necessary variation order.

LIVESTOCK AS ACCESSORY USE

- 4-27. The keeping and raising of animals for personal use is not considered livestock under this By-law; it is considered an accessory use and is regulated under the Use and Site Requirements in the subject zones.

NOTICE OF PUBLIC HEARING FOR LIVESTOCK OPERATIONS

- 4-28. In addition to the notice provisions in *The Act*, prior to any hearing of an application for a conditional use permit to establish or expand a livestock operation, Council shall give the following notice:
- 10-100 AU send notice by regular mail to every residence within ¼ mile (400 m);
 - 101-300 AU send notice by regular mail to every residence within one (1) mile (1600 m); and
 - 300+ AU and all earthen manure storage facilities send notice by regular mail to every residence within 1.88 miles (3000 m).

Wind Energy Generation System (WEGS)

- 4-29. Prior to the construction of WEGS, plans illustrating the siting location of each WEGS device and associated works including accessory buildings or structures electrical lines (above or below ground), on-site roads and driveways providing access to the public road system must be submitted to the Town for site approval and shall conform to the following criteria:
- a. In addition to satisfying the minimum yard requirements, all WEGS shall be setback fifteen hundred (1,500) feet from all dwelling units and accessory buildings.
 - b. In addition to satisfying the minimum yard requirements, newly constructed residences in the vicinity of a WEGS shall be separated a minimum of fifteen hundred (1,500) feet from the nearest adjacent WEGS. This setback is deemed to be a required yard for the purposes of this By-law and variances may be considered provided all affected residences are notified of the variation hearing.
 - c. Each WEGS shall be setback from all adjacent property lines a distance equal to the height of the WEGS plus thirty (30) feet unless appropriate agreements or easements are in place with adjacent property owners.
 - d. The total height of any WEGS shall be the distance measured between the ground to the uppermost point extension of any rotor blade.
 - e. WEGS shall be setback a minimum of fifteen hundred (1,500) feet from the boundary of any town or village.
 - f. Any proposed WEGS sites located adjacent to provincial highways (PTH) or provincial roads (PR) shall be circulated to Manitoba Infrastructure and Transportation for review and shall be subject to the requirements of the regulations affecting those roadways.
 - g. Proponents of WEGS are responsible for obtaining any required Federal and/or Provincial permits or approvals from any agencies and a copy must be remitted to the Town.
 - h. Where a proponent locates a WEGS on lands not under their ownership, they will be required to enter into an easement agreement with the owner of the property in order to secure on-going access to the WEGS.
 - i. Where in the opinion of the Town, the setbacks or separation distances referred to in this section are not sufficient to reduce the potentially negative impact of WEGS due to the proposed number or density of WEGS, the existing number or density of other uses in the general vicinity, the proximity to a public road or any other reason that the Town believes is relevant, Council may increase/decrease the required setbacks and separation distances.



Part 6:

Town Zones

Use Requirements

- 6-1. No land shall be used or occupied and no structure shall be erected, altered, used or occupied here after for any use in a General Residential – Gretna, General Commercial – Gretna, , Industrial General – Gretna, Educational and Institutional – Gretna, or Parks and Recreation – Gretna Zone other than a use listed in one of the following tables, with the exception of uses lawfully established prior to the effective date of this By-law:
- a. Table 4: "R-G" General Residential – Gretna Zone Use and Site Requirements
 - b. Table 5: "C-G" Commercial General – Gretna Zone Use and Site Requirements
 - c. Table 6: "I-G" Industrial General – Gretna Zone Use and Site Requirements
 - d. Table 7: "EI-G" Educational and Institutional – Gretna Zone Use and Site Requirements
 - e. Table 8: "PR-G" Parks and Recreation – Gretna Zone Use and Site Requirements
- 6-2. Any use listed as a "CONDITIONAL USE" in TABLE 4 to TABLE 8, shall comply with the regulations as set forth in Sections 1-33 through 1-37, PART 1 "ADMINISTRATION".

Part 6: Town Zones

TABLE 4: "R – G" GENERAL RESIDENTIAL – GRENA ZONE USE AND SITE REQUIREMENTS

	Minimum Requirements				
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED USES:					
Accessory Uses, Buildings and Structures (see Section 6-3 of this PART)	N/A	N/A	25	5	5
Child Care Services	6,000	50	25	5	20
Single-Family Dwellings	6,000	50	25	5 ¹	20 ²
Two-Family Dwellings	8,000	75	25	5 ¹	20
Parks & Recreation Areas	3,000	25	25	10	20
Public Buildings	4,500	50	25	5	20
Schools	12,000	100	25	5	20
Senior Citizens Homes	12,000	50	25	5	20
Public Utilities	3000	25	25	10	20
Temporary Uses, Buildings and Structures (see Section 6-4 of this PART)	N/A	N/A	25	5	5
CONDITIONAL USES:					
Mobile Home Park and Mobile Home Subdivisions	20,000	100	25	10	20
Multiple Family Dwellings	10,000	75	25	10	20
Bed and Breakfast	6000	50	25	5	5
Community Day Care	5000	50	25	10	20
Community Halls	5000	50	25	10	20
Religious Establishments	12,000	75	25	10	20
Residential Care Facilities and Senior Citizen Homes	20,000	75	25	10	20
Police and Fire Stations	12,000	75	25	10	20
Medical Clinics	12,000	75	25	10	20
Uses not otherwise listed					
Notes:					
1. Where a garage is not attached to a residence a side yard of ten (10) feet shall be provided on one side of the main building.					
2. Where a lane-oriented garage is not attached to a residence a rear yard of five (5) feet shall be provided.					

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

- 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;
- maximum allowable height for all accessory buildings and structures shall be 15 feet;
- minimum dwelling unit area shall be 600 square feet or 400 square feet in the case of a multi-family residential dwelling unit;
- 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

Part 6: Town Zones

area; and

- e. 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.

TABLE 5: "C – G" COMMERCIAL GENERAL – GRETNA ZONE USE AND SITE REQUIREMENTS

	Minimum Requirements				
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED USES:					
Accessory Uses, Buildings and Structures (see Section 6-3 of this PART)	N/A	N/A	0	0	5
Auditoriums, Churches and Halls	6,000	50	25	10	20
Automobile Service Stations	10,000	50	25	10	20
Automobile and Farm Machinery Repair Shop	10,000	50	25	10	10
Hotels and Motels	20,000	100	25	5	20
Public and Government Buildings	3,000	25	0	0	20
Public Utilities	3,000	25	25	10	20
Retail Sales, Service Shops, Office or Business if conducted wholly within a completely enclosed building	5000	50	0	0	5
Single Family Dwellings	6,000	50	25	10	20
Two-Family Dwellings	8,000	75	25	10	20
Parks, Playgrounds and Public Reserves	3000	25	25	10	20
Assembly Uses including Community Halls, Libraries, Museums and similar	5000	50	25	5	5
Business and Government Offices and Financial Services	5000	50	0	0	5
Eating and Drinking Establishments	10,000	75	0	0	20
Off-Street Parking Areas	N/A	N/A	10	5	5
Medical and Dental Clinics	12,000	75	25	10	20
Temporary Uses, Buildings and Structures (see Section 6-4 of this PART)	N/A	N/A	25	5	5
CONDITIONAL USES:					
Community Day Care	5000	50	25	10	20
Machine and Auto Body Shops	10,000	75	25	10	20
Recreational Uses, including Clubs, Cinemas and Amusement Centres	5000	50	25	5	20
Automobile Businesses including Sales and Services, Showrooms, Service Stations and Car Washes	10,000	75	25	5	20
Building Supply Sales and Contractor Establishments	10,000	75	25	5	20
Wholesale Businesses	10,000	75	25	10	20
Warehousing excluding Auto Wrecking and Junk Yards	5000	50	25	10	20
Multiple Family Dwellings with or without associated commercial uses	10,000	75	25	10	20
Public Works Yards	6000	50	25	10	20
Police and Fire Stations	10,000	75	25	10	20
Uses not otherwise listed					

Part 6: Town Zones

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

- 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;
- maximum allowable height for all accessory buildings and structures shall be 15 feet;
- minimum dwelling unit area shall be 400 square feet;
- 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
- 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.

TABLE 6: "I – G" INDUSTRIAL GENERAL – GRETNA ZONE USE AND SITE REQUIREMENTS

Minimum Requirements ¹		Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED USES:						
Accessory Uses, Buildings and Structures (see Section 6-3 of this PART)		N/A	N/A	25	5	5
Car Wash		6,000	50	20	5	5
Contractors Yards		6,000	50	20	5	5
Food Processing and Meat Packing, excluding Abattoirs		6,000	50	20	5	5
Light industry conducted entirely within an enclosed building		6,000	50	20	5	5
Rail Yards and Grain Elevators		20,000	200	20	20	20
Garden Supply Sales, Greenhouses and Nurseries		20,000	100	25	10	20
Animal Hospitals and Vet Clinics		10,000	75	25	10	20
Feed, Seed, Grain and Vegetable Sales, Storage and Distribution		80,000	200	50	20	20
Building Supply Sales and Contractors Establishments		10,000	75	25	10	20
Warehousing		5000	50	25	10	20
Truck Terminals and Freight Stations		80,000	200	50	50	20
Public Utilities		3000	25	25	10	20
Public Works Yards		6000	50	25	10	20
Other Light Industry		10,000	75	25	10	20
Temporary Uses, Buildings and Structures (see Section 6-4 of this PART)		N/A	N/A	25	5	5
CONDITIONAL USES:						
Agricultural Crop Protection Warehouse excluding Anhydrous Ammonia		20,000	100	20	25	25
Feed mills		10,000	75	20	25	25
Light industry conducted in part or entirely outside a building		6,000	50	20	5	5
Animal Kennels		10,000	75	25	10	20

Part 6: Town Zones

	Minimum Requirements ¹				
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
Agricultural Product Manufacturing and Processing	20,000	100	25	10	20
Bulk Fuel Storage and Sales	80,000	200	50	20	20
Livestock Processing	20,000	100	25	10	20
Auction Marts	10,000	75	25	10	20
Concrete and Cement Batching and Asphalt Plants	N/A	N/A	100	100	100
Other Heavy Industry including Scrap Metal and Junk Yards and Automobile Wrecking	80,000	200	50	20	20
Uses not otherwise listed					

Notes:

- Any front, side or rear yard adjacent to a residential zone shall have a minimum width of twenty (20) feet.

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

- maximum allowable height for all principal buildings and structures shall be 35 feet;
- maximum allowable height for all accessory buildings and structures shall be 15 feet;
- 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
- 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.

TABLE 7: "EI – G" EDUCATIONAL AND INSTITUTIONAL – GRETNA ZONE USE AND SITE REQUIREMENTS

	Minimum Requirements ¹				
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED USES:					
Accessory Buildings, Structures and Uses (see Section 6-3 of this PART)	N/A	N/A	25	5	5
Hospitals including Clinics, Dormitories and Residences for Staff	80,000	200	50	20	20
Religious Establishments and associated Residential Schools	12,000	75	25	10	20
Schools, Nursery Schools and Community Day Care	20,000	75	25	10	20
Residential Care Facilities, Senior Citizen Homes and Similar	20,000	75	25	10	20
Group Homes	10,000	75	25	10	20
Parks, Playgrounds and Public Reserves including Outdoor Recreation Facilities	N/A	25	25	10	20
Public Utilities	3000	25	25	10	20
Temporary Uses, Buildings and Structures (see Section 6-4 of this PART)	N/A	N/A	25	5	5
CONDITIONAL USES:					

Notes:

Part 6: Town Zones

Minimum Requirements ¹					
Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	

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

- maximum allowable height for all principal buildings and structures shall be 35 feet;
- maximum allowable height for all accessory buildings and structures shall be 15 feet;
- 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
- 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.

TABLE 8: "PR – G" PARKS AND RECREATION – GRENA ZONE USE AND SITE REQUIREMENTS

Minimum Requirements ¹					
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED USES:					
Accessory Buildings, Structures and Uses (See Section 6-3 of this PART)	N/A	N/A	25	5	5
Assembly Uses including Community Halls, Libraries and Museums	5000	50	25	5	20
Recreation Complexes and Arenas	80,000	200	50	20	20
Curling Rinks	40,000	200	25	10	20
Agricultural Exhibition Grounds and Buildings	80,000	200	50	20	20
Public Swimming Pools	40,000	200	50	20	20
Athletic Fields and Courts	40,000	200	25	10	20
Golf Courses and Driving Ranges	80,000	200	50	20	20
Parks, Playgrounds and Public Reserves	N/A	N/A	25	5	20
Public Utilities	3000	25	25	10	20
Temporary Buildings, Structures and Uses (See Section 6-4 of this PART)	N/A	N/A	25	5	5
CONDITIONAL USES:					
Camping and Tenting Grounds	40,000	200	25	10	20
Notes:					

In addition to the requirements listed in Table 8, the following provisions shall also apply:

- maximum allowable height for all principal buildings and structures shall be 35 feet;
- maximum allowable height for all accessory buildings and structures shall be 15 feet;
- 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
- when located on a corner site, the minimum required side yard on the street side of the site shall

Part 6: Town Zones

be 60 feet for all principal and accessory buildings and structures.

ACCESSORY USES, BUILDINGS OR STRUCTURES

- 6-3. In this PART accessory uses, buildings, or structures include but are not limited to the following:
- a. a children's playhouse, garden house, private greenhouse, summer house, private conservatory and private swimming pools, open or enclosed, when associated with a permitted residence;
 - b. a private garage, carport, covered patio, toolhouse, shed or other similar building;
 - c. incinerators subject to the approval of the authority having jurisdiction;
 - d. home occupations (See Section 6-5 of this PART);
 - e. the production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally incidental to a business and personal service and business occupancies if conducted by the same owner as the principal use;
 - f. for all commercial and industrial uses, a dwelling unit or sleeping accommodation for a watchman or caretaker and his family if in Council's opinion it is demonstrated that his presence on the same zoning site as the principal use is essential and necessary;
 - g. a retail or commercial use which is incidental to a permitted or approved industrial use;
 - h. buildings accessory to a permitted agricultural use;
 - i. private communication utilities such as television and radio antennas, aerials or dishes and other private utilities;
 - j. the keeping of livestock for personal use in the "AV" and "RV" zones provided that in the "RV" zone the number of livestock shall not exceed one (1) livestock animal unit per acre of the site on which the livestock are kept and shall not exceed a maximum of two (2) livestock animal units per site;
 - k. secondary suites (see Section 6-20 through 6-23 of this PART); and
 - l. other uses that is both complementary and secondary to the established primary use.

TEMPORARY BUILDINGS AND USES

- 6-4. 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 under the following conditions:
- a. a development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by Council; and
 - b. each development permit issued for a temporary building, structure or use shall be valid for a period of not more than twelve (12) months and may not be renewed for more than two (2) successive periods at the same location.

URBAN HOME OCCUPATIONS

- 6-5. Subject to the issuance of a development permit, a home occupation may be permitted as a

Part 6: Town Zones

secondary use to a dwelling or mobile home in an "RV" Residential Village, "AV" Agricultural Village zone provided that:

- a. it shall be limited to those uses which do not interfere with the rights of other residents to quiet enjoyment of their neighbourhood;
- b. it shall not create a nuisance by way of dust, noise, vibration, smoke, odour, litter, light or heat nor shall it create or cause any fire hazard, electrical interference or traffic congestion in the neighbourhood;
- c. 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 prepackaged and held only on a temporary basis for distribution to customers;
- d. it is carried on in a dwelling unit or mobile home or its permitted accessory buildings solely by the members of the family residing there without the employment of other persons;
- e. there shall be no exterior display, no external storage of materials, containers or finished or unfinished products and no other exterior indication that the building is being utilized for any other purpose other than that of a dwelling except for a home occupation sign;
- f. the site provides for the off-street parking of all vehicles associated with the residence and the home occupation; and
- g. no more than thirty percent (30%) of floor area shall be devoted to home occupations in any dwelling unit or mobile home or building accessory thereto in any zone in this PART.

SITE REQUIREMENTS

6-6. The Site Requirements of this PART shall be as set forth in the following tables:

Table 4 "R-G"	General Residential – Gretna Zone Use and Site Requirements
Table 5 "C-G"	Commercial General – Gretna Zone Use and Site Requirements
Table 6 "I-G"	Industrial General – Gretna Zone Use and Site Requirements
Table 7 "EI-G"	Educational and Institutional – Gretna Zone Use and Site Requirements
Table 8 "PR-G"	Parks and Recreation – Gretna Zone Use and Site Requirements

RETENTION OF SITE REQUIREMENTS

6-7. It shall be a continuing obligation of the owner to maintain the minimum site area, yards and other open spaces required herein for any use as long as it remains in existence.

SUBDIVIDING LAND

6-8. No parcel of land shall hereafter be divided into sites, unless each site conforms to the regulations of the zone in which it is located.

AREA AND YARD REQUIREMENTS

6-9. Except as herein provided, the following shall apply in all zones of this PART:

Part 6: Town Zones

- a. the yard requirements shall be as set forth in the TABLE 4 to TABLE 8 of this PART;
- b. yards provided for a building or structure, existing on the effective date of this Zoning By-law or amendments thereto, shall not be reduced, or further reduced, if already less than the minimum requirements of this PART; and
- c. all yards and other open space required for any use shall be located on the same site as the use.

PROJECTIONS INTO REQUIRED YARDS

- 6-10. Architectural features including eaves, chimneys, fire escapes and open unenclosed stairways, balconies, porches and platforms not covered by a roof or canopy may project into any required yard up to a maximum of forty percent (40%) of the affected required yard.
- 6-11. Hedges, trees, shrubs and similar horticultural landscaping features and fences shall be allowed in any yard provided that they:
 - a. do not exceed a height of three (3) feet within ten (10) feet of the edge of any road allowance; and
 - b. do not exceed a height of three (3) feet within an area formed by the intersecting road lines and a straight line joining points on the said road lines ten (10) feet from the point of intersection of the road lines.

ACCESSORY BUILDINGS AND USES PERMITTED

- 6-12. Accessory buildings, except as otherwise regulated in the By-law, shall be subject to the following regulations:
 - a. where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building;
 - b. detached accessory buildings shall not be located in any required yard, except a required rear yard or as provided for elsewhere herein;
 - c. in no instance shall an accessory building be located within a dedicated easement right of way; and
 - d. no accessory building shall be erected prior to the erection of the main building except where it is necessary for the storage of tools and materials for use during construction of the main building.

Other Provisions

NOXIOUS OR OFFENSIVE USES

- 6-13. Notwithstanding anything herein contained, no use shall be permitted in any zone of this PART where that use may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise.

ONLY ONE DWELLING ON A SITE

- 6-14. Unless otherwise permitted in this By-law, not more than one (1) of the following uses and their accessory buildings shall be permitted on one (1) zoning site:
- a. one (1) family dwelling;
 - b. two (2) family dwelling; or
 - c. mobile home.

MULTIPLE USES

- 6-15. 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.

FRONT YARD EXCEPTIONS

- 6-16. Where sites comprising forty percent (40%) or more of the entire frontage of the block (excluding reversed corner lots) 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 provided such average is less than the minimum front yard required in the zone in which the site is located.

MOBILE HOME STANDARDS

- 6-17. All mobile homes must meet all structural standards as determined by the applicable Provincial Act.

SIGN REGULATIONS

- 6-18. Within the zones of this PART, signs are unrestricted except as follows:
- a. no sign shall be located on or over any municipal property or road allowance except by prior agreement with the Town;
 - b. no flashing sign shall be located within three hundred (300) feet of a residence; and
 - c. no sign shall be located in a manner which, in Council's opinion, may be a danger to the safety of the public.

Part 6: Town Zones

6-19. The following signs shall not be subject to the provisions of this section:

- a. signs posted by duly constituted public authorities in the performance of their public duties;
- b. flags or emblems of a political, civic, educational or religious organization;
- c. temporary signs as may be authorized by Council for not more than two months at a time by written permit which shall show the size, shape, content, height, type of construction and location of such signs;
- d. "No Trespassing" signs not exceeding three (3) square feet in area;
- e. construction signs when placed on construction sites and not exceed twenty five (25) square feet in area;
- f. signs required for direction and convenience of the public including signs which identify rest rooms or parking entrance or exit, not exceeding five (5) square feet in area;
- g. real estate signs not exceeding ten (10) square feet in area which advertise the sale, rental or lease of a building, structure, site, or part thereof; and
- h. signs identifying a public or institutional building.

SECONDARY SUITES

6-20. A secondary suite shall be developed in accordance with this By-law and water supply, sewage disposal, and waste management shall be provided in accordance with Manitoba's *Environment Act* regulations.

6-21. Within a principal dwelling:

- a. not more than one (1) secondary suite shall be permitted;
- b. not more than one (1) secondary suite shall be permitted on a single zoning site;
- c. the property containing a secondary suite shall contain a permanent habitable single-family (detached) dwelling;
- d. the principal dwelling must be an existing permanent structure;
- e. the principal dwelling is to be occupied by the owner of the property; and
- f. maximum floor area shall not exceed eight hundred and fifty (850) square feet.

6-22. Secondary suites detached from the principal dwelling shall comply with the following standards:

- a. not more than one (1) secondary suite, temporary additional dwelling or mobile home shall be permitted on an established zoning site;
- b. the exterior of the secondary suites should incorporate building materials, textures, and colours that are similar to those found on the principal dwelling;
- c. the zoning site containing the secondary suite shall contain a permanent habitable single-family (detached) dwelling;
- d. the principal dwelling is to be occupied by the owner of the property; and

Part 6: Town Zones

- e. maximum floor area shall be no greater than nine hundred (900) square feet and shall not exceed the maximum lot coverage for accessory buildings permitted within the same zone.
 - f. 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 twenty five (25) feet.
 - g. a minimum of one off-street parking space must be provided for each secondary suite.
- 6-23. Secondary suites detached from the principal dwelling shall comply with the following setbacks:
- a. 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;
 - b. 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;
 - c. 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 ten (10) feet;
 - d. must be equal to or greater than the minimum setback from the side property line for a principal dwelling within the same zone;
 - e. must be equal to or greater than the minimum setback from the exterior side property line for a principal dwelling within the same zone; and
 - f. must have a minimum separation from the Principal Dwelling of ten (10) feet.



PART 8:

DEVELOPMENT STANDARDS

Intent

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.

Parking and Loading

- 8-1. Permanently maintained off-street parking and loading spaces shall be provided in accordance with the following:

Parking Area Surface

- 8-2. All off-street parking areas and driveways connecting the parking area to the street shall before being used, be constructed with a stable surface of crushed stone, slag, gravel, crushed brick (or tile), paving stone, cinders, asphalt, concrete, Portland cement binder or like material and which is treated so as to prevent the raising of dust or loose particles.

Parking Area Maintenance

- 8-3. All off-street parking areas shall be permanently and adequately maintained. Such maintenance shall include: prompt repair of surface breaks or other surface irregularities; prompt snow removal; maintenance of adequate drainage; prompt maintenance and repair of other parking-lot related structures such as: curbs, berms, fences, guard rails, wheel stops, barriers, signs and electrical outlets.

Part 8: Development Standards

Calculation of Spaces

- 8-4. If the calculation of the required parking spaces results in a fraction, the required parking spaces shall be the next higher whole number.
- 8-5. In no case shall parking spaces on a public street or lane be permitted to be included in the calculation of required parking spaces.
- 8-6. Where a building, structure or site accommodates more than one use, the total parking space requirements for such building, structure, or site shall be the sum of the requirements for each separate use.
- 8-7. Parking spaces required in accordance with this By-law shall not include any parking spaces used or intended to be used for the storage or parking of vehicles for hire or gain, display or sale.
- 8-8. Parking spaces required per use are as follows:

TABLE 9: PARKING REQUIREMENTS

#	Use	Number of Parking Spaces Required
1	Single Family Dwelling, Two Family Dwelling, Mobile Home, Farmstead Dwellings,	1 Space per dwelling unit
2	Residential Care Facilities and Senior Citizen Homes	1 space per 10 residents or resident care beds, plus 1 for every 3 employees on the maximum shift
3	Multiple Family Dwellings	1.5 spaces per unit
4	Hotel and Motel	1.25 spaces per guest room
5	Group Homes	1 Space per 5 beds
6	Automobile Businesses (including sales and services), showrooms, service stations, car washes, building supply sales, contractor establishments; Wholesale Businesses; Farm Implement and Supply, Sales and Service, Mobile Home Sales	1 Space per 1000 sq.ft. of retail floor area
7	Community Day Care, Community Halls, Assembly Halls, Libraries, Museums; Recreational Uses, including Clubs, Cinemas, and Amusement Centres, Curling Rinks, Public Swimming Pools, Recreation Complexes and Arenas	1 space per 200 sq. ft. of gross floor area
8	Businesses and Government Offices, Financial Services, Garden Supply Sales, Greenhouse and Nurseries	1 Space per 750 sq.ft., minimum 2 spaces per tenant
10	Religious Establishments,	1 space per 4 seats for public use
11	Eating and Drinking Establishments,	1 space per 4 seats for public use

Part 8: Development Standards

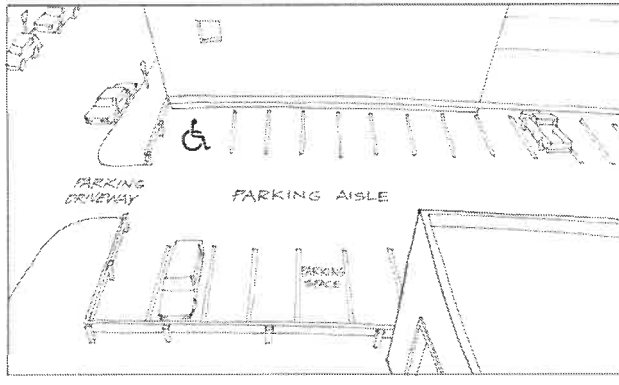
#	Use	Number of Parking Spaces Required
13	Medical Clinics, Animal Hospitals, Vet Clinics,	1 space for each 250 SQ over 2000 SQ (1 space minimum)
14	Machine and Autobody Shops	3 spaces per service bay
15	Livestock processing, truck terminals, light industry, feed and seed sales, Storage and Distribution, Grain and Vegetable Storage,	1 Space per employee
16	Schools, Nursery Schools	1 space per 2 faculty members or employees; plus 1 per 10 students for senior high school classroom
17	Temporary Uses, Buildings, and Structures; Parks, Playgrounds, and Public Reserves, Retail Businesses and Services, Autowrecking and Junk houses, Public Works Yards, Auction Marts, Drive-Thru establishments, Golf Courses, Driving Ranges, Agricultural Exhibition Grounds, Camping Grounds, Cemeteries, Race Tracks, Other Uses not listed	Determined by Council

Dimensions of Parking Spaces

8-9. A parking space required herein shall have the following minimum dimensions:

- a. no parking space shall be less than twenty (20) feet in length;
- b. notwithstanding any other requirements described herein to the contrary, the minimum width of a parking space accessory to a single family dwelling, two family dwelling or mobile home shall be eight (8) feet;
- c. where the principal access to a parking space is provided from the side of such parking space (00° to 50° or parallel parking) the minimum length of said parking space shall be twenty two (22) feet;
- d. where the long side of a parking space abuts a wall, column, pillar, tree, fence, pole, curb, barrier or other obstruction greater than eight (8) inches higher than the parking area surface, which would obstruct the opening of a car door, the minimum width of the said parking space shall be ten (10) feet;

Part 8: Development Standards



- e. where the long side of a parking space abuts an area of landscaped open space or a pedestrian walkway greater than four (4) feet in width, the minimum width of such parking space shall be ten (10) feet; and,
- f. no parking space shall be less than eight (8) feet in width when the angle of entry to the space is between 0° and 70° . When the angle of entry is between 70° and 90° the minimum width of the space shall be ten (10) feet.

Location of Parking Areas

- 8-10. All required parking spaces shall be provided on the same site in "R-G" and "PR-G" zoning districts and such spaces shall not be located in or on a part of a public street or public lane.
- 8-11. Required parking spaces on "C-G", "I-G", "EI-G", and "AR" can be provided as accessory off-street parking spaces if they are located on the same zoning site as the use served, unless permitted by a variation order to locate elsewhere. When located on a different site, the parking lot site shall be located no further than 300 feet from the zoning site it serves.

Access to Parking Areas and Spaces

- 8-12. Access to parking areas shall be provided from an improved street or a lane by means of one (1) or more unobstructed driveways not exceeding thirty two (32) feet in width, measured parallel to the said street, at any point on the site closer to the said street than the setback required therefrom, provided that no site shall have more than two (2) driveways for the first one hundred (100) feet of street line thereof plus one (1) driveway for each additional one hundred (100) feet of street line.
- 8-13. The width of a driveway leading to or from the parking area of a single family dwelling, Two (2) family dwelling and mobile home shall be a minimum of eight (8) feet in width.
- 8-14. The width of a driveway leading to or from any parking area except as mentioned in Section 5 above, shall be a minimum width of twelve (12) feet for one-way traffic, and a minimum width of twenty five (25) feet for two-way traffic.
- 8-15. Parking aisles leading to parking spaces shall provide unobstructed access from each parking space to a driveway or street.
- 8-16. Parking aisle widths shall be established according to TABLE 9. Unless authorized by Variation Order or some other provision in this By-law.

Part 8: Development Standards

Table 9: Parking Aisle Widths

Angle of Parking	Minimum Aisle Width
0° up to and including to 5° (parallel parking)	12 feet
6° up to and including 30°	14 feet
31° up to and including 45°	16 feet
46° up to and including 70°	20 feet
71° up to and including 90°	22 feet

Other Parking Regulations

- 8-17. Any lights used for the illumination of the parking facilities shall be so arranged as to divert light away from the adjacent sites.
- 8-18. An accessory off-street parking area associated with commercial, industrial, institutional, educational or major recreational uses as determined by the Development Officer shall be provided with bumper guards, wheel stops, masonry walls or fences in order to prevent a vehicle from encroaching onto public or private property.

Loading Requirements

- 8-19. Accessory off-street loading spaces shall be provided as follows:
- 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;
 - 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; and,
 - 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

- 8-20. 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:
- 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 of a street site line and a side

Part 8: Development Standards

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.

Additional Standards for Single- and Two- Family Dwellings

- 8-21. In any zoning district, the owner must limit parking accessory to single and two family dwellings to a maximum of six (6) vehicles, which may include:
 - a. a maximum of four (4) passenger vehicles;
 - b. a maximum of one (1) travel trailer or one (1) mobile home;
 - c. a maximum of one (1) truck having registered gross vehicle weight less than sixty eight hundred (6,800) kilograms; and
 - d. with conditional use approval, a maximum of one (1) truck have a registered gross vehicle weight greater than sixty eighty hundred (6,800) kilograms, provided that the truck:
 - i. is parked further from the street than the front wall of the structure, and
 - ii. is either parked in an enclosed structure or shielded from view from adjacent properties through the use of landscaping.
- 8-22. A maximum of two (2) vehicles may be parked on a driveway leading to a parking space in the principal building or in a side or rear yard.

Part 9:

Signage

Comment [DJM1]: Ensure signage regs shown in 'zoning bylaw changes' pdf are incorporated – need clarification if these were actually adopted

INTENT

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.

SIGNS

- 9-1. In Commercial Zones signs shall be permitted as follows:
- identification or business signs attached to the main building; and
 - one free standing identification or business sign may be located in any required yard.

SIGN REGULATIONS

- 9-2. The following shall apply in all zones in the Town except wherein otherwise stated:
- no flashing signs shall be permitted in any zone without the approval of the Council. In any event, no flashing sign shall be permitted within three hundred (300) feet of any residential district or provincial roads and provincial trunk highways;
 - the placing of advertising, business or identification signs within the control lines and circles of a provincial road or provincial trunk Highway shall require a permit from the appropriate authority (Highway Traffic Board);
 - No sign or sign structure shall be erected at any location where it may interfere with or

Part 9: Signage

- 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;
- d. 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;
 - e. In areas adjacent to the General Residential – Gretna 'R-G' Zone, freestanding signs shall not obstruct the light to or view from a window of a habitable room;
 - 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 Development Officer; and,
 - g. the following signs shall not be subject to the provision of this PART, except wherein otherwise noted:
 - i. signs posted by duly constituted public authorities in the performance of their public duties;
 - ii. flags or emblems of a political, civic, educational or religious organization.
 - iii. temporary signs as may be authorized by Council for not more than two months at a time by written permit which shall show the size, shape, content, height, type of construction and location of such signs;
 - iv. "No Trespassing" signs not exceeding three (3) square feet;
 - v. construction signs when placed on construction sites and not exceed twenty five (25) square feet;
 - vi. signs required for direction and convenience of the public including signs which identify rest rooms or parking entrance or exit, not exceeding five (5) square feet in area; and
 - vii. real estate signs not exceeding ten (10) square feet which advertise the sale, rental or lease of a building, structure, site, or part thereof.