

**CITY OF STEINBACH**  
**ZONING BY-LAW**  
**BY-LAW NO. 2055**

A By-law of THE CITY OF STEINBACH to promote and regulate the orderly use and development of land and the location of buildings and structures in the City of Steinbach as defined in City of Steinbach Official Community Plan By-law No. 2038

**August 2015**



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## **PART 1.0          ADMINISTRATION**

### **SECTION 1.1      GENERAL**

#### **TITLE**

- 1.1          This By-law shall be known and may be cited as the “City of Steinbach Zoning By-law” (By-law).

#### **PURPOSE**

- 2.1          This By-law has been prepared in order to carry out the intent of the *City of Steinbach’s Official Community Plan* with respect to the regulation of *use* and *development* of land within the City of Steinbach and to promote the City of Steinbach’s Vision.

#### **VISION**

- 3.1          To maintain and promote a safe, affordable, environmentally responsible community that prides itself on sustainable growth, a diverse economy and being an inclusive, generous community.

#### **INTENT**

- 4.1          This By-law controls and regulates the *use* and *development* of land in the City of Steinbach (the City), as illustrated on the Zoning Maps in Part 7.0 to this By-law.
- 4.2          All activity and *development* within the area to which this By-law applies must conform to the provisions of this By-law and must be consistent with the Steinbach *Official Community Plan* and with any adopted *Secondary Plans* that cover the land in question.
- 4.3          This By-law does not apply to *streets*, public lanes, and *public pathways* within a *zoning district*.
- 4.4          This By-law does not apply to the construction, maintenance, or operation of public service works within a *public utility* right-of-way.
- 4.5          Nothing in this By-law shall be so interpreted as to interfere with the maintenance or erection of public monuments, statuary, and similar *structures* developed or approved by the City of Steinbach.

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

- 5.1          When this By-law and another City of Steinbach By-law contain conflicting or overlapping provisions, the most restrictive or highest standard is applicable.

#### **EFFECTIVE DATE**

- 6.1          This By-law comes into force on August 4, 2015.

## RESPONSIBLE AUTHORITY

- 7.1 The authority responsible for the enactment of this By-law shall be the City of Steinbach Council (*Council*), in accordance with the provisions of *The Planning Act* (the *Act*);
- 7.2 Subject to the provisions of the *Act*, the regulations, restrictions and boundaries set forth in this By-law may from time to time be amended, supplemented, changed or repealed; and
- 7.3 Subject to the provisions of the *Act*, *Council* shall appoint a *Designated Officer* who, on behalf of the City, shall issue *development permits* and otherwise administer and enforce the provisions of this By-law and *The Planning Act*, where applicable.

## RESPONSIBILITIES OF COUNCIL

- 8.1 Subject to the provisions of the *Act*, the *Council* is responsible for:
- a. Considering the adoption or rejection of proposed amendments or the repeal of this By-law;
  - b. Acting as a Variance Board;
  - c. Approving or rejecting *conditional use* applications, and for revoking an authorized *conditional use*, at its sole discretion, any violation of any additional conditions imposed by it; and
  - d. Establishing a schedule of fees.

## POWERS AND DUTIES OF THE DESIGNATED OFFICER

- 9.1 The City of Steinbach shall appoint a *Designated Officer* who may:
- a. Issue zoning memoranda;
  - b. Allow or refuse such minor *variances* to the requirements of this By-law as authorized by and in accordance with *The Planning Act*;
  - c. Enforce building and land *use* regulations of the City of Steinbach;
  - d. Administer all zoning and land *use* By-laws; and
  - e. Administer the Urban Design Review Process for the Planned Overlay Districts.

## EXISTING DEVELOPMENT PERMITS

- 10.1 Unless otherwise provided for herein, *development permits* issued prior to the effective date of this By-law shall be considered valid for the purpose of this By-law provided all the conditions under which the permit was issued are complied with.



## **BUILDING TO BE MOVED**

- 11.1 No existing *building* or existing *structure* over 125 square feet shall be moved in whole or in part to any other location unless every portion of the *building* or *structure* is made to conform to all the regulations of this By-law applying to the zone in which it is located and the *owner* and their agent has first obtained a *conditional use* pursuant to *The Planning Act*.

## **INTERPRETATION AND APPLICATION**

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

## **PREVIOUS VIOLATIONS**

- 13.1 Unless otherwise provided for herein, an existing *building*, *structure* or *use* that was illegal under the provisions of any planning scheme or *zoning by-law* 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* shall remain illegal hereunder.

## **SITE REDUCED**

- 14.1 A *site area* or *site width* or *required yard* reduced below the minimum requirements of this By-law by virtue of a *public works* or *street* shall be deemed to conform to the requirements of this By-law.

## **PUBLIC WORKS AND SERVICES**

- 15.1 Nothing in this By-law shall be interpreted as to interfere with the construction, maintenance and operation of the facilities of any *public works*, as defined by this By-law, or public service such as police and fire protection, provided that the requirements of such *public works* or public service is approved by resolution of City of Steinbach Council.

## **CONNECTING TO MUNICIPAL SERVICES**

- 16.1 All new *principal buildings* constructed on a *site* served by public sewer, water or hydro distribution must be connected to such services unless the specific *use* of such *building* does not require such services.

## **FUTURE ROAD ALLOWANCE DEEMED EXISTING**

- 17.1 No *building* or *structure* shall be erected upon any land designated for a future *road allowance* as designated in the *Official Community Plan* or other document adopted by *Council*. Any *development adjacent* to said future *road allowance* must comply with the requirements of the By-law as if the said future *road allowance* was already in existence.

## **FEE SCHEDULE**

- 18.1 The City shall by resolution establish a fee schedule for *variance orders*, zoning amendments, zoning memorandums, *conditional use* orders and certificates of *non-conformity* and other appropriate documents.

## **DUTIES OF THE OWNER**

- 19.1 Neither the granting of a *development permit* nor the approval of the drawing and specifications nor the inspections made by the *Designated Officer* shall in any way relieve the *owner* of the responsibility of complying with the requirements of this By-law or of any relevant By-laws of the City of Steinbach, or of complying with the Manitoba Building Code.
- 19.2 Every *owner* must:
- a. Permit the *Designated Officer* to enter any *building* or *premises* at any reasonable time for the purpose of administering or enforcing this By-law and must not obstruct or interfere with the *Designated Officer* in the discharge of their duties under this By-law;
  - b. Provide such documentation as may be required by the *Designated Officer* if, after the *development application* has been approved and the permit issued, changes are made to the approved documents filed; and
  - c. Obtain, where applicable, from the appropriate authorities permits or licenses relating to the *buildings*, *grades*, sewers or water supply systems, plumbing, *signs*, blasting, street access, occupancy, electrical, highways, and all other permits required in connection with the proposed work.

## **SECTION 1.2 AMENDMENTS**

### **PROCEDURE**

- 20.1 Subject to the procedure required under the *Act*, an amendment to this By-law may be initiated by a resolution of intention by *Council*, or by application of one or more *owners* of the property or their agents within the area proposed to be changed. An application to amend the *zoning by-law* must be filed with the *Designated Officer* and must be accompanied by a site plan, other data and such fees as may be determined by *Council*.

### **DECISION BY COUNCIL**

- 21.1 *Council* shall give notice and hold a public hearing according to the *Act*, at which time it shall review all of the facts presented and any representation, study the facts presented, make its findings and determination in writing and shall transmit a copy thereof to all persons who made representations to the meeting. If *Council* approves the application, it shall proceed with the adoption of the amendment in accordance with the provisions of the *Act*.

21.2 Subject to the procedures required under the *Act*, anyone objecting to any amendment which has been given second reading by *Council* may file that objection with the *Council* and the Municipal Board shall hold a hearing according to the provisions of the *Act*.

### **SECTION 1.3      CONDITIONAL USE**

22.1 The development and execution of this By-law is based upon the division of the City into zones, within which zones the *use* of land and of *buildings* and *structures* in relation to the land are substantially compatible. It is recognized, however, that there are certain *uses* deemed *conditional uses* which, because of their characteristics, cannot properly be classified in any particular zone or zones without consideration, in each case, of the impact of those *uses* upon neighbouring land and of the public need for the particular *use* at the particular location. Therefore, some *uses* may be deemed '*conditional*' in the *use* table found in Part 3.0.

### **STANDARDS FOR GRANTING CONDITIONAL LAND USE APPROVAL**

23.1 Approval of a *conditional land use* proposal shall be based on the determination that the proposed *use* will be consistent with the intent and purposes of this By-law, will comply with all applicable requirements of this By-law, including site plan review, applicable *site development standards* for specific *uses* set forth in Part 4.0, and the following *standards*:

- a. The proposed *conditional land use* must be consistent with the general principles and objectives of the City's *Official Community Plan* and must promote the intent and purpose of this By-law and of the *use* district.
- b. The establishment or maintenance of the *conditional use* shall not be detrimental to the health or general welfare of the public.
- c. The *conditional use* must not *alter* the essential character of that *zoning district* and *adjacent uses*. In determining whether this requirement has been met, consideration shall be given, but not limited, to:
  - i. The location and screening of vehicular circulation and parking areas in relation to surrounding *development*;
  - ii. The location and screening of outdoor storage, outdoor activity or work areas, garbage and mechanical equipment in relation to surrounding *development*;
  - iii. The hours of active operation of the proposed *use*. Approval of a *conditional land use* may be restricted to operation within specified hours considered appropriate to ensure minimal negative impact on surrounding *uses*;

- iv. The bulk, placement, and materials of construction of the proposed *use* in relation to surrounding *uses*. Any proposed *building* must be compatible with the predominant type of *building* in the particular district in terms of scale, character, location or proposed *use*; and
  - v. Proposed *landscaping* and other *site* amenities. Additional *landscaping* over and above the requirements of this By-law may be required as a condition of approval.
- d. The proposed *conditional* land *use* must not involve any activities, processes, materials, equipment, or conditions of operation, and must not be located or designed so as to be, detrimental or hazardous to persons or property or to the health and general welfare of the public.
- e. In determining whether this requirement will be met, consideration will be given to the impact of the proposed *Conditional Use* on the level of traffic, noise, vibration, smoke, fumes, odours, dust, glare, and artificial light.
- f. The location of the proposed *use* shall minimize the impact of the vehicular traffic generated by it. In determining whether this requirement will be met, consideration will be given to the following:
- i. Proximity and access to major thoroughfares and other public *streets*;
  - ii. Estimated traffic generated by the proposed *use*;
  - iii. Proximity and relation to intersections;
  - iv. Adequacy of driver sight distances;
  - v. Location of and access to off-street parking;
  - vi. Required vehicular turning movements; and
  - vii. Provisions for pedestrian traffic safety and convenience.
- g. The proposed *conditional* land *use* must be located so as to be adequately served by essential public facilities and services, such as roadways, drainage systems, water and sewage facilities, police and fire protection, and schools, and/or must include either an acceptable plan for immediate provision of such services, or evidence that such services will be available by the time the *conditional* land *use* is established.

## **APPLICATION**

- 24.1 An application for a *conditional use* shall be processed and either approved or rejected in accordance with the provisions of *The Planning Act*.

## **FILING AN APPLICATION**

- 25.1 The application shall be filed with the *Designated Officer* and shall be accompanied by a site plan, other data, and such fees as may be determined by *Council*.

## **APPLICATIONS IN PROCESS**

- 26.1 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 the previous Steinbach Zoning By-law No. 1882. Where a *development application* has been submitted for any type of approval required, but no final action had 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 submission of the application or the provisions of this By-law, at the *applicant's* option.

## **EXISTING CONDITIONAL USE**

- 27.1 Where a *use* is classified as a *conditional use* under this By-law or amendments thereto, and exists as a permitted or *conditional use* at the date of the adoption of this By-law or amendments thereto, it shall be considered as a legally existing *conditional use*.

## **CHANGES TO ANY CONDITIONAL USE**

- 28.1 Any change in a *conditional use* shall be subject to the appropriate provisions of Part 1.0 and the appropriate provisions of *The Planning Act*.

## **SECTION 1.4 VARIANCES**

- 29.1 A *variance* is an administrative exception to the By-law's land *use* regulations, generally in order to remedy a deficiency which would prevent the property from complying with the zoning regulation.
- 29.2 Any person may apply for a *variance order*, in accordance with *The Planning Act*.
- 29.3 An application for a *variance order* and all required information and fees shall be made to the *Designated Officer*.

## **MINOR VARIANCE**

- 30.1 The *Designated Officer* may, in accordance with the provisions of *The Planning Act*, grant or refuse, at their discretion, a minor *variance* not to exceed ten (10) percent of any *height*, distance, area, size, intensity of *use* or *parking space* requirement of this By-law.

## VARIANCE ORDER OR SPECIAL EXCEPTION PRIOR TO BY-LAW

- 31.1 Where a *building or structure or use* established by a *variance order* under this By-law or amendments thereto, and exists as a permitted order at the date of the adoption of this By-law or amendments thereto, it shall be considered as legally conforming.

## **SECTION 1.5 DEVELOPMENT PERMIT REQUIRED**

- 32.1 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*. The following *developments* do not require a permit:
- a. Private communication facilities or towers under twenty (20) feet in *height*;
  - b. Permitted *accessory structures* less than 125 square feet in *building area* located in a *side or rear yard* in all residential zones except the 'RHD' Residential High Density Zone;
  - c. Temporary tents less than 900 square feet in covered area; and
  - d. *Signs* exempted by this By-law.
- 32.2 Where a person makes application for a *development permit*, the *Designated Officer* shall, where the application does not conform to the *zoning by-law*, a *Secondary Plan* or Development By-laws, reject the *development permit*.
- 32.3 An application for a *development permit* shall be made on a form prescribed by the *Designated Officer* and must be accompanied by the applicable fees.
- 32.4 A *development permit* shall expire and the right of an *owner* under that permit shall terminate if the work authorized by the permit is not commenced within six months from the date of issuance of the permit, or within any *extensions* of that time period granted by the *Designated Officer*, and is not reasonably continued without interruption after the end of such period.
- 32.5 The *applicant* for a *development permit* must supply all information requested by the *Designated Officer* to demonstrate compliance with this By-law and any other relevant By-laws of the City, including evidence of ownership and, where necessary as determined by the *Designated Officer*, a *Building Location Certificate* of the *site* showing the dimensions of the *site*, the position of all *buildings or structures* on the *site*, and the *height* of the *buildings or structures*.
- 32.6 A *development permit* for *use* of vacant land may be issued without production of a Staking Certificate prepared by a Manitoba Land Surveyor upon the *applicant* satisfying the *Designated Officer* that the proposed *use* is in accordance with this By-law.

- 32.7 A *development permit* for a temporary *building* or *structure* approved as such under this By-law shall expire upon expiration of the date specified in the permit unless before that expiration date an *extension* is granted by the *Designated Officer*.
- 32.8 The issuance of a *development permit* in respect of a *building* or *structure* does not affect the obligation to obtain a building permit or any other permit required in connection with the proposed work.
- 32.9 A *development permit* is required for all decks over two feet in *height*.

## **SECTION 1.6 NON-CONFORMITIES**

### **NON-CONFORMING USES AND STRUCTURES**

- 33.1 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*.
- 33.2 The intent of this By-law is to permit a *non-conformity* to continue until it is removed, but not to encourage its survival. Any expansion, addition, relocation or reconstruction of a *non-conforming use* or a non-conforming *building* or *structure* shall conform to the *site requirements* and parking and *loading* requirements of the *zoning district* in which it is located unless varied by a *variance order*.

### ***STRUCTURAL ALTERATIONS***

- 34.1 A *building* devoted to a *non-conforming use* may be *structurally altered*:
- a. To comply with a legal requirement;
  - b. To accommodate a conforming *use*;
  - c. To conform to the *development standards* of Part 4.0; or
  - d. In the course of an enlargement permitted in accordance with provision 36.1, Expansion of Non-conforming Use.

### **REPAIR OR INCIDENTAL ALTERATIONS TO A NON-CONFORMING USE**

35.1 Subject to approval and issuance of a *Development Permit*, repairs or *incidental alterations* to a *building* occupied by a *non-conforming use* may be made as follows:

- a. To the exterior of the *building*; and
- b. To those portions of the interior of the *building* occupied by the *non-conforming use*, or in connection with an expansion of the *non-conforming use* permitted in accordance with provision 36.1, Expansion of Non-conforming Use.

### **EXPANSION OF NON-CONFORMING USE**

36.1 Subject to approval and issuance of a *Development Permit*, a *non-conforming use* may be enlarged if:

- a. It is a *single-family* or *two-family dwelling* and the enlargement conforms to the applicable district *dimensional standards*; or
- b. The enlargement is required to comply with the provisions of this By-law related to off-street parking or *loading spaces*.

### **NON-CONFORMING USE DISCONTINUED FOR 12 MONTHS**

37.1 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 consecutive months, must not be used after that time except in conformity with the *zoning by-law*.

### **ACCESSORY USES**

38.1 A use that is accessory to a *non-conforming use* may continue as long as the *non-conforming use* exists.

### **REPAIRS OR INCIDENTAL ALTERATIONS TO A NON-CONFORMING STRUCTURE**

39.1 Repairs or *incidental alterations* may be made to a *non-conforming structure* subject to approval and issuance of a *development permit*, where necessary.

39.2 If a *non-conforming building* is damaged and repair or restoration costs are less than 50 percent of the value of an equivalent new *building*, repairs or restoration may occur if:

- a. The repairs and restoration do not introduce new *non-conforming uses*;
- b. A building permit is obtained within 180 days of the date of damage; and
- c. The restoration has actually begun within one year and is diligently pursued to completion.



39.3 The determination of the reduced structural valuation will be made by the City, or, at the *applicant's* option, by an independent appraiser, certified by the Appraisal Institute of Canada.

#### ***DAMAGE TO A NON-CONFORMING STRUCTURE***

40.1 The right to maintain a *non-conforming structure* shall terminate when:

- a. The *structure* is damaged, in any manner whatsoever, to the extent that the cost of repairing such damage exceeds one hundred (100) percent of the *structure's* assessed value on the last revised assessment roll; or
- b. The *structure* has been abandoned and/or has deteriorated due to natural causes to the extent that the cost of repair or renovation would exceed 100 percent of its assessed value on the last revised assessment roll.

#### **NON-CONFORMING PARCEL**

41.1 No *building* or *structure* may be erected on a *non-conforming parcel of land* unless:

- a. The *required yards* are provided as set forth in the Dimensional Standards Table 4-1 of the zone in which the *parcel of land* is located.

#### **NON-CONFORMING SIGNS**

42.1 A *non-conforming sign* shall be subject to all the provisions of this By-law relating to non-conformities, except as provided hereafter:

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

## **SECTION 1.7      LOTS OF RECORD**

- 43.1      No *structure* may be erected on a *lot of record* unless:
- a.      The *parcel of land* was on record in the Winnipeg Land Titles Office prior to the effective date of this By-law, or amendments thereto, and did not form part of a larger contiguous holding under the same ownership;
  - b.      The *parcel of land* is in separate ownership and is not part of a continuous *frontage* with other parcels of land of the same ownership; and
  - c.      The *yards* are provided as set forth in the *dimensional standards* table of the district in which the *parcel of land* is located, except that where width is a factor of the noncompliance, the *side yards* may be reduced to 10 percent of the width of the *lot*, but shall not be less than three feet.

## **SECTION 1.8      INTERPRETATION**

### **ILLUSTRATIONS**

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

### **TABLES**

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

### **ABBREVIATIONS**

- 46.1      Each *zoning district* created in Part 2.0 of this By-law may be abbreviated using the letter and number designations used in Part 2.0 and elsewhere throughout this By-law. The meanings of other abbreviations contained in maps, illustrations and tables are found either in those maps, illustrations, and tables or in the text immediately preceding or following them.

46.2 The Abbreviations noted on the Zoning Map mean the following:

- a. "Blk." means Block;
- b. "Gov't Rd. All'ce." means Government Road Allowance;
- c. "Pcl." means Parcel;
- d. "Pt." means Part;
- e. "Rge." means Range;
- f. "Sec." means Section;
- g. "Twp." means Township;
- h. "E.P.M." or "E" means east of the Principal Meridian.

### **HEADINGS**

47.1 Part, section, subsection, clause, subclause, and paragraph headings are not part of this By-law.

### **FOOTNOTES**

48.1 Footnotes are not part of this By-law. They are provided to assist in cross-referencing to relevant provisions of other By-laws or legislation.

### **ZONING MAPS**

49.1 The location and the boundaries of the Zones are shown upon Zoning Maps attached hereto, marked as Part 7.0 to this By-law. Said Zoning Maps form part of this By-law. All notations, references and other information shown thereon, together with any amendments made by amending By-laws from time to time and shown thereon, together with any amendments to boundaries in the case of any *street*, lane or *public works* right-of-way as provided in provision 17.1 of this Part, shall be as much a part of this By-law as if the matters and information set forth by the said Zoning Maps were fully described herein.

### **DIMENSIONS AND SCALE**

50.1 The scale and all dimensions of the Zoning Maps are in feet.

### **REGISTERED PLANS**

51.1 All plan references on the Zoning Maps pertain to registered plans filed in the Winnipeg Land Titles Office.

## INTERPRETATION OF ZONE BOUNDARIES

- 52.1 The location and boundaries of the *zoning districts* established in Part 2.0, Zoning Districts, are shown on the Zoning Maps in Part 7.0.
- 52.2 The following rules apply in the interpretation and application of the Zoning Maps, Part 7.0:
- a. Notwithstanding that *streets*, public lanes, public walks and public rights-of-way may be within zone boundaries, the regulations contained in this By-law shall not be deemed to be applicable to said *streets*, public lanes, public walks and public rights-of-way;
  - b. Boundaries indicated as following the center lines of *streets*, highways, public walks or public lanes shall be construed to follow such centerlines;
  - c. Boundaries indicated as following site lines on a registered plan shall be construed as following such site lines;
  - d. Boundaries indicated as following a railway right-of-way or a *public utility* right-of-way are construed as following the centreline of the right-of-way unless clearly designated otherwise;
  - e. Boundaries indicated as following the City limits shall be construed as following the City limits;
  - f. If a *street*, *public lane*, public walk or Government Road Allowance shown on the Zoning Map is lawfully closed subsequent to the adoption of this By-law, the land formerly comprising the *street* or lane shall be included within the zone of the adjoining land provided that if the said *street* or lane was a zone boundary between two or more different zones the new zone boundary shall be the former centerline of the closed *street* or *public lane*; and
  - g. Where the zoning of a single *site* or *lot* is split into more than one *zoning district*, each portion of the *site* or *lot* shall be developed and used in accordance with the provisions of the applicable *zoning district*.

## **SECTION 1.9 PERMITTED PROJECTIONS**

53.1 The *Designated Officer* may allow an obstruction or exception not listed in Section 4.2, Permitted Projections, provided the obstruction or exception will have no greater impact on surrounding properties than those permitted.

## **SECTION 1.10 EFFECTS OF PUBLIC LAND ACQUISITION**

54.1 The following applies to *lots* created by public land acquisition:

- a. If a *lot* is separated from the *street* upon which it would otherwise front by a parcel acquired by the City or the Province for the purpose of street-widening, the *lot* is deemed to have *frontage* on that *street* and a *building* or *structure* may be erected, or enlarged, *altered* or repaired and used on such *lot* provided that it conforms to all other requirements of this By-law;
- b. If a *lot* having a lesser width and/or area than that required by this By-law is created by expropriation or street-widening or other land acquisition from the *owner* of the *lot* by the City or the Province and the *non-conformity* is due to no other cause, the *lot* is deemed to comply with this By-law and a *building* or *structure* may be erected, *altered* or repaired and used on the *lot* provided that it conforms to all other requirements of this By-law; or
- c. If a *building* or *structure* having lesser *yards* than those required by this By-law is created by public land acquisition, the *building* or *structure* is deemed to comply with this By-law.

## **SECTION 1.11 REMEDIES AND PENALTIES**

55.1 An individual found guilty of an offence under this By-law is liable on summary conviction to the following fines, which may not exceed \$10,000:

- a. For a first offence, a fine of not less than \$100;
- b. For a second offence with respect to any property, a fine of not less than \$500; or
- c. For a third or subsequent offence with respect to any property; a fine of not less than \$1,000; or to imprisonment for a term not to exceed 6 months or both a fine and imprisonment.

- 55.2 A corporation found guilty of an offence under this By-law is liable on summary conviction to a fine of not more than \$15,000:
- a. For a first offence, a fine of not less than \$500;
  - b. For a second offence, with respect to any property a fine of not less than \$2,000; or
  - c. For a third or subsequent offence; with respect to any property a fine of not less than \$5,000.
- 55.3 In addition to those remedies and penalties listed in provisions 55.1 and 55.2 above, the City may impose any other remedy or penalty specifically provided for in this or another By-law.

## **SECTION 1.12 REPEAL OF AND TRANSITION FROM PREVIOUS BY-LAW**

- 56.1 The following By-law is repealed:
- a. The Steinbach Zoning By-law No. 1882
- 56.2 Any *use* of land or a *building* lawfully in existence under applicable laws and any *Variance* or *Conditional Use* Order or both shall, upon enactment of this By-law and repeal of that order or orders, be deemed to comply with this By-law to the extent and for the period of time authorized by such order(s).

## PART 2.0 ZONING DISTRICTS

### SECTION 2.1 ZONING DISTRICTS

57.1 This Part establishes the *zoning districts* and contains basic information pertaining to *zoning districts*, primarily statements of purpose and district specific regulations. Part 3.0, Use Regulations, and Part 4.0, Development and Design Standards, identify the *uses* allowed within the *districts* and the *standards* applying to *development* in the *districts*.

#### DISTRICTS ESTABLISHED

58.1 The *zoning districts*, district names and abbreviations shown in Table 2-1, and the locations and boundaries of the *zoning districts* shown on maps set out in Part 7.0, are hereby established.

**Table 2-1 Zoning Districts Established**

Abbreviation	Zones
A	Agricultural
O	Open Space
PR	Parks and Recreation
RSF	Residential Single-family
RLD	Residential Low Density
RMD	Residential Medium Density
RHD	Residential High Density
R-MX	Residential Mixed-use
RR	Rural Residential
RR-S	Rural Residential Service
R-MH	Residential Mobile Home
C1	Commercial Neighbourhood
C2	Commercial Community
C3	Commercial Corridor
C4	Commercial Regional
C-MX	Commercial Mixed-use
M1	Industrial Light
M2	Industrial Heavy
M-MX	Industrial Mixed-use
EI	Educational & Institutional

## DISTRICT DESCRIPTIONS

59.1 The descriptions of *districts* contained in this Part are intended to assist in selecting the appropriate *zoning district* for different types of land, and to assist in identifying the intended character of each district. When there is a conflict between any statement in the district description and a substantive requirement in other sections of this By-law, the substantive requirements in other sections shall apply. In no case may a district description be interpreted to require performance levels beyond the substantive requirements of this By-law.

### ***AGRICULTURAL, PARK AND OPEN SPACE DISTRICTS***

#### **Agricultural (A)**

60.1 The Agricultural (A) district is for the conservation of land for appropriate *agricultural activity*, which includes *agricultural cultivation, agricultural grazing, apiaries, aviaries, private stables, and stable or riding academy*.

#### **Open Space Zone (O)**

60.2 The Open Space (O) zone provides for the conservation of:

- a. Publicly-owned lands to be retained in an undeveloped state for the foreseeable future due to their scenic character, physical limitations and need;
- b. Privately-owned lands used for *golf courses* and major trunk utility rights-of-way which have an open space character;
- c. Slough areas, brush and shrubland, ravines, and other similar areas deemed to be unsuitable for *development*;
- d. Land used as *buffers* separating different types of land *use*;
- e. Lands which are intended to be used as future *road allowances*; and
- f. Lands which are to be retained in proximity to natural waterways.

#### **Parks and Recreation (PR)**

60.3 The Parks and Recreation district is intended for *sites* that include the following:

- a. Passive neighbourhood and community parks and facilities with predominantly pedestrian and cyclist access. These *sites* may provide unstructured drop-in play and recreation opportunities, including play *structures*, landscaped areas, plazas and natural areas. These parks and open spaces typically occur in a residential neighbourhood or riverbank context and are generally accessible from *adjacent* residential *streets*;



- b. Community recreation facilities and parks that are accessed by a mix of pedestrian and vehicular traffic. These *sites* may provide active programs and activities, including *community centres*, hockey pens, arenas, indoor soccer, wading pools, spray parks, skateboard parks and athletic fields; or
- c. Major recreation facilities and parks that are a regional destination. These *sites* may include major recreation facilities, aquatic leisure centres, regional parks, sport multi-plexes and athletic field *developments*.

## **RESIDENTIAL DISTRICTS**

### **Residential Single-family (RSF)**

61.1 The Residential Single-family (RSF) district is intended to accommodate primarily single-family residential *development* and associated or compatible *uses*.

### **Residential Low Density (RLD)**

61.2 The Residential Low Density (RLD) district is intended to accommodate primarily single and two-family residential *development* and associated or compatible *uses*.

### **Residential Medium Density (RMD)**

61.3 The Residential Medium Density (RMD) district is intended to accommodate single-family, two-family and low-rise multi-family unit development and their associated or compatible uses.

### **Residential High Density (RHD)**

61.4 The Residential High Density (RHD) district is intended to accommodate *developments* and their associated or compatible *uses* that generally have *buildings* with four or more *storeys*.

### **Residential Mixed-use (R-MX)**

61.5 The Residential Mixed-use (R-MX) district is intended to facilitate the *development* of primarily medium- to higher-*density* residential *development*, though it also may contain limited small-scale commercial, institutional, recreational, and service facilities needed to support residential *development*. The area, *site*, or *building* should retain a predominantly residential character. *Development* in the R-MX district should facilitate and encourage pedestrian travel between residential and non-residential *uses*. This district is considered an appropriate designation *adjacent* to and part of the Central Business District, neighbourhood commercial centre, or other type of mixed-use or major employment centre.

### **Rural Residential (RR)**

61.6 The Rural Residential (RR) district is intended only for existing large-*lot* rural residential *development*.

### **Rural Residential Service (RR-S)**

- 61.7 The Rural Residential Service (RR-S) district is intended to provide for smaller, rural residential *dwelling lots* and associated or compatible *uses*, which include piped sewer systems, private wells and hard-surfaced *streets*. Applications to rezone land to RR-S Zone will be limited to the following properties: Lot 4, Plan 16586 and Lot 5, Plan 16586.

### **Residential Mobile Home Park (R-MH)**

- 61.8 The Residential Mobile Home Park (R-MH) district is intended to provide for the location of mobile homes. All provisions of this By-law apply to the R-MH *zoning district* unless superseded by the district specific *standards* in Part 4.0.

## **COMMERCIAL AND INSTITUTIONAL DISTRICTS**

### **Commercial Neighbourhood (C1)**

- 62.1 The Commercial Neighbourhood (C1) areas are intended to accommodate small, commercial *uses* within or surrounded by residential areas and that are compatible in scale and character with surrounding residential *uses*, to serve the convenience needs of the surrounding neighbourhood. This district is not intended to accommodate businesses sized or designed to serve a trade area more than one-half mile from the business. C1 districts are generally located along local *streets* or at the intersection of local/collector *streets*.

### **Commercial Community (C2)**

- 62.2 The Commercial Community (C2) district is intended to accommodate a broader range of commercial *uses* that may not be limited to a local or neighbourhood orientation. The district is intended to include retail commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and the broader community. C2 districts are generally located along collector *streets*, at arterial/collector intersections, or along portions of arterial *streets* with relatively shallow *lots*.

### **Commercial Corridor (C3)**

- 62.3 The Commercial Corridor (C3) district is intended primarily for *uses* that provide commercial goods and services to residents of the broad community and beyond; in areas that are dependent on automobile access and exposed to heavy automobile traffic, but not including regional shopping malls or regional shopping areas. These commercial *uses* are subject to frequent view by the public and visitors to Steinbach, and should provide an attractive appearance with *landscaping*, sufficient parking, and controlled traffic movement. C3 districts are generally located on arterial *streets* and/or at arterial/arterial intersections.

#### **Commercial Regional (C4)**

62.4 The Commercial Regional (C4) district is intended to accommodate the *development* of large-scale, regional centres containing a mix of concentrated land *uses*. These commercial *uses* are subject to frequent view by the public and visitors to Steinbach, and they should provide an attractive appearance with *landscaping*, sufficient parking, and controlled traffic movement. The district should provide retail commercial, *office*, and *structures* at higher intensities than surrounding areas. The area may also contain concentrations of medium- to high-*density office development*, as well as a broad mix of complementary *uses*. The district should facilitate and encourage pedestrian travel between residential and non-residential *uses*.

#### **Commercial Mixed-use (C-MX)**

62.5 The Commercial Mixed-use district is intended to provide for community-serving mixed-use *development* at a more intense scale than may be appropriate for most neighbourhood locations. The C-MX district is intended for *use* along selected corridors and at important nodes in the City. The district is intended to include attractive retail, commercial, institutional, recreational, and service facilities needed to support surrounding neighbourhoods and the community at-large. Although the area, *site*, or *building* should have a predominantly commercial character, multi-family housing should be incorporated within each *development*, and each *development* should facilitate pedestrian connections between residential and non-residential *uses*.

#### **Educational and Institutional (EI)**

62.6 The Educational and Institutional (EI) district is intended to provide areas for the *development* of large and significant, single or multi-building, public, quasi-public, or private facilities of a non-commercial character that may have significant impacts on the surrounding areas. Typical *uses* may include *places of worship*, schools, colleges and universities, libraries, cultural facilities, *hospitals*, health care related facilities, and large research facilities as well as associated residential and directly related commercial *uses*. Attractive, campus-style *development* is encouraged within this district. In some cases, EI zoning may be appropriate for clustered or core facilities, while supporting facilities on non-contiguous *lots* remain in other *zoning districts*. Commercial or non-commercial *uses* that support the function of the facility or its population would be considered as *accessory uses*.

## **INDUSTRIAL DISTRICTS**

### **Industrial Light (M1)**

63.1 The Industrial Light (M1) district is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations with all operations contained within an enclosed *building* with some limited *outside storage*.

### **Industrial Heavy (M2)**

63.2 The Industrial Heavy (M2) district is intended to provide for intensive industrial *development*, including heavy manufacturing, storage, major freight terminals, waste and salvage, resource extraction, processing, transportation, major utilities, and other related *uses*. This district would be required for those *uses* that require very large *buildings*, frequent heavy truck traffic for supplies or shipments, or that may require substantial mitigation to avoid sound, noise, and odour impacts to neighbouring properties.

### **Industrial Mixed-use (M-MX)**

63.3 The Industrial Mixed-use (M-MX) district is intended to provide an opportunity for a mix of commercial and industrial activities that are supportive of industrial functions and are compatible with surrounding industrial use areas, while allowing more flexibility of *uses* and requiring a higher standard of *landscaping* and design. *Uses* may include *offices*, wholesale and business service establishments, campus-style industrial or business parks, and limited *retail sales*/personal service storefronts.

## PART 3.0 USE REGULATIONS

### SECTION 3.1 DEFINITION OF SYMBOLS USED IN TABLES

- 64.1 Table 3-1 lists the *permitted uses* and *conditional uses* allowed within all *zoning districts*. No new use or expansion of an existing use may be established except in conformance with Table 3-1 and the applicable use specific regulations referenced in the table.
- 64.2 In Table 3-1:
- a. “P” in a cell indicates that the *use* identified at the far left of that row is permitted in the *zoning district* identified at the top of that column;
  - b. “C” in a cell indicates that, in the *zoning district* identified at the top of that column, the *use* identified at the far left of that row is allowed only if reviewed and approved as a *conditional use* in accordance with the procedures of the City of Steinbach Development Procedures By-law;
  - c. A blank cell indicates that the *use* identified at the far left of that row is not permitted in the *zoning district* identified at the top of that column;
  - d. A number in a cell within the column headed “*Use Specific Standards*” identifies a provision within this By-law which imposes an additional *standard* with which the *use* must comply except as authorized by this By-law or by a *Conditional Use* or *Variance Order*;
  - e. An asterisk symbol (\*) following the “P” or “C” symbol indicates that a *use specific standard* imposed by a provision identified in the cell located within the same row and within the column headed “*Use Specific Standards*” applies to permitted or *conditional uses*, as the case may be, within the *zoning district*; and
  - f. A number in a cell within the column headed “Parking Category” identifies a parking class described in Table 4-5, Requirement by Parking Class.

### SECTION 3.2 IMPLICATIONS OF TABLE ABBREVIATIONS

- 65.1 The following applies to Table 3-1 Use Table:

#### PERMITTED USES

- 66.1 *Permitted uses* (P) are subject to all other applicable regulations of this By-law, including the *use specific standards* set forth in this Part and the requirements of Part 4.0, Development and Design Standards.

## CONDITIONAL USES

67.1 *Conditional uses* (C) are subject to all other applicable regulations of this By-law, including the *use specific standards* set forth in this Part, the requirements of Part 4.0, and the *standards* below:

- a. Unless otherwise provided in a *Conditional Use Order*, all approved *conditional uses*:
  - i. Must be operated in accordance with all plans and documents submitted as part of the application; and
  - ii. Must comply with all other applicable provisions of this By-law.

## USES NOT PERMITTED

68.1 If a *use* is not specifically listed in the tables, or deemed similar by the *Designated Officer* pursuant to provision 74.1, Classification of Uses, the *use* is not permitted.

## PROHIBITED USES

69.1 Land *uses* incompatible with the vision of Steinbach articulated in Steinbach *Official Community Plan* and other City policy documents are prohibited, and shall not be deemed similar to a permitted or *conditional use* pursuant to provision 74.1, Classification of Uses, below.

69.2 *Prohibited uses* include:

- a. Dating and escort service;
- b. *Massage parlour*;
- c. *X-rated stores*; and
- d. *Adult services or entertainment establishments*.

## USE SPECIFIC STANDARDS

70.1 Regardless of whether a use is allowed as a *permitted use* or as a *conditional use*, and regardless of the *zoning district* in which the *use* is located, there may be additional *standards* that are applicable to the *use*, and the *use* must comply with such *standards* except as authorized by this By-law or by a *Conditional Use* or *Variance Order*. The existence of these *use specific standards* is noted in a column headed "*Use Specific Standards*", which cross-references the section of this By-law that imposes the additional *standard*. In some cases, *use specific standards* apply only in select *zoning districts*, as indicated by an asterisk symbol (\*) following the "P" or "C" symbols described in provision 64.2.

70.2 An application to establish a *permitted use* that does not meet the applicable *use specific standards* in provision 22.1 may only be approved through the *conditional use review procedure*.

- 70.3 An application to establish a *Conditional Use* that does not meet the applicable *use specific standards* in provisions 70.1 through 90.1 may only be approved through the *variance* procedure.
- 70.4 An application to establish a *use* that does not meet the size or *dimensional standards* set forth in Part 4.0 may only be approved through the *variance* procedure.

### **PARKING CATEGORIES**

- 71.1 Regardless of whether a *use* is allowed as a *permitted use* or as a *conditional use*, and regardless of the *zoning district* in which the *use* is located, it must meet the parking requirements of Part 4.0 of this By-law, except as authorized by this By-law or by a *Conditional Use* or *Variance Order*. Cross-references in the last column of the table refer to parking classes described in Table 4-5.

### **SECTION 3.3 TABLE ORGANIZATION**

- 72.1 In Table 3-1 land *uses* and activities are classified into general “*use categories*” and specific “*use types*” based on common functional or physical impact characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land *uses* into appropriate *zoning districts*. This classification does not list every *use* or activity that may appropriately exist within the categories and specific *uses* may be listed in one category when they may reasonably have been listed in one or more other categories. The *use category* titles are intended as an indexing tool and are not exhaustive and do not form part of the By-law.

### **USE CATEGORIES AND USE SUB-CATEGORIES**

- 73.1 The following provides a description of the Use Categories and Use Sub-categories found in Table 3-1, Use Table.

**residential and residential-related** means a category of *uses* primarily associated with living accommodations, including *dwellings*, residential care facilities, live-work units, and boarding facilities. *Hostel* and *hotel uses* are not included in this category.

**group living** means a subcategory of *uses* characterized by residential occupancy of a *structure* or *structures* by a group of people who do not meet the definition of Household Living. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a *family*. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the *site*. *Accessory uses* commonly include recreational facilities and vehicle parking for occupants and staff.

**household living** means a subcategory of *uses* primarily associated with residential occupancy of a *dwelling unit* by a household. Tenancy is arranged on a month-to-month or longer basis (lodging where tenancy may be arranged for a period of less than 30 days is classified under the “Accommodation” category). Common *accessory uses* include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants’ vehicles. Home occupations and accessory *dwelling units* are *accessory uses* that are subject to additional regulations.

**agricultural** means a category of *uses* that include the *use* of land for agricultural purposes including *agricultural cultivation, agricultural grazing, apiary, aviary, private stable, and stable or riding academy*. *Accessory uses* may include *dwellings* for employees, barns, storage of grain, animal raising, feed preparation, and wholesale sales of products produced on-site.

**public and institutional** means a category of *uses* primarily associated with public assembly, schooling and training, government services other than *public utilities*, and private and non-profit congregation, worship, and services.

**community facilities** means a subcategory of *uses* including *buildings, structures, or facilities* owned, operated, or occupied by a non-profit or governmental agency to provide a service to the public.

**education** means a subcategory of *uses* involving the provision of educational instruction to students provided by a public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools, which provide educational instruction to students. *Accessory uses* include play areas, cafeterias, recreational and sport facilities, *auditoriums*, and before or after school day care.

**park and park-related** means a category of *uses* characterized by large areas consisting mostly of *landscaping* for outside recreation, *community gardens*, or *public squares and plazas*. Lands tend to have few *structures*. *Accessory uses* may include clubhouses, maintenance facilities, concessions, caretaker’s quarters, and parking.

**other public and institutional** means a subcategory of *uses* primarily associated with public assembly, schooling and training, government services other than *public utilities*, and private and non-profit congregation, worship, and services, but not including any *uses* listed separately in Table 3-1 Use Table under the subcategories of, “community facilities”, “education” or “parks and park related” *uses*.



**cultural and entertainment** means a category of *uses* primarily associated with viewing of cultural materials or entertainment events.

**cultural facilities** means a subcategory of *uses* including facilities that display or preserve objects of interest or provide facilities for one or more of the arts or sciences. *Accessory uses* may include parking, *offices*, storage areas, and gift shops.

**recreation and entertainment, indoor** means a subcategory of *uses* including facilities that provide recreation or entertainment activities within an enclosed environment and includes facilities owned or operated by associations, corporations, or other persons for social, educational, or recreational purposes primarily for members and their guests. *Accessory uses* may include *offices*, meeting areas, food preparation areas, concessions, snack bars, parking, and maintenance facilities.

**recreation and entertainment, outdoor** means a subcategory of *uses* that include facilities that provides recreation or entertainment activities outside of an enclosed environment. *Accessory uses* may include concessions, snack bars, parking, and maintenance facilities.

**commercial sales and service** means a category of *uses* primarily associated with the sale, lease, or rent of new or used goods and the sale or provision of services, including associated *offices*.

**accommodation** means a subcategory of *uses* including facilities where lodging and ancillary activities are provided to transient visitors and guests for a defined period.

**animal sales and service** means a subcategory of *uses* involving the selling, boarding, or care of animals on a commercial basis. *Accessory uses* may include confinement facilities for animals, parking, and storage areas.

**food and beverage service** means a subcategory of *uses* involving the serving of prepared food or beverages for consumption on or off the *premises*. *Accessory uses* may include food preparation areas, *offices*, and parking.

**office** means a subcategory of *uses* focusing on business, professional, administrative, clerical, or financial services that are frequented by clients and customers for service and sales. *Accessory uses* may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

**personal service** means a subcategory of *uses* that provide individual services related to personal needs directly to customers at the *site* of the business, or receive goods from or return goods to the customer that have been treated or processed at that location or another location. This *use* does not include vehicles and equipment, recreation, or *adult service or entertainment establishment, dating and escort*

*services, or massage parlours.* No outside display is permitted unless specifically authorized by this By-law. *Accessory uses* may include *offices*, parking, storage of goods, and assembly, repackaging, or repair of goods for on-site sale.

**retail sales uses** means a subcategory of *uses* involved in the sale, lease, or rent of new or used products directly to the general public or to individuals or households based on their membership in an association or club. This *use* includes facilities whose names indicate that they are *warehouse* or *wholesale* operations, but that in fact conduct more than *incidental retail sales*. This *use* does not include food service, *personal services*, or recreation *uses*. *Accessory uses* may include *offices*, parking, storage of goods, assembly, repackaging, or repair of goods for on-site sale.

**restricted** means a subcategory of *uses* that have been identified as requiring scrutiny due to their potentially objectionable operational characteristics and their potentially negative effects on the surrounding area. These *uses* may be permitted if concentrated within a small geographic area.

**signs** means a subcategory of *uses* that includes all *signs* used for the promotion of goods, services, or events offered in a location other than upon the same zoning *lot* on which the *sign* is located, and includes advertising *signs* and billboards.

**private motor vehicle related** mean a category of *uses* primarily associated with the sale, lease, rent, repair, storage, or movement of automobiles, *light trucks*, motorcycles, recreational vehicles, boats, trailers, snowmobiles, and similar vehicles. This category includes sales and rental of new and used vehicles and parts for vehicles, outside display and storage of vehicles, vehicle repair, painting, upholstery and rebuilding, vehicle service office or garage, tire re-treading, tire dealers, and trailer rental, sale, display, and/or storage *uses*. *Accessory uses* may include *incidental* repair and storage, *offices*, and sales of parts.

**transportation, utility and communications** means a category of *uses* primarily associated with train, bus, and boat *uses*. Utility *uses* mean those primarily associated with providing electrical, heating, cooling, and similar utility services, as well as *public works* yards, and similar operations. *Uses* related to the processing of solid waste are addressed under the Industrial Use category and are not included in this category. Communications *uses* mean those primarily associated with communications facilities and infrastructure.

**transit and transportation** means a subcategory of *uses* that include facilities that receive and discharge passengers and facilities for the storage and service of equipment required for their operation.

**utility** means a subcategory of *uses* that includes *buildings, structures*, or other facilities used by any private or governmental utility other than communications facilities. This category includes *buildings* or *structures* that house or contain facilities for the operation of water, wastewater, waste disposal, or electricity services. This *use* also includes water storage tanks; electric or gas substations,

water or wastewater pumping stations, or similar *structures* used as an intermediate switching, boosting, distribution, or transfer station of electricity, natural gas, water, or wastewater. This category includes passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, water, sewage, or other similar services on a local level. Additionally, a private utility facility means any energy device and/or system that generates energy from renewable energy resources including solar, hydro, wind, biofuels, wood, geothermal, or similar sources. *Accessory uses* may include control, monitoring, data, or transmission equipment.

**communications** means a subcategory of *uses* that include facilities that transmit analog or digital voice or communications information between or among points using electromagnetic signals via antennas, microwave dishes, and similar *structures*. Supporting equipment includes *buildings*, shelters, cabinets, towers, electrical equipment, parking areas, and other *accessory development*.

**industrial uses** means a category of *uses* including activities and facilities engaged in providing industrial services, manufacturing and production, warehousing and freight movement, or waste and salvage services.

**industrial service** means a subcategory of *uses* engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that service consumer activity do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar *uses* perform services off-site. The *site* will generally be used by staff and a few customers and only infrequently by members of the general public. Accessory activities may include sales, *offices*, parking, and storage.

**manufacturing and production** means a subcategory of *uses* including firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Custom industry is included (i.e., establishments primarily engaged in the on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment). Goods are generally not displayed or sold on-site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory activities may include *retail sales*, *offices*, cafeterias, parking, employee recreational facilities, *warehouses*, storage yards, repair facilities, truck fleets, and caretaker's quarters.

**warehouse and freight movement** means a subcategory of *uses* including firms engaged in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some customer pickups. There is little on-site sales activity with the customer present. Warehouse and Freight Movement *uses* may include carting, hauling or storage yards and contractor's shops, large-scale distribution, and warehousing. *Accessory uses* may include *offices*, truck fleet parking, and maintenance areas.

**waste and salvage** means a subcategory of *uses* including firms that receive solid or liquid wastes from others for disposal on the *site* or for transfer to another location, *uses* that collect sanitary waste, or *uses* that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and Salvage *uses* also include *uses* that receive hazardous wastes from others. *Accessory uses* may include recycling of materials, *offices*, and repackaging and shipment of by-products.

Table 3-1 Use Table

Zoning District Use Category/ Type	A	O	PR	RSF	RLD	RMD	RHD	R-MX	RR	RR-S	R-MH	C1	C2	C3	C4	C-MX	EI	M1	M2	M-MX	Use Specific Standards	Parking Category
<b>Residential and Residential-Related</b>																						
<b>Household Living</b>																						
Dwelling, single-family detached	C			P	P	P	P	P	P	P		P										1
Dwelling, two-family					P	P	P	P				P	C			P						1a
Dwelling, multi-family						P	P	P				C*	C*	C*		P	P				81.1 & 81.2	3
Secondary suites				P*	P*			P*	P*	P*		P*									80.1 & 80.2	1
Mobile home											P											1
Dwelling, home-based business	P*			P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*					79.1 – 79.5	1a
Caretaker's residence			C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		1
<b>Group Living</b>																						
Assisted living facility					C	C	P	P				C	P	P		P	P					2
Neighbourhood rehabilitation home (5 or more people)					C*	C*	C*	C*				C*									82.1	2
Neighbourhood rehabilitation home (fewer than 5 people)				P*	P*	P*	P*	P*	P*	P*											82.1	2
Group home (fewer than 5 people)				P*	P*	P*	P*	P*	P*	P*											82.1	2
Group Residence (5 or more people)				C*	C*	C*	C*	C*	C*	C*											82.1	2
Dormitory							C	C					C	C	C	C	P	C	C	C		4
<b>Agricultural</b>																						
Agricultural cultivation	C	C																				0
Agricultural grazing	C																					0
Apiary	C																					0
Aviary	C																					0
Stable, private	C																					0
Stable or riding academy	C	C	C																			0

Table 3-1 Use Table

Zoning District Use Category/ Type	A	O	PR	RSF	RLD	RMD	RHD	R-MX	RR	RR-S	R-MH	C1	C2	C3	C4	C-MX	EI	M1	M2	M-MX	Use Specific Standards	Parking Category	
<b>Public and Institutional</b>																							
<b>Community Facilities</b>																							
Community / recreation centre	C		C		C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	C		9	
Jail / detention centre	C																C		C			22	
Library			C		C	C	C	P				C	P	P	P	P	P			P		9	
Protection and emergency services	C		C	C	C	C	P	P				C	P	P	P	P	P	P	P	P		16	
Social services facility								C				C	P	P	P	P	P	P	P	P		19	
<b>Education</b>																							
College or university								C					P	P		P	P			P		8	
Commercial school								C					P	P	P	P	P	P	P	P		7	
Senior high school						C*	C*	C*								C*	P*				83.7	7	
Elementary or middle school				C	C*	C*	P*	P*								C*	P*				83.2	7	
<b>Park and Park-Related</b>																							
Cemetery, mausoleum, columbarium	P	C	C															C	C			0	
Community gardens	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P			P		0	
Park / plaza / square / playground	P	P	P	P*	P*	P	P	P*	P	P	P	P*	P	P	P	P	P	P	P	P		83.1	0
<b>Other Public and Institutional</b>																							
Day care centre (8 or more children)					C*	C*	C*	C*	C*	C*		C*	C*	C*		C*	C*	C*		C*	83.3 & 83.4	7	
Home day care (fewer than 8 children)				P	P	P	P	P	P	P	P	P									83.5	1	
Hospital													C	C	C	C	P	C		C		5	
Place of worship	C*				C*	C*	C*	C*				C*	P*	P	P	P*	P	C*		P*	83.6	6	
<b>Cultural and Entertainment</b>																							
<b>Cultural Facilities</b>																							
Gallery / museum / cultural centre	C	C	C					P*				P*	P	P	P	P	P			P*	84.3	12	

Table 3-1 Use Table

Zoning District Use Category/ Type	A	O	PR	RSF	RLD	RMD	RHD	R-MX	RR	RR-S	R-MH	C1	C2	C3	C4	C-MX	EI	M1	M2	M-MX	Use Specific Standards	Parking Category
<b>Recreation and Entertainment, Indoor</b>																						
Amusement enterprise, indoor													P*	P	P	P*		P	P	P*	84.1	9
Auditorium / concert hall / theatre / cinema			C*										P*	P	P	P	P	P*		P*	84.2	9
Private club, not licensed													P*	P		C	C	C*		C*	84.4	13
Studio, radio / TV / motion picture broadcast and production													P	P	P	P	C	P	P	P		19
<b>Recreation and Entertainment, Outdoor</b>																						
Amusement enterprise, outdoor	C		C										C	P	P	C		P	P	P		11
Camping ground	C	C	C																			11
Golf course	C	P	P																			14
Race track	C	C	C												C				C			9
Sports or entertainment arena / stadium, outdoor		C	C											C	C	C	C	C	C	C		9
<b>Commercial Sales and Service</b>																						
<b>Accommodation</b>																						
Hotel or motel													C	P	P	P	C	C	C	P		15
<b>Animal Sales and Services</b>																						
Animal hospital or veterinary clinic	P												C	P	P	P		P	P	P		19
Kennel or animal pound	C													C*		C*		C	C	C	85.3	19
Pet day care	C								C	C			C	C	C	C		C	C	C		19
<b>Food and Beverage Service</b>																						
Restaurant								P*				P*	P	P	P	P*	P	P	P	P	85.13 & 85.14	21

Table 3-1 Use Table

Zoning District Use Category/ Type	A	O	PR	RSF	RLD	RMD	RHD	R-MX	RR	RR-S	R-MH	C1	C2	C3	C4	C-MX	EI	M1	M2	M-MX	Use Specific Standards	Parking Category
<b>Office</b>																						
Call centre													C	C	P	P		P	P	P		18
Office								P*				P*	P	P	P	P	P	P	P	P	85.6	19
Research institution	C													P	P	C	P	P	P	P		19
<b>Personal Service</b>																						
Personal services (unless otherwise listed)								P*				P*	P*	P	P	P	C	P		P	85.7 & 85.8	19
Body modification establishment													C	C	C	C				C		19
Cheque-cashing facility													C	C	C	C		C		C	85.2	19
Funeral chapel, mortuary or crematorium													C	C	C	C		P	P	P		6
Medical / dental / optical / counselling clinic								P*				P*	P	P	P	P	P	P		P	85.4 & 85.5	17
<b>Retail Sales</b>																						
Retail sales (unless otherwise listed)								P*				P*	P*	P*	P	P*	C*	C*		P*	85.9 - 85.11	19
Auction room													C	P	P	P*		P*	P	P*	85.1	11
Landscape or garden supplies	P												P	P	P	P		P	P	P		24
Supermarket													P*	P	P	P*		P*		P*	85.12	23
<b>Restricted</b>																						
Pawnshop													C	C	C			C	C	C		19
<b>Signs</b>																						
Advertising sign	C												C	C	C				C		88.1 – 88.6	0



Table 3-1 Use Table

Zoning District Use Category/ Type	A	O	PR	RSF	RLD	RMD	RHD	R-MX	RR	RR-S	R-MH	C1	C2	C3	C4	C-MX	EI	M1	M2	M-MX	Use Specific Standards	Parking Category
<b>Private Motor Vehicle Related</b>																						
Auto / light truck / motorcycle, repair, service, sales and rental													P*	P*	P*	P*		P*	P*	P*	86.1 – 86.4	19
Auto parts and supplies, sales													P	P	P	P		P	P	P		19
Car wash													C	P	P	C		P	P	P		20
Drive-in or drive-through													P*	P*	P*	C*		P*	P*	P*	86.5 – 86.7	21
Fuel sales													P*	P*	P*	P*		P*	P*	P*	86.8 – 86.10	20
Parking, structured													P	P	P	P	P	P	P	P		0
Parking, surface													C	P	P	P	C	P	P	P		0
Towing and storage facility														C				C	P	C		22
<b>Transportation, Utility and Communications</b>																						
<b>Transit and Transportation</b>																						
Airport and associated facilities	C	C																C	C		87.1 & 87.2	10
Bus depot														C	C	C		P	P	P		10
<b>Utility</b>																						
Utility facility, major	C																	C	P			22
Utility facility, minor	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	87.3	22
<b>Communications</b>																						
Non-Federally regulated wireless communication, building-mounted tower	P*						P*	P*				P*	P*	P*	P*	P*	P*	P*	P*	P*	87.4	0
Non-Federally regulated wireless communication, freestanding tower	P*												C*	C*	C*	C*	C*	C*	P*	C*	87.4	0

Table 3-1 Use Table

Zoning District Use Category/ Type	A	O	PR	RSF	RLD	RMD	RHD	R-MX	RR	RR-S	R-MH	C1	C2	C3	C4	C-MX	EI	M1	M2	M-MX	Use Specific Standards	Parking Category
<b>Industrial Uses</b>																						
<b>Industrial Service</b>																						
Auction yard	C																		P			10
Contractor's establishment														C				P	P	C		10
Fleet services													C	C	C			P	P	P		10
Heavy equipment sales, service, and rental	C																	C	P	C		10
Landscape / garden contractor or production	P													C				C	P	C		10
Wholesaling																		P	P	P		10
<b>Manufacturing and Production</b>																						
Heavy manufacturing																			P			10
Light manufacturing																		P	P	P		10
<b>Warehouse and Freight Movement</b>																						
Freight or truck yard																		C	P			0
Mini-warehouse, self-storage														P				P	P	P		0
Outside storage														C	C			C	P	C		0
Warehouse																		P	P	P		0
<b>Waste and Salvage</b>																						
Garbage incineration and reduction	C																		C			22
Landfill / snow dump	C	C																	C			22
Recycling collection centre	P	C	C										P	P	P	P	P	P	P	P		22
Recycling plant																		P*	P	P*	89.1	22
Waste transfer station																			C			22
Wrecking or salvage yard																			C*		90.1	22

## **SECTION 3.4 CLASSIFICATION OF USES**

74.1 The list of *uses* in Table 3-1 is not exhaustive. New types of *uses* will develop and unanticipated *uses* may seek to locate in the City.

### **INTERPRETATION BY THE DESIGNATED OFFICER**

75.1 Any person may apply to the *Designated Officer* for an interpretation as to whether a proposed *use* falls within any of the *use categories* or *use types* shown in Table 3-1, and, if so, which one. The *Designated Officer* must provide the interpretation taking into account the nature of the proposed *use* and its potential impacts, including but not limited to: whether it involves *dwelling units*; sales; processing; type of product, storage and amount, and nature thereof; enclosed or open storage; anticipated employment; transportation requirements; hours of operation; excessive noise, odour, fumes, dust, toxic material, and vibration likely to be generated; and the general requirements for *public utilities* such as water and sanitary sewer. The authority to provide an interpretation does not include the authority to add a new permitted or *conditional use* to Table 3-1.

### **APPEAL**

76.1 The decision of the *Designated Officer* with respect to interpretation under provision 75.1 is final.

### **USE TABLES**

77.1 Table 3-1 identifies the land *uses* allowed within all base *zoning districts*. No new *use* or expansion of an existing *use* may be established except in conformance with the following tables and with the applicable *use* specific regulations referenced in the tables.

### **USE SPECIFIC STANDARDS**

78.1 Regardless of whether a *use* is allowed as a permitted or a *conditional use*, and regardless of the *zoning district* in which the *use* is located, the following additional *standards* must be met in respect of the *uses* identified, except as authorized by other sections of this By-law or by a *Conditional Use* or *Variance Order*.

### **RESIDENTIAL AND RESIDENTIAL-RELATED**

#### **Dwelling, Home-based Business**

79.1 The following *home-based businesses* are prohibited in all *zoning districts*:

- a. Adult entertainment;
- b. Dating and escort service;
- c. Massage therapy unless the resident providing the service is licensed as such by the City of Steinbach;
- d. Body modification;

- e. Public bath, whirlpool bath, or similar establishment;
- f. On-site painting, body repairs, or other repair of automobiles, trucks, boats, trailers, or other motorized vehicles;
- g. Vehicle towing operations;
- h. Dispatch centres for auto-oriented services;
- i. Any business utilizing radio transmission equipment;
- j. Any business engaged in the sale and rental of autos, *light trucks*, or motorcycles;
- k. Cheque-cashing facilities;
- l. Any other business that the *Designated Officer* deems incompatible in a residential setting; and
- m. *Retail sales.*

79.2 Any person operating an established *home-based business* which experiences any addition, change or *alteration*, is required to notify the City, prior to allowing the business activity to continue, and the license may, subject to the business still complying with all the regulations, be upgraded and confirmed at no additional cost.

79.3 Compliance with the provisions of this By-law does not negate the requirements to comply with the provisions of other City By-laws including, but not limited to, the *zoning by-law*.

79.4 In addition to all *standards* applicable in the *zoning district* where the *use* is located, the following conditions apply to all *home-based businesses*, as defined in Part 6.0:

- a. All *home-based businesses* must be operated in accordance with all plans and documents approved as part of the application;
- b. The operators of the *home-based business* must be residents of the *dwelling unit*;
- c. If the resident proposing to operate a *home-based business* is not the property *owner*, written consent from the property *owner* is required;
- d. only one non-resident employee may work on the *premises* regardless of the number of *home-based businesses* that may be permitted for that *premises*;
- e. More than one *home-based business* per *dwelling* may be permitted, provided that all applicable regulations are satisfied;

- f. An *accessory structure* may be used for conducting a *home-based business*, provided that the *structure* complies with all other requirements of this By-law;
- g. The cumulative size of all *home-based businesses* within a *dwelling unit* or *accessory building* must not exceed 25 percent of the total gross *floor area* of the *dwelling unit* and *accessory building* or 800 square feet, whichever is less;
- h. Work or activity must be conducted entirely within the residential unit or *accessory building*;
- i. No *home-based businesses* may have any outdoor storage of any items related to the business, including without limitation, materials, inventory, or equipment, unless such items are stored in an enclosed *accessory building* meeting the requirements of this By-law;
- j. There must be no exterior indication of the existence of the *home-based business*, and no indoor display of the business visible from the outside, except that a *home-based business* may have one non-illuminated fascia type *identification sign* not exceeding four square feet of total surface area;
- k. The sale of goods on the *premises* must be limited to *incidental retail sales* of those articles produced on-site or *incidental* to the service provided by the *home-based business*;
- l. A *home-based business* may provide instructional classes for not more than four pupils at a time;
- m. A *home-based business* must not cause the generation of undue traffic and congestion in the neighbourhood; and
- n. A *home-based business* must not be detrimental to the amenities or primary use of the neighbourhood.

79.5 If the *home-based business* is a *bed and breakfast*, the *use* must comply with the following additional requirements:

- a. The operator of the business must reside on the *premises* and must use it as their principal residential *dwelling*;
- b. The maximum number of guest rooms is the number of bedrooms existing in the *structure*, minus one for occupancy by the *owners/operator* of the facility;
- c. No cooking facilities are permitted in guest rooms;
- d. Guests may reside at the *bed and breakfast* for a maximum of two weeks;

- e. *Bed and breakfast* facilities are not subject to the restriction that *home-based businesses* occupy no more than 25 percent of the gross *floor area* of the *principal building*; and
- f. A minimum of two *parking spaces* must be provided per three guest rooms.

**Secondary Suites**

- 80.1 *Secondary suites* must comply with requirements of the National Building Code and Manitoba Amendments;
- 80.2 *Secondary suites* are not permitted in a duplex.

**Dwelling, Multi-Family**

- 81.1 The ground floor may only be used for the *uses* permitted in Table 3-1 in the applicable C1, C2, or C3 zone.
- 81.2 In cases of *infill development*, in order to comply with Section 2.2.1 of the City *Official Community Plan*, the developer shall ensure that a multi-family *development* is generally compatible and consistent with the existing neighbourhood in terms of setbacks, scale and character.

**Neighbourhood Rehabilitation/Group Home**

- 82.1 No *neighbourhood rehabilitation home* or *group home* may be located within 500 feet from another *neighbourhood rehabilitation home* or *group home*.

***PUBLIC AND INSTITUTIONAL***

**Park/plaza/square/playground**

- 83.1 In the RSF, RLD, R-MX, C1 *zoning districts*, *parks*, *plazas*, *square*, *playgrounds*, and similar *uses* are subject to the following limitations:
  - a. The *use* may contain a maximum of two athletic playing fields;
  - b. The *use* may not contain a swimming pool; and
  - c. Any skateboard park must be limited to 5,000 square feet of gross area.

**Elementary or Middle School**

- 83.2 Each *elementary or middle school* must provide queuing spaces for the *loading* and unloading of passengers to accommodate three school buses and five *passenger vehicles*. Such queuing spaces may be located within the required *front yard*, as allowed in Table 4-5, Requirements by Parking Class.

### **Day Care Centre**

- 83.3 Each *day care centre* must provide a drop-off/pick-up area to ensure the safety of persons and to ensure that vehicles dropping off or picking up do not interfere with smooth traffic flow on *adjacent public streets*.
- 83.4 All *Day Care Centres* require Provincial licensing.

### **Home Day Care**

- 83.5 All *home day cares* must comply with the following additional requirements:
- a. The hours of operation must be limited to between 6:00 am and 7:00 pm;
  - b. No other *home-based businesses* may be conducted within the *premises*;
  - c. Limited to less than eight children;
  - d. Limited to a *single-family dwelling*; and
  - e. Must provide a pick-up/drop-off area, which may be a driveway, sufficient to ensure the safety of people when entering and leaving the *premises*.

### **Place of Worship**

- 83.6 *Places of worship* with a gross *floor area* of more than 40,000 square feet are only permitted in C3, C4, or E1.

### **Senior High School**

- 83.7 Each *senior high school* must provide queuing spaces for the *loading* and unloading of passengers to accommodate three school buses and three *passenger vehicles*. Such queuing spaces may be located within the required *front yard*, as allowed in Table 4-5, Requirements by Parking Class.

## ***CULTURAL AND ENTERTAINMENT***

### **Amusement Enterprise, Indoor**

- 84.1 In the C2, C-MX, and M-MX *zoning district*, *indoor amusement enterprise* establishments are limited to a maximum of 10,000 square feet of gross *floor area*, except *fitness and wellness centres* which are limited to a maximum of 40,000 square feet of gross *floor area*.

### **Auditorium/Concert Hall/Theatre/Cinema**

- 84.2 In the PR, C2, M-MX, and M1 *zoning districts*, *auditoriums*, *concert halls*, *theatres*, *cinemas*, and similar *uses* are limited to a maximum of 40,000 square feet of gross *floor area*.

### **Gallery/Museum/Cultural Centre**

- 84.3 In the R-MX and C1 *zoning districts*, *museums* are limited to a maximum of 10,000 square feet of gross *floor area*.

**Private Club, Not Licensed**

- 84.4 In the C2, M-MX, and M1 *zoning districts*, private clubs (not licensed) are limited to a maximum of 10,000 square feet of gross *floor area*.

**COMMERCIAL SALES AND SERVICE**

**Auction Room**

- 85.1 In the C-MX, M-MX, and M1 district, *auction rooms* are limited to a maximum of 10,000 square feet of gross *floor area* and may not include *outside storage areas*.

**Cheque-cashing Facility**

- 85.2 No *cheque-cashing facility* may be located within 1,000 feet of another *cheque-cashing facility* or a *pawnshop*.

**Kennel or Animal Pound**

- 85.3 In the C3, and C-MX districts, a *kennel* is permitted as a *Conditional Use* only if all operations are conducted within an enclosed *building*.

**Medical/Dental/Optical/Counselling Clinic**

- 85.4 In the C1 district *medical/dental/optical/counselling clinic uses* are limited to a maximum of 2,000 square feet of gross *floor area*.

- 85.5 In the R-MX district *medical/dental/optical/counselling clinic uses* are limited to a maximum of 5,000 square feet of gross *floor area*.

**Office**

- 85.6 In the R-MX and C1 district, *office uses* are limited to a maximum of 5,000 square feet of gross *floor area*.

**Personal Service Uses (Unless Otherwise Listed)**

- 85.7 In the R-MX and C1 *zoning districts*, personal service uses (unless otherwise listed):
- a. Are limited to a maximum of 5,000 square feet of gross *floor area*; and
  - b. Are limited to operate between the hours of 7:00 am to 11:00 pm.

- 85.8 In the C2 *zoning district*, a personal service use is limited to a maximum of 25,000 square feet of gross *floor area*.

**Retail Sales Uses (Unless Otherwise Listed)**

- 85.9 In the R-MX, C1 and EI *zoning districts*, *retail sales uses* (unless otherwise listed):
- a. Are limited to a maximum of 5,000 square feet of gross *floor area*; and
  - b. Are limited to operate between the hours of 7:00 am to 11:00 pm.

- 85.10 In the C2, C-MX, M-MX, and M1 *zoning districts* a *retail sales use* is limited to a maximum of 50,000 square feet of gross *floor area*.



85.11 In the C3 zoning district a retail sales use is limited to a maximum of 150,000 square feet of gross floor area.

**Supermarket**

85.12 In the C2, C-MX, M1 and M-MX zoning districts supermarkets are limited to a maximum of 55,000 square feet of gross floor area.

**Restaurant**

85.13 In the R-MX, C-MX and C1 zoning districts, restaurants are limited to a maximum of 2,500 square feet of gross floor area and must not have a drive-in or drive-through facility.

85.14 In the C2 zoning district, restaurants are limited to a maximum of 6,000 square feet of gross floor area.

**PRIVATE MOTOR VEHICLE-RELATED**

**Auto/Light Truck/Motorcycle, Repair, Service, Sales and Rental**

86.1 Vehicle display areas are subject to compliance with provision 115.7 Vehicle Display Areas.

86.2 All major repair work on vehicles or equipment, including vehicle preparation must be conducted within an enclosed building meeting the requirements of this By-law.

86.3 Any overhead service doors within 100 feet of an adjacent lot or site residentially zoned must remain closed when not being used for entry or exit of vehicles.

86.4 At least one permanent building must be erected for use as a sales or administrative office, having at least 200 square feet of gross floor area, constructed of wood, masonry, or other building material approved by the City, and set on a foundation.

**Drive-In or Drive-Through**

86.5 Existing parking or loading stalls or drive aisles must not be utilized as part of a drive-through lane.

86.6 No drive-in or drive-through facility may be located on a lot or site adjacent to a lot containing a residential use unless the drive-in or drive-through facility is separated from the residential use by an intervening building, public lane, or public street.

86.7 No portion of a drive-in or drive-through facility may be located in a required front yard.

**Fuel Sales**

86.8 No displays or storage of merchandise, parts or refuse may be located closer than 20 feet from the street or lane.

86.9 All trash and refuse must be stored in a building or within an area enclosed by a wall or a solid fence at least six feet high.

- 86.10 Screening adequate to buffer *adjacent* residential *uses* from noise and light must be installed and maintained along property lines where the *use abuts* a residential area.

### **TRANSPORTATION, UTILITY AND COMMUNICATION**

#### **Airport and Associated Facilities**

- 87.1 No *building* or *structure* shall be erected within the following areas:
- a. A 200 foot strip parallel to and on either side of the centerline of a *runway*; and
  - b. Eight hundred (800) feet from either end of a *runway*.
- 87.2 No *building* constructed around an airport shall exceed the following *height* restrictions:
- a. No *building* along the edge of a *runway* shall exceed a *height* of one foot vertical for every five feet measured horizontally from the edge of the *runway strip*, as illustrated in Illustration 11; and
  - b. No *building* located in the takeoff or approach paths to a *runway* shall exceed a *height* of one foot vertical for every 25 feet measured horizontally from the ends of the *runway strip* and diverging 10 percent from the *extension* of the edges of the *runway strip*, as illustrated in Illustration 11.

#### **Utility Facility, Minor**

- 87.3 Each above-ground *minor utility facility* must be located to minimize visibility from residential *uses* and public *streets*, and must be screened from view from *adjacent* public *streets* by shrubs with a minimum *height* at maturity of three feet.

#### **Wireless Communication Towers**

- 87.4 The Industry Canada Default Process should be consulted.

### **ADVERTISING/BILLBOARD SIGNS**

- 88.1 The following *use specific standards* apply to *Advertising/Billboard Signs*; all other *signs* must comply with the *standards* in Section 4.4.
- 88.2 All *advertising/billboard signs* must comply with the following *standards*.

#### **District Specific Regulations**

- 88.3 The *height* and size must not exceed the limits shown in Table 3-2: In Table 3-2, the first column indicates a *zoning district* or *districts*. The second column indicates the *sign type*. The third and fourth columns indicate dimensional requirements for each *sign type*. *Signs* must comply with all *dimensional standards* applicable to the *zoning district* where the property is located.

**Table 3-2 Advertising/Billboard Height and Surface Area Standards**

Zoning District	Sign Type [a]	Maximum Height	Permitted Surface Area Per Zoning Lot
<b>A</b>	Freestanding	25 feet above grade	200 sq. ft.
	Attached to building	Wall height	
<b>C2, M2</b>	Freestanding	20 feet above grade	200 sq. ft.
	Attached to building	Wall height	
<b>C3, C4</b>	Freestanding	50 feet above grade	200 sq. ft.
	Attached to building	Wall height	
Notes:			
a) Signs “attached to building” include fascia signs, projecting signs, swinging signs, marquee signs, and canopy signs.			

- 88.4 Placement of advertising *signs* must comply with the following requirements:
- a. No *sign* may be erected, re-erected, or *altered* that may interfere with, obstruct the view, or be confused with any authorized traffic signal, warning signal, or other regulatory or information device.
- 88.5 Advertising *signs* must comply with the following *standards* for the display of *electronic message boards*:
- a. No *electronic message board* or *video screen* may be located within fifty (50) feet of a pedestrian crosswalk/corridor or controlled intersection;
  - b. The *sign* must be located in such a way as *illumination* does not project to any surrounding residential users;
  - c. No *owner* may place an illuminated *sign*, in a *yard* in a commercial or industrial *zoning district* that *abuts* a *lot* line in an agricultural or residential *zoning district*, or on a wall overlooking such a *lot* line;
  - d. The *Owner* shall display public safety broadcasts upon request from the City of Steinbach;
  - e. The *sign* may not carry live video, any form of audible broadcast or full motion or animation or video in the form of a short commercial or video. Only static images will be permitted; and
  - f. The brightness of the *sign copy* must be adjusted on the time of day or night, as well as ambient light conditions including, but not limited to, cloudy or bright sunlight. A maximum luminaire of 13,000 nits between sunrise and sunset, and a maximum luminaire of 400 nits between sunset and sunrise.

**Advertising Sign surface area is calculated as follows:**

- 88.6 *Surface area* includes the entire area of the smallest rectangle that encloses the extreme limits of any writing, representation or emblem forming part of the display (see Illustration 1).



**Illustration 1 Sign surface area equals the smallest rectangle surrounding any writing or symbols**

***INDUSTRIAL USES***

**Recycling Plant**

- 89.1 *Recycling Plants* with *outside operations* and/or storage are prohibited in M-MX, and M1, *zoning districts*.

**Wrecking or Salvage Yard**

- 90.1 Wrecking or Salvage Yards must comply with the following *standards*:
- a. The *site* must be maintained in good condition, free of weeds, dust, trash, and debris;
  - b. The *site* must be screened by a solid fence at least six feet in *height*; and
  - c. No materials or supplies shall be stored above the level of the screening fence.

## **SECTION 3.5      TEMPORARY USE OR TEMPORARY STRUCTURE**

### **PERMIT REQUIRED**

91.1      No *temporary use* or *temporary structure* may exist without an approval from the City of Steinbach.

### **PERMIT EXEMPTIONS**

92.1      The following *temporary uses* are exempt from the requirement for an approval in provision 91.1, provided that the proposed *temporary use* complies with the general requirements of provision 93.1, General Requirements for All Temporary Uses and Temporary Structures:

- a.      Garage or yard sales up to a maximum of two weekends per year, for a maximum of three days each; and
- b.      Temporary car washes lasting no more than two (2) consecutive days, seven (7) times per year.

### **GENERAL REQUIREMENTS FOR ALL TEMPORARY USES AND TEMPORARY STRUCTURES**

93.1      An approval issued for a *temporary use* or *temporary structure* is issued subject to the following general requirements, unless otherwise specified in this By-law:

- a.      The *temporary use* or *temporary structure* must not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- b.      The *temporary use* or *temporary structure* must not have adverse impacts on nearby residential neighbourhoods;
- c.      The *temporary use* must comply with all applicable general and specific regulations of this section unless otherwise expressly stated;
- d.      The *temporary use* or *temporary structure* must not result in permanent *alterations* to the *site*;
- e.      Unless otherwise stated in this By-law or in the terms of the permit, the *temporary use* must cease to operate thirty (30) days after approval of the permit;
- f.      All temporary *signs* associated with the *temporary use* or *temporary structure* must be removed when the activity ends;
- g.      The *temporary use* or *temporary structure* must not violate any applicable conditions of approval that apply to the permanent *use* on the *site*;

- h. If the property is undeveloped, it must contain sufficient land area to allow the *temporary use* or *temporary structure* to occur, as well as any parking and traffic movement that may be associated with the *temporary use*, without disturbing sensitive or protected resources such as floodplains;
- i. Tents and other temporary *structures* must be located so as not to interfere with the normal operations of any permanent *use* located on the property; and
- j. A *temporary use* is not permitted unless sufficient off-street parking is adequate to the anticipated parking needs associated with the *temporary use*.

**ADDITIONAL STANDARDS FOR SPECIFIC TEMPORARY USES**

94.1 In addition to complying with provision 93.1, the *temporary uses* listed in provisions 91.1 through 98.1 must comply with the *standards* set out in those provisions.

***FARMERS' MARKET***

95.1 *Farmers' markets* are limited to between April 1st and October 31st.

***REAL ESTATE SALES OFFICES AND MODEL SALES HOMES***

96.1 All *real estate sales offices and model sales homes* must meet all *dimensional standards* and parking requirements set forth in Part 4.0 as applicable to principal *structures* in the *zoning district* where the *temporary structure* is located.

96.2 No real estate sales office or model home must be used as a *dwelling* during the time it is being used as a real estate sales office or model home.

***SEASONAL SALES***

97.1 *Seasonal sales* areas:

- a. Must not reduce the number of required off-street parking or *loading spaces* below the minimums required by this By-law;
- b. Obstruct any vehicular circulation route into or through the property; and
- c. Are limited to a maximum of sixty (60) days in each calendar year.

***TEMPORARY CONSTRUCTION TRAILER OR BUILDING***

98.1 *Temporary construction trailers or buildings* must be removed from the *premises* within one month after completion of construction.

## PART 4.0 DEVELOPMENT AND DESIGN STANDARDS

### SECTION 4.1 DIMENSIONAL STANDARDS

#### APPLICATION

99.1 This Part of the By-law provides *development* and *design standards* applicable to all *development* in the City, unless the application of a *development* or *design standard* is specifically limited to certain types or categories of *development*. Where specific design or *development standards* apply in different *zoning districts*, they apply to the *zoning districts* designated on the Zoning Maps in Part 7.0 to this By-law.

#### STANDARDS FOR ALL DISTRICTS

- 100.1 The following *standards* apply to all *development* under the jurisdiction of this By-law:
- a. The *owner* has a continuing obligation to maintain the minimum *yards* and other open spaces required in this By-law;
  - b. The minimum *yards* and other open spaces required by this By-law for one *use* may not serve to satisfy the requirements of this By-law for minimum *yards* and other open spaces for any other *use*;
  - c. *Yards* and other open space required for a *use* must be located on the same zoning *lot* as the *use*;
  - d. The *owner* may provide *lots* with larger *lot* areas, *frontages*, or *yards* than the minimum amounts required by Table 4-1 and Table 4-2, but may not exceed any maximum established by Table 4-1 or 4-2, or any maximum imposed as a condition of any rezoning, *Variance* or *Conditional Use Order*;
  - e. In Table 4-1 and 4-2, each row indicates a *zoning district* and each column indicates a dimensional requirement for *development*. The *principal building* or *accessory building* must either comply with the *dimensional standards* in Table 4-1 or Table 4-2, or with an alternative dimensional *standard* as authorized in Table 4-3 regarding permitted projections, or by another provision of this By-law, or by a *Variance Order*;

- f. The contents of each cell set out the dimensional requirement, in feet in the case of length and in square feet, in the case of area, unless otherwise stated. In the case of “maximum *lot* coverage” the requirement is expressed as a percentage of the total area of the *lot*. “NA” means “not applicable”. Notes within Table 4-1 and Table 4-2 have legal effect and indicate special situations that affect the application of *dimensional standards* to specific *zoning districts*. *Development* must comply with all *dimensional standards* applicable to the *zoning district* where the property is located; and
- g. New construction occurring in commercial, institutional or industrial *zoning districts* after the effective date of this By-law shall make the best effort to incorporate barrier-free designs into *development* and may refer to the Guide to Accessible Design for Designers, Builders, Facility Owners and Managers available for reference at the City of Steinbach Municipal Office.



Table 4-1 Dimensional Standards

Zoning District	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Ft.)	Minimum Front Yard (Ft.)	Minimum Rear Yard (Ft.)	Minimum Interior Side Yard (Ft.)	Minimum Corner Side Yard (Ft.)	Maximum Lot Coverage (%)	Maximum Floor Area Ratio	Maximum Height Building (Ft.) or Storeys
<b>A</b>	20 acres	600	50	20	15	15	60		30
<b>PR</b>	N/A	N/A	20	25	0	0	0		30
<b>O</b>	N/A	N/A	30	20	15	15	10		N/A
<b>RSF (i)</b>	3,300	30 (c)	25	25	3(a,b)	5	40		30
<b>RLD (h,i,j)</b>	6,600 (j)	60 (c,j)	25	25	4(a,b)	8	45		35
<b>RMD (i, j)</b>	10,000	75 (c)	25	25	4(a,b)	8	50		3 Storeys
<b>RHD</b>	20,000	100 (c)	25	25	20	20	60		8 Storeys
<b>R-MX</b>	10,000	60 (c)	25	25	20	20	40		85
<b>R-RS (i)</b>	10,500	70 (c)	30	25	4(a,b)	8	30		35
<b>RR (i)</b>	21,000	100 (c)	30	25	10	10	30		35
<b>RMH</b>	100,000	220 (c)	10 (g)	8 (g)	5 (g)	10 (g)	0		N/A
<b>C1</b>	2,500	25	0	0	0 (d)	0	80	1.0	30
<b>C2</b>	2,500	25	0	20	0 (d)	0	90	3.0	50
<b>C3</b>	10,000	100	25	25	15 (d)	25	N/A	1.5	50
<b>C4</b>	30,000	100	(e)	50	(d,e)	(e)	N/A	5.0	N/A
<b>C-MX</b>	2,500	25	0	25	0 (d)	0	N/A	3.0	60
<b>EI</b>	20,000	100	25	25	15	25	N/A	3.0	100
<b>M-MX</b>	10,000	75	20	0 (f)	15	20	N/A	2.0	60
<b>M1</b>	7,500	75	20	10 (f)	0	15	N/A	2.0	45
<b>M2</b>	10,000	100	25	10 (f)	0	15	N/A	2.0	75
<b>Single-family residential structures located in a commercial zoning district must meet the requirements of the RLD zoning district.</b>									
<b>Two-family residential structures located in a commercial zoning district must meet the requirements of the RLD zoning district.</b>									
<b>Multi-family residential structures in the C1 district must meet the requirements of the RLD zoning district; Multi-family residential structures in the C2, C-MX or EI districts must meet the requirements of the RMD zoning district.</b>									

## Table 4-1 Dimensional Standards

**In case of bareland *condominium development*, the entire bareland *condominium development* and not the individual *condominium units* shall be deemed the *site* for the purpose of interpreting *dimensional standards*.**

Notes:

- a) When no *public lane* is located at the rear of a *site* and no garage is attached to the house, one *side yard* must be a minimum of twelve (12) feet;
- b) Where an *accessory building* is located to the rear of the main *building* the interior and *corner side yard* for the *accessory building* may be reduced to two (2) feet provided it does not *abut* a *front yard*;
- c) Playgrounds, tot *lots* and similar *uses park uses* in residential areas do not require a minimum *site area* or width;
- d) Where a side or rear *lot line* in a commercial or institutional *zoning district* *abuts* a side or rear *lot line* of an RSF or RLD *zoning district*, a *side yard* of ten (10) feet must be provided along the side *lot line* in the commercial or institutional district. The ten (10) foot *side yard* must be landscaped pursuant to provisions 190.1 through 203.4, *Landscaping* and Buffering, and must not be used for parking or *loading* areas, storage of refuse or materials, or commercial activities of any kind;
- e) *Principal buildings* must be located 125 feet from the boundary of any *lot* with residential zoning or residential *use*, and fifty (50) feet from the boundary of any *lot* with any other zoning or *use*. Secondary "liner" or "pad *site*" *buildings* that are not the *principal building* on a *site* must comply with *yards* applicable to the C3 district. *Fuel sales* kiosks must be located at least fifty (50) feet from each property boundary;
- f) Where the rear or side *lot line* *abuts* the side or rear *lot line* of an RSF, RLD, RMD or RHD *zoning district*, a twenty-five (25) foot *yard* must be provided along the side or rear *lot line*. The *side or rear yard* must be landscaped pursuant to provisions 143.1 through 152.1, *Landscaping* and Buffering, and must not be used for parking or *loading* areas, storage of refuse or materials, or commercial activities of any kind;
- g) *Dimensional standards* required for spaces within Residential Mobile Home Parks see provision 105.1;
- h) See provision 103.10 Splitting Residential Low Density Lots for further information;
- i) *Accessory buildings* must not exceed a total area per lot of 500 square feet in an RSF *zoning district*, 700 square feet in an RLD and RMD districts, 900 square feet in an R-RS *zoning district* and 10 percent of the *lot* square footage to a maximum of 1000 square feet in an RR *zoning district*;
- j) *Lots* containing *single-family dwellings* in RLD or RMD zones must have a minimum *site width* of fifty (50) feet and a minimum *lot area* of 5500 square feet. *Two-family dwellings* in a RMD zone must have a minimum *site width* of sixty (60) feet and a minimum *lot area* of 6600 square feet;
- k) For *accessory buildings* in all residential *zoning districts*, a two (2) foot *rear yard* is required unless no primary access is provided on the fronting street, which would then require a seven (7) foot *rear yard*; and

**Table 4-2 Dimensional Standards for Accessory Building, Structure or Use**

Zoning District	Notes	Minimum Front Yard (Ft.)	Minimum Rear Yard (Ft.)	Minimum Interior Side Yard (Ft.)	Minimum Corner Side Yard (Ft.)	Maximum Floor Area	Maximum Height Building (Ft.)
<b>A</b>	a,b,c,d,f,g	50	20	15	15	N/A	20
<b>PR</b>	c,g	20	25	0	0	N/A	30
<b>O</b>	c,g	30	20	15	15	N/A	N/A
<b>RSF</b>	a,b,c,d,e,f,g	25	2	2	2	500	15
<b>RLD</b>	a,b,c,d,e,f,g	25	2	2	2	700	15
<b>RMD</b>	a,b,c,d,e,f,g	25	2	2	2	700	20
<b>RHD</b>	a,b,c,d,e,f,g	25	2	2	2	5%	20
<b>R-MX</b>	a,b,d,e,f,g	25	2	2	2	700	20
<b>R-RS</b>	a,b,d,e,f,g	30	2	2	2	900	15
<b>RR</b>	a,b,d,e,f,g	30	5	5	10	10%/1000	20
<b>RMH</b>	a,b,c,d,e,f,g	10	2	2	10	400	15
<b>C1</b>	b,d,f	25	2	2	2	10%	15
<b>C2</b>	b,d,f	25	2	2	2	10%	15
<b>C3</b>	b,f	25	10	5	15	10%	20
<b>C4</b>	b,f	50	10	10	15	10%	20
<b>C-MX</b>	b,d,f	25	2	2	2	700	20
<b>EI</b>	a,b,f	25	5	5	15	10%	20
<b>M-MX</b>	a,b,f	20	5	5	15	10%	25
<b>M1</b>	b,f	20	5	5	15	10%	25
<b>M2</b>	b,f	20	5	5	15	10%	30
<b><i>Uses accessory to a single-family residential structure located in a commercial zoning district must meet the requirements of the RLD zoning district.</i></b>							
<b><i>Uses accessory to a two-family residential structure located in a commercial or institutional zoning district must meet the requirements of the RLD zoning district.</i></b>							
<b><i>Uses accessory to a multi-family residential structure located in a district other than residential must meet the requirements of the applicable residential district and exceptions.</i></b>							

**Table 4-2 Dimensional Standards for Accessory Building, Structure or Use**

Notes:	
a)	Where an <i>accessory building</i> is located to the rear of the main <i>building</i> or if it <i>abuts</i> a <i>front yard</i> , the <i>side and rear yards</i> must comply with the <i>dimensional standards</i> in Table 4-1.
b)	No <i>accessory building</i> or <i>structure</i> shall be constructed prior to the construction of the <i>principal building</i> to which it is accessory or prior to the establishment of the <i>principal use</i> where no <i>principal building</i> is required.
c)	<i>Accessory buildings</i> or <i>structures</i> must comply with dimensional <i>standard</i> 102.1 in Agricultural, Parks and Open Spaces Districts, 103.11-103.16 in Residential Single-family and Residential Low Density Districts, 104.3-104.8 in Residential Medium Density and Residential High Density Districts, 105.1 (k-l) in Residential Mobile Home Districts.
d)	Swimming pools must have a minimum of five (5) foot side and <i>rear yard</i> setbacks from property line to the water.
e)	Where no primary access is provided from the fronting street a seven (7) foot <i>rear yard</i> is required.
f)	The minimum separation space between a detached <i>accessory building</i> and any other <i>building</i> on the <i>lot</i> must be three (3) feet, clear of projections.
g)	A building permit is not required for an <i>accessory building</i> less than 125 square feet in size and is located in the side or the <i>rear yard</i> .

## **AGRICULTURE AND PARK DISTRICTS**

101.1 No person may erect a *principal building* in the A, or PR *zoning districts*, except for major utility facilities and minor utility facilities, unless the *principal building* complies with the *dimensional standards* in Table 4-1.

### ***ACCESSORY STRUCTURES IN AGRICULTURE, PARKS AND OPEN SPACE DISTRICTS***

102.1 No person may erect an *accessory structure*, except for those related to *public utilities*, unless the *accessory structure* complies with either the same *dimensional standards* applicable to a *principal building* on the *lot* or with another provision of this By-law or with a *Variance Order*, with the following exception:

- a. In the Agriculture *zoning district*, the maximum *height* of a detached garage is twenty (20) feet.

## **RESIDENTIAL DISTRICTS**

### ***SINGLE-FAMILY AND LOW DENSITY ZONING DISTRICTS***

#### **General Dimensional Standards**

103.1 With the exception of an alternative *development* pattern allowed under provision 103.5, no person may erect, and the *owner* of property may not permit to be erected, more than one *principal building* on any *zoning lot* in the RSF and RLD *zoning districts*.

#### **Special Boundary Conditions**

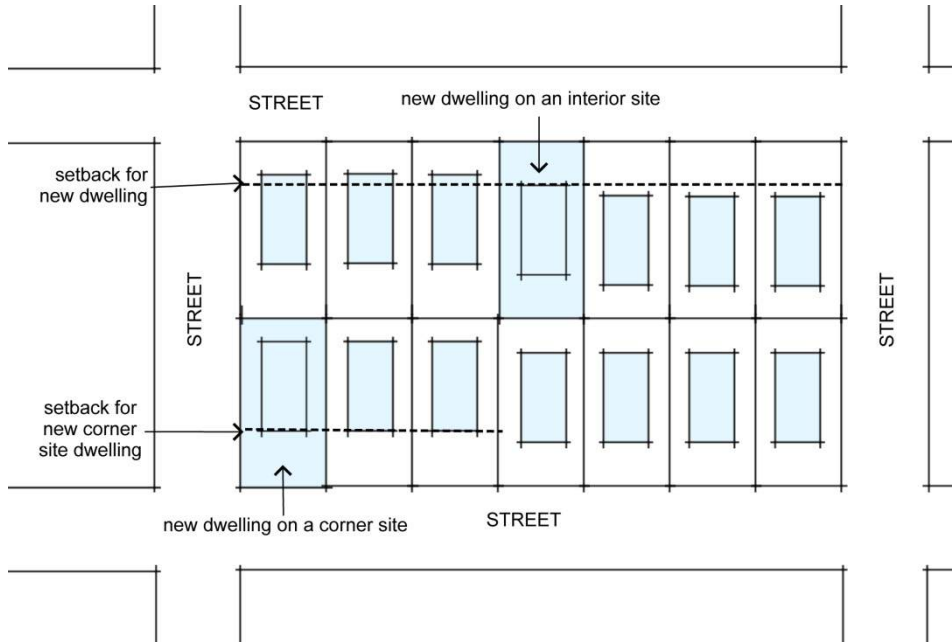
103.2 If an undeveloped *parcel of land* is located in the RSF or RLD *zoning districts*, or is proposed for rezoning to the RSF or RLD *zoning districts*, and *abuts* an existing RSF or RLD *zoning district*, or is separated from an RSF or RLD *zoning district* by a street right-of-way, railroad right-of-way, or waterway, the undeveloped parcel must not be subdivided unless the width/square footage of the proposed *lot(s)* within 200 feet (measured from the edges of the proposed subdivision) of the *adjacent* RSF or RLD *zoning district* is not less than the average *lot* width/square footage of existing developed *lots* in residential *use* in the *adjacent* RSF or RLD areas along such shared boundary, but in no case may the width of the proposed *lot* be less than thirty-five (35) feet.

103.3 Other *lots* proposed to be created within the undeveloped parcel must comply with Table 4-1.

#### **Front Yard Building Alignments**

103.4 Where a new *single-family* or *two-family dwelling* or an addition to a *dwelling* is proposed within a *street block* or a portion of a *street block* where at least eighty (80) percent of the *lots* have been developed with principal residential *structures*, and the *front yard* required by Table 4-1 is inconsistent with the majority of existing *front yards* for developed *single-family and two-family dwellings* on the *street block*, the new *structure* must be developed with a *front yard* consistent with the average of

the existing *front yards* within that block or portion of the block. In the case of a corner *lot*, either the average of the setback for the two nearest properties on the same block or for all the properties facing the same *street* on the same block may be used for calculating the allowed setback (Illustration 2 provides an example of the application of this provision).



**Illustration 2 Front Yard Building Alignments**

**Alternative Development Patterns**

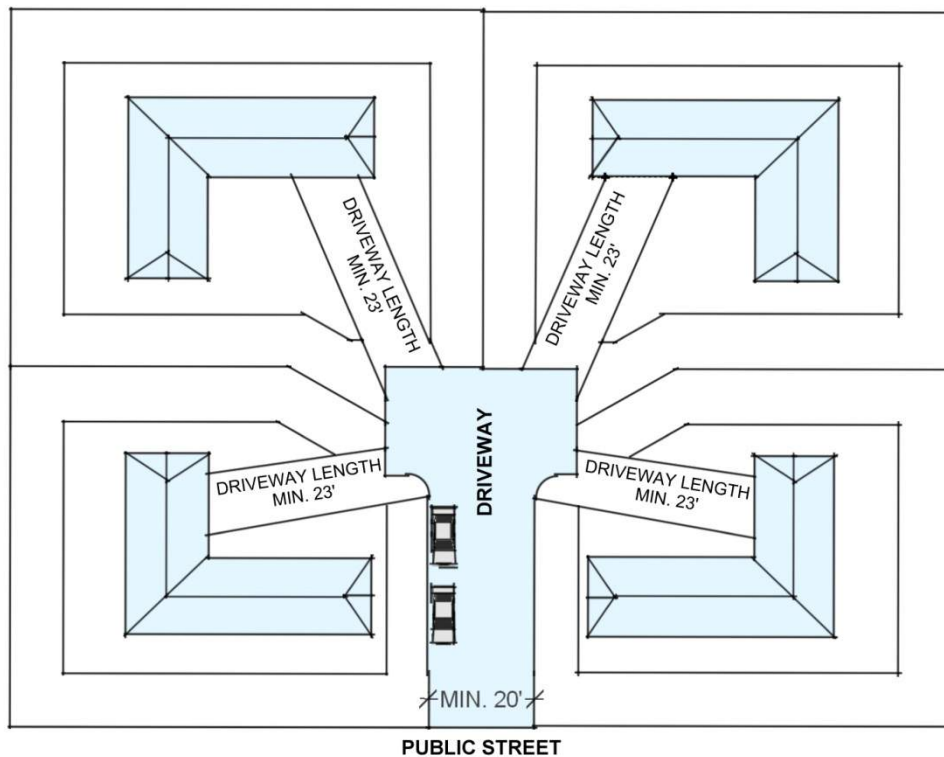
103.5 As an alternative to providing each single-family *lot* with separate access to a public *street*, the *owner* of land in the RSF or RLD *zoning districts* may develop an auto court pursuant to the *standards* in provision 103.6 or a loop lane (see Illustration 4) pursuant to the *standards* in provision 103.7 below. An *owner* may only create *flag lots* pursuant to the *standards* in provision 103.8 and 103.9 below. All *dimensional standards* in Table 4-1 continue to apply unless modified by the *standards* in provisions 103.6 through 103.9.

**Bare Land Condominium – Auto Courts**

103.6 *Single-family dwelling units* may share a single driveway access to a public *street* through the use of an auto court layout (see Illustration 3) that complies with the following conditions:

- a. The minimum width of the surface of an auto court must be twenty (20) feet;
- b. Shared driveways must be surfaced with concrete, asphalt, or paving stone, or a combination of those materials;

- c. Individual driveways leading from the shared driveway to each *dwelling unit* must be at least twenty-three (23) feet long, as measured between the front of the garage or carport and the closest edge of the shared driveway;
- d. The design of the auto court must permit a *passenger vehicle* to back out of an individual driveway and turn ninety (90) degrees using the individual drive or intersecting street;
- e. The auto court design must comply with all off-street parking requirements applicable to *single-family dwellings*. In addition, each auto court design must provide one-half off-street *parking space per dwelling unit*, always rounding up to the next whole number, in a location other than a private driveway; and
- f. The maintenance and repair of shared driveways is the responsibility of the homeowner’s association unless such driveways are constructed to City street *standards* and the City accepts responsibility for maintenance and repair during the *development* approval process.



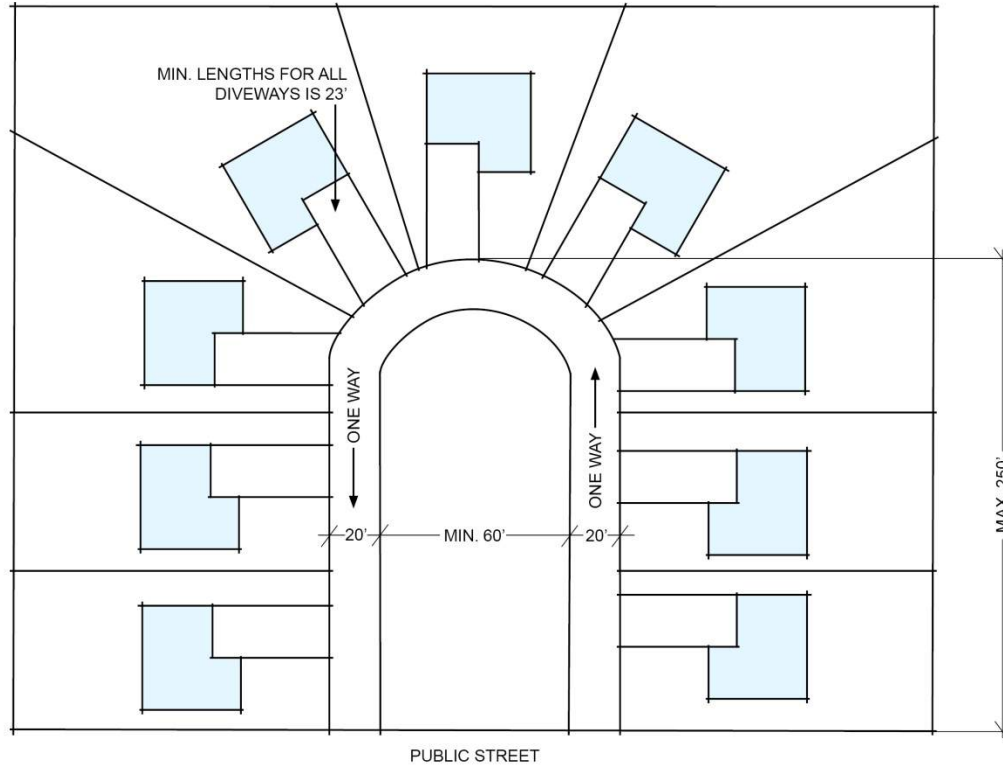
**Illustration 3 Bare Land Condominium – Auto Courts**

### **Bare Land Condominium - Loop Lane**

103.7 *Single-family dwelling units* may share access to a public *street* through the use of a loop lane layout (see Illustration 4) that complies with the following conditions:

- a. The surface of the loop lane must be at least twenty (20) feet wide, and must be surfaced with concrete, asphalt, or paving stone, or a combination of those materials;
- b. No portion of the loop lane may extend more than two hundred and fifty (250) feet from the public *street* to which the loop lane gives access;
- c. The common area surrounded by the loop lane must be at least sixty (60) feet wide;
- d. Individual driveways leading from the loop lane to each home must be at least twenty three (23) feet long, as measured from the closest edge of the loop lane;
- e. Traffic on the loop lane must be one-way only and must be adequately signed as a one-way drive;
- f. Design of the loop lane must permit a *passenger vehicle* to back out of an individual driveway and turn ninety (90) degrees using only the individual driveway, the loop lane, or the intersecting public *street*;
- g. The loop lane design must comply with all off-street parking requirements applicable to *single-family dwellings*. In addition, each loop lane court design must provide one-half off-street *parking space per dwelling unit*, always rounding up to the next whole number, in a location other than a private driveway; and
- h. The maintenance and repair of the loop lane surface and the common area surrounded by the loop lane is the responsibility of the *owner* unless the loop lane is constructed to City street *standards* and the City accepts responsibility for maintenance and repair during the *development* approval process.





**Illustration 4 Bare Land Condominium – Loop Lane**

### Flag Lots

- 103.8 The creation of new *flag lots* is prohibited unless:
- The lands proposed for *flag lot* access are located in an RSF or RLD *zoning district*;
  - The lands proposed for *flag lot development* are located more than one hundred and fifty (150) feet from the nearest existing or planned public *street* or lane; and
  - The *Designated Officer* determines that there is no feasible alternative way to provide access to such lands.
- 103.9 Where *flag lots* have been created prior to the effective date of this By-law, or are permitted pursuant to provision 103.8 above, the following *standards* apply:
- The minimum width of the strip of land used to provide driveway access to the buildable portion of the *flag lot* shall be twenty (20) feet; and

- b. Within the access strip, the *owner* must erect and maintain a property address *sign* meeting the *standards* of provisions 118.1 through 142.1, *Signs*; and
- c. The lands *adjacent* to the intersection of the access driveway and the right-of-way of the public *street* or lane must comply with the *standards* of provision 148.1 Avoiding Interference with Traffic/Pedestrian Safety.

### **Splitting Residential Low Density Lots**

103.10 The *owner* of a *lot* that has a *two-family dwelling* located on it may split the *lot* into two (2) *lots* provided that:

- a. The new *lot* line must be located in such a manner that the *party wall* of the *two-family dwelling* must form part of the new *lot* line, and where the new *lot* line is unable to form a straight line due to the irregular shape of the *lot* or the *structure*, the location of that new *lot* line must be determined by the conditions of any subdivision approval issued;
- b. Each of the two (2) *lots* created must have *frontage* on a *street*;
- c. The *permitted use* of each *lot* created must be for a semi-detached *single-family dwelling unit* and permitted *accessory uses* only;
- d. Each *lot* created must provide one *parking space* with access to this required *parking space* being directly from either a *public lane* or a *street*; however, the *parking space* must not be permitted in the *front yard*;
- e. Each *lot* created must provide *yards* not less than the RLD *zoning district* minimum *yard* requirements; except that the minimum *side yard* along the new *lot* line may be zero (0) feet in width, and
- f. Notwithstanding the minimum requirements of Table 4-1, any parcel created pursuant to this section shall have a minimum area of 2,000 square feet and a minimum *frontage* of twenty (20) feet. No *side yard* is required along a *party wall*.

### **Accessory Structures in Residential Single-family and Residential Low Density Districts**

103.11 No person may erect an *accessory structure*, including but not limited to parabolic antennas and swimming pools, but excluding those related to *public utilities*, unless the *accessory structure* meets the *dimensional standards* in provisions 103.12 through 103.14.

- 103.12 The following regulations apply to detached *accessory structures*:
- a. If a detached *accessory structure* is located behind the rear wall of the *principal building*, the regulations in Table 4-1 apply;
  - b. If a detached *accessory structure* is not located to the rear of the rear wall of the *principal building*, the *dimensional standards* of the *principal building* including *front yard* requirements apply for the entire *structure*;
  - c. The minimum separation space between a detached *accessory building* and any other *building* on the *lot* must be three (3) feet, clear of all projections;
  - d. Open decks two (2) feet or less in *height* are permitted in any *yard*;
  - e. Attached decks over two (2) feet in *height* are required to be a minimum fifteen (15) feet from the rear *lot* line and a minimum two (2) feet from interior and corner side *lot* lines; and
  - f. Where a lawfully-constructed detached *accessory structure* that conforms to this By-law exists on a *lot*, such *structure* does not become non-conforming due to the subsequent construction of an addition to the *principal building* that complies with the *standards* of this By-law.
- 103.13 No *accessory building* or *building* shall be constructed on any *zoning site* prior to the time of construction of the *principal building* to which it is accessory or prior to the establishment of the *principal use* of the land where no *principal building* is required.
- 103.14 Notwithstanding any other regulations regarding the location of *accessory structures*, no *accessory structure* may be located in such a way as to impair access to a required *parking space* in the *side* or *rear yard*.
- 103.15 Where a *structure* is attached to the *principal building* by a roof, an open or enclosed *structure*, a floor or a foundation, it is considered to be part of the *principal building* and is subject to the *dimensional standards* for the *principal building*, excepting that any portion of a private garage located to the rear of the rear wall of the *principal building* is subject to the regulations in Table 4-2.
- 103.16 All swimming pools are required to be a minimum five (5) feet from the rear and side lot lines.

## RESIDENTIAL MEDIUM AND HIGH DENSITY DISTRICTS

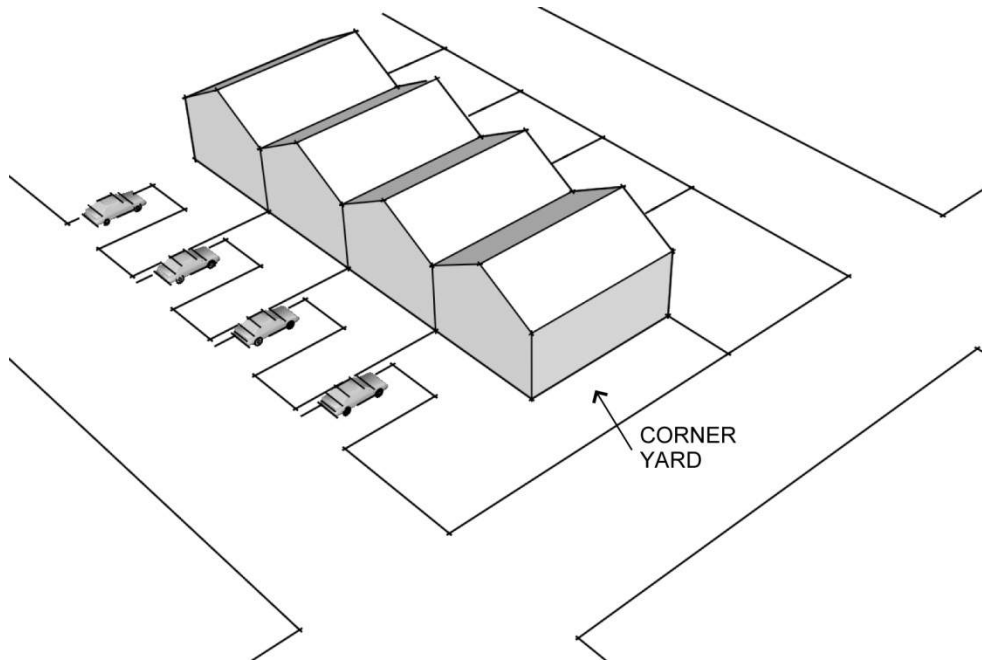
### GENERAL DIMENSIONAL STANDARDS

#### Front Yard Building Alignment

- 104.1 Where a *multi-family dwelling building* or addition to a *multi-family dwelling building* is proposed within a *street block* or a portion of a *street block*, and the *front yard* required in the relevant *zoning district* is inconsistent with the existing *front yards* of a majority of the *principal buildings* on the *street block*, the new *structure* must be developed with a *front yard* consistent with the average of the existing *front yards* within that block or portion of the block. In the case of a corner *lot*, either the average of the setback for the two (2) nearest properties on the same block or for all the properties facing the same *street* on the same block may be used for calculating the allowed setback (see Illustration 2).

#### Splitting a Lot Containing Attached Dwellings

- 104.2 The *owner* of a *lot* with attached *dwellings* located on it may split the *lot* to provide individual *lots* for one or more of the attached *dwelling units* provided that:
- a. The new *lot* lines must be a straight line between the front and rear *lot* lines, located in such a manner that the *party walls* of the attached *dwelling* must form part of the new *lot* lines, and, where a new *lot* line is unable to form a straight line due to the irregular shape of the *lot* or the *structure*, the location of that new *lot* line is approved by the *Designated Officer*;
  - b. Each of the new *lots* created must have *frontage* on a *street*;
  - c. The *permitted use* of each *lot* created must be for a semi-detached *single-family dwelling unit* and permitted *accessory uses* only;
  - d. Each *lot* created must provide at least one (1) *parking space* with access to the required *parking space* directly from a *public lane* or a *public street*;
  - e. Minimum *side yards* along *party walls* established by the *lot* split may be zero (0) feet in width;
  - f. Each end unit in a grouping of single-family attached *dwellings* must meet the minimum *side yard* or *corner side yard* requirement, as applicable, of a two-family *structure* in the same *zoning district* (see Illustration 5); and
  - g. Notwithstanding the minimum requirements of Table 4-1, any parcel created pursuant to this section must have a minimum area of 2,000 square feet and a minimum *frontage* of twenty (20) feet. No *side yard* is required along a *party wall*.



**Illustration 5 Splitting a lot containing attached dwellings**

**Accessory Structures in Residential Medium and High Density Districts**

104.3 No person may erect an *accessory structure*, including but not limited to parabolic antennas and swimming pools, but excluding those related to *public utilities*, unless the *accessory structure* meets the *dimensional standards* in provision 104.4 and 104.8.

- 104.4 *Structures* accessory to a principal multi-family *structure* must meet the same dimensional requirements applicable to the *principal building*, except that:
- a. No *accessory structure* may be located in the required *front yard*, except that not more than four (4) feet in *height* of the walls of an underground *parking structure* may exist in a required *front yard*, where the *front yard* and *side yards adjacent* to those walls are landscaped slopes to the tops of those walls, and the roof of that underground *parking structure* is fully landscaped;
  - b. A detached *parking structure* must comply with the same *front yard* and *reverse corner side yard standards* applicable to the principal multi-family residential *structure* and have a maximum *height* of thirteen (13) feet; and
  - c. Unenclosed in-ground swimming pools must comply with the same front, side, and *reverse corner side yard* requirements applicable to the principal multi-family *structure*, but may have a reduced *rear yard* requirement of five (5) feet.

104.5 Structures accessory to a principal single-family or *two-family dwelling unit* must meet the *standards* set out in provisions 103.11 through 103.16 and Table 4-2.

**RESIDENTIAL MOBILE HOME PARK DISTRICT**

105.1 All *development* or redevelopment in the Mobile Home Park District must meet the following *standards*.

- a. A *buffer* area must be provided within and *adjacent* to the perimeter of the *mobile home park* property boundary in accordance with the following:
  - i. Minimum width of *buffer* area *adjacent* to a *mobile home park* property boundary *abutting* a public *street* or highway must be twenty-five (25) feet; and
  - ii. Minimum width of *buffer* area *adjacent* to any other *mobile home park* property boundary must be fifteen (15) feet.
- b. The required *buffer* area must be developed in accordance with the following:
  - i. Suitable *landscaping* must be provided with trees, shrubs, grass and similar horticultural features as shown on the plans submitted to and approved by the *Designated Officer*;
  - ii. The *buffer* area may be crossed by an access right-of-way from a *street* to the internal roadway system; and
  - iii. The *buffer* area must contain no *use* other than those permitted above.
- c. The following minimum separation distances must be provided:
  - i. The minimum distance between mobile homes must be ten (10) feet;
  - ii. The minimum distance from a *mobile home* to a common parking area, storage compound, and rights-of-way of an internal roadway system and access roads must be five (5) feet; and
  - iii. The minimum distance from an *accessory structure* to a *mobile home* to a common parking area, a storage area, rights-of-way of the internal roadway system or access roads must be five (5) feet.
- d. A porch, carport or any addition must be considered as part of the *mobile home* for the application of the above separation requirements.
- e. A *mobile home park* must contain a storage compound containing a minimum of 100 square feet of storage area for each *mobile home* space in

the *mobile home park* and must be located as shown on plans submitted pursuant to the above-noted requirements.

- f. A *mobile home park* must contain a common recreational area that:
  - i. contains a minimum of eight (8) percent of the *mobile home park* area;
  - ii. is not part of the required *buffer* area; and
  - iii. is bordered by a fence or hedge where it *abuts* any part of the internal roadway system.
  
- g. A *mobile home park* must have internal roadway system rights-of-way as follows:
  - i. the main spine or collector road of the internal roadway system must have a right-of-way a minimum of fifty (50) feet in width; and
  - ii. other roadways of the internal roadway system must have a right-of-way a minimum of thirty-three (33) feet in width.
  
- h. The internal roadway system must have a concrete or asphalt driveway a minimum of twenty-five (25) feet in width.
  
- i. A walkway, where provided, must have a minimum width of ten (10) feet.
  
- j. A *mobile home* space must be provided with the following:
  - i. a sewer and water connection;
  - ii. an electrical service outlet; and
  - iii. an adequate base support for the *mobile home*.
  
- k. *Accessory structures* (other than parabolic antennas) must not be located in the following *yard* areas:
  - i. *front yard* – five (5) feet;
  - ii. *rear yard* – two (2) feet;
  - iii. *interior side yard* – two (2) feet; and
  - iv. *corner side yard* – ten (10) feet.

- I. *Dimensional standards*
  - i. minimum number of *mobile home* spaces – twenty-five (25);
  - ii. minimum area per *mobile home* space – 3,600 square feet;
  - iii. minimum width per *mobile home* space – forty (40) feet; and
  - iv. minimum depth per *mobile home* space – ninety (90) feet.
  - v. Parabolic antennas must meet the requirements applicable to the RSF district.

## COMMERCIAL AND INSTITUTIONAL DISTRICTS

### **GENERAL DIMENSIONAL STANDARDS**

- 106.1 Except for *public utility* facilities, no person may erect a *principal building* or an *accessory structure* on lands in any commercial or educational and institutional *zoning districts* unless the *principal building* complies with the *dimensional standards* in Table 4-1.

## EDUCATIONAL AND INSTITUTIONAL DISTRICT

### **MASTER PLAN REQUIRED**

- 107.1 Prior to the approval of any *development application* and/or construction of a *building* on land within an EI district, the *owner* of the land is required to prepare and submit a Master Plan, addressing current and proposed *development*, for any *development* or redevelopment that meets one or more of the following characteristics:

- a. Any *development* with a multi-building campus;
- b. Any *development* with more than 100,000 square feet of combined floor area in all principal and *accessory structures*; or
- c. Any *development* on a *site* of more than ten (10) acres, but not including elementary, middle, or high schools.

### **Contents of Master Plan**

- 107.2 If a Master Plan is required pursuant to provision 107.1, Master Plan required, above, the following information should be included in that Master Plan:
- a. The location of each existing and each proposed *building* and *structure*, the *use* or *uses* to be contained in that *building*, the approximate size, and approximate location of entrances and *loading* points of the *building*;
  - b. The location of major outside facilities for waste disposal;



- c. The location of access points to public *streets*, parking areas, *loading* areas, and public transportation points;
- d. All pedestrian walks, malls and open areas for use by tenants or members of the public;
- e. The location, size, and *height* of all *freestanding signs*;
- f. The types of surfacing, such as paving, turfing, or gravel, to be used at the various locations;
- g. The location of major utilities;
- h. Typical floor plans and elevations of proposed *buildings* and *structures*, if available;
- i. Features included to minimize any impacts on *adjacent* properties, including but not limited to transitions in *building height*, building size, location of parking areas, and *landscaping* and screening; and
- j. Land for future *development*.

#### **Effect and Amendment of Master Plan**

107.3 A copy of the plan must be deposited with the *Designated Officer* and this plan will guide the issuance of all permits and the construction, location, *use* and operation of all land, *buildings* and *structures* included within this plan. Minor changes to the location of *structures* and *buildings* may be permitted without amendment to the plan. A change which causes any of the following circumstances to occur is considered major change and will require amendment to the plan:

- a. A change in the character of the *development*;
- b. An increase in the ratio of the total gross floor area to the total *site area*;
- c. An increase in the intensity of *use*;
- d. A reduction in the originally approved separations between *buildings*;
- e. An increase of the problems of circulation, safety and utilities;
- f. An increase of the external effects on *adjacent* property;
- g. A reduction in the originally approved *yards* from property lines;
- h. An increase in ground coverage by *structures* or *buildings*;
- i. A reduction in the ratio of off-street parking and *loading space* to gross floor area in *buildings*;

- j. A change in the subject, size, lighting, *flashing*, *animation* or orientation of originally approved *signs*; or
- k. A proposal to develop vacant land.

## INDUSTRIAL DISTRICTS

### General Dimensional Standards

- 108.1 No person may erect a *principal building* or an *accessory structure* on lands in the M-MX, M1 or M2 *zoning districts*, except for *public utility* facilities, unless:
- a. the *principal building* complies with the *dimensional standards* in Table 4-1; or
  - b. an alternative dimensional *standard* is authorized by Table 4-3 regarding permitted projections or by another provision of this By-law, or by a *Variance Order*.

## SECTION 4.2 PERMITTED PROJECTIONS

### PERMITTED PROJECTIONS INTO REQUIRED FRONT, SIDE, AND REAR YARDS

- 109.1 Notwithstanding the required *front*, *side*, and *rear yard* requirements in Table 4-1 and Table 4-2, *owners* may permit the building elements, *landscaping* and *site* elements, and other features listed in the left column of Table 4-3 to project into required front, side, and *rear yards* of properties falling within all *zoning districts*. Projections that are not listed are not allowed unless otherwise specifically approved in writing by the *Designated Officer*. Where maximum *heights* are stated in Table 4-1 and Table 4-2, those *height* limits apply to such elements and features when located in *required yard* areas. In addition, all elements and features located outside of *required yard* areas are subject to maximum *heights* stated in Tables 4-1 through 4-12, as applicable.

**Table 4-3 Permitted Projection**

Features	Permitted Projections
Alcoves, bay windows, vestibules, limited to first storey.	Maximum depth = five (5) feet no closer than two (2) feet from the property line. Maximum floor area = twelve (12) sq. ft. in any yard.
Balcony required under a Fire Protection By-law; or in enclosed fire escape.	Not permitted in the front or side yards. Rear yard maximum depth = four (4) feet. Maximum area = forty-eight (48) sq. ft. per storey.
All other balconies not required for Fire Protection.	Maximum depth of four (4) inches per foot of yard but not exceeding five (5) feet.
Brick facing.	Maximum depth = five (5) inches.
Exterior wall finish excluding brick facing.	Maximum depth = three (3) inches.
Incidental building or architectural features.	Maximum depth = five (5) feet. No closer than 3 feet from the property line.
Roofs with unsupported overhang over exterior entrances (may not be enclosed except by railings).	Front yard: Maximum depth = five (5) feet. Rear yard: Maximum depth = five (5) feet. Side yard: No closer than two (2) feet to side of lot line.
Arbours, trellises, trees, shrubs and similar horticultural landscapes feature.	Permitted.
Bicycle racks and wheel chair ramps.	Permitted.
Clotheslines, clothesline poles.	Permitted in rear and side yards to a maximum height = seven (7) feet and no closer than two (2) feet to the lot line.
Open landings and terraces.	Maximum height = four (4) feet. Maximum depth = five (5) feet. Maximum area = thirty-six (36) sq. ft.
Outdoor Patios.	Zero (0) Feet from the property line, any encroachments on to the City of Steinbach's right-of-ways require City approval.
Unsupported overhangs, eaves and eaves troughs.	May extend or project into the required side yard to a point not closer than two (2) feet to the side site line, and may extend or project into a required front or rear yard to a point not closer than five (5) feet to the front or rear site line. Eaves troughs shall not be included in determining the eave setback.

## PERMITTED PROJECTIONS THROUGH MAXIMUM HEIGHT LIMITS

110.1 Notwithstanding the maximum *height* limits established in Table 4-1 and Table 4-2, building elements, site elements, and other features may project above maximum *height* limits as indicated in the following Table 4-4.

**Table 4-4 Permitted Projections Through Maximum Height Limits**

Features	Permitted Projections Through Maximum Height Limits
Antennas (not under the jurisdiction of Industry Canada).	May not extend higher than 3 ½ feet above the highest point on the roof of the principal building. Parabolic antennas attached to the roof of a building may not extend higher than 1 ½ feet above the nearest point on the roof. Other antennas 30 feet above grade.
Guard railing and parapet.	Must not exceed five (5) feet when measured from the roof.
Flag poles, lighting fixtures, lamp posts, wind turbines and similar features.	Must not exceed a maximum of twenty (20) feet in height in residential districts.
Chimneys, flutes, elevators, stair bulkheads, flagpoles, aerials, spires, and communication towers and facilities.	In all Commercial and Industrial zones the items shall not be considered as obstructions and therefore may exceed the maximum height limit.

## **SECTION 4.3**      **PARKING AND LOADING**

### **PARKING AND LOADING**

#### ***PARKING SPACES REQUIRED***

- 111.1 Each *owner* must provide the amounts of accessory off-street *parking spaces* shown in Table 4-5 for all principal and *accessory uses* unless the requirements in that table are modified by another provision of this By-law. The Parking Classes correspond to the parking categories listed on the right hand side of Table 3-1. Associated *loading space* categories are also shown for each *use*. Table 4-8 identifies the number of *loading spaces* required for each category.
- 111.2 Notwithstanding the parking class that would otherwise apply, if the *development* meets the definition of a *shopping centre*, then the requirements of parking class twenty-three (23) shall apply.

**Table 4-5 Requirements by Parking Class**

Parking Class	Use Type	Required Number of Parking Spaces	Additional Parking Requirement		Loading Space Category (Table 4-8)
			Bicycle Parking*	Minimum Queuing Spaces	
0	Agricultural cultivation; Agricultural grazing; Apiary; Aviary; Stable, private; Stable or riding academy; Cemetery, mausoleum, or columbarium; Community gardens; Park/plaza/square/playground; Home day care (fewer than 8 children); Landscape or garden supplies; Advertising/Billboard sign; Parking, structured; Parking, surface; Non-federally regulated wireless communication, building-mounted tower; Non-federally regulated wireless communication, freestanding tower; Freight or truck yard; Mini-warehouse, self-storage; Outside storage; or Warehouse	No off-street parking required	N/A	N/A	A
1	Dwelling, single-family detached; Secondary suites; Mobile home; or Caretaker's residence	1 per dwelling unit	N/A	N/A	A
1a	Dwelling, two-family; or Dwelling, home-based business	1.5 per dwelling unit	N/A	N/A	A
2	Assisted living facility; Neighbourhood rehabilitation home; Group home; or Group residence	1 per 5 dwelling units or beds	Note a	N/A	A
3	Dwelling, multi-family	1.5 per dwelling unit plus 10% unassigned for guest parking	Note a	N/A	A
4	Dormitory	1 for every 3 bedrooms	Note a		A
5	Hospital	1 guest parking per 10 residents or beds, plus 1 for every 3 employees based on the maximum shift	Note a	N/A	B

**Table 4-5 Requirements by Parking Class**

Parking Class	Use Type	Required Number of Parking Spaces	Additional Parking Requirement		Loading Space Category (Table 4-8)
			Bicycle Parking*	Minimum Queuing Spaces	
6	Place of worship; or Funeral chapel, mortuary, or crematorium	1 for each 4 seats in the principal assembly area, no less than 10	N/A	N/A	B
7	Commercial school; Elementary, middle, or senior high schools; or Day care centre (8 or more children)	1 for each 2 faculty members plus one for each 10 students for senior high schools	Note a	N/A	A
8	College or university	1 for each 5 classroom seats	Note a	N/A	B
9	Amusement enterprise, indoor; Auditorium/concert hall/theatre/cinema; Library; Community/recreation centre; Race track; or Sports or entertainment arena/stadium, outdoor;	1 for each 500 sq. ft. of gross floor area, no less than 2 spaces	Note a	N/A	B
10	Airport and associated facilities; Bus depot; Auction yard; Contractor's establishment; Fleet services; Heavy equipment sales, service, and rental; Landscape/garden contractor or production; Wholesaling; Heavy industrial; or Light industrial	1 for each 500 sq. ft. of gross floor area, no less than 2 spaces	N/A	N/A	C
11	Amusement enterprise, outdoor; Camping ground; or Auction room	1 per 4 persons at maximum occupancy load	Note a	N/A	C
12	Gallery/museum/cultural centre; Hall rental	1 for each 100 sq. ft. of floor area	Note a	N/A	C
13	Private club, not licensed	1 for each 250 sq. ft. of floor area, but not less than 4 per establishment	N/A	N/A	B
14	Golf course	3 per hole or 1 per 100 square feet in clubhouse, whichever is greater	N/A	N/A	A
15	Hotel or motel	1 for every guest room	N/A	N/A	A
16	Protection and emergency services; or Post office/carrier depot	1 for each 550 sq. ft., not less than 2 spaces	Note a	N/A	E

**Table 4-5 Requirements by Parking Class**

Parking Class	Use Type	Required Number of Parking Spaces	Additional Parking Requirement		Loading Space Category (Table 4-8)
			Bicycle Parking*	Minimum Queuing Spaces	
17	Medical/dental/optical/counselling clinic	1 parking per 10 beds/chairs, plus 1 for every 3 employees based on the maximum shift	Note a	N/A	C
18	Call centre	1 for each 400 sq. ft.	Note a	N/A	C
19	Animal hospital or veterinary clinic; Kennel or animal pound; Pet day care; Personal services; Body modification establishment; Cheque-cashing facility; Retail sales; Pawnshop; Auto/light truck/motorcycle, repair, service, sales and rental; Auto parts and supplies, sales; Social services facility; Studio, radio/TV/motion picture broadcast and production; Office; or Research institution.	1 for each 500 sq. ft. of floor area	Note a	Bank or lending institution, cheque-cashing facility or automated teller machine (ATM) with drive-through facility: 3 queuing spaces	C
20	Car wash; or Fuel sales	Without drive-through facility: 1 for each 330 sq. ft. of floor area (1 space minimum)  With drive-through facility: 1 for each 500 sq. ft. (1 space minimum), plus 1 for every 3 employees on the maximum shift	Note a	Car wash – automatic: 3 queuing spaces  Car wash – self-service: 2 per bay	D
21	Restaurant; or Drive-in or drive-through	Without drive-through facility: 1 for each 100 sq. ft.  With drive-through facility: 1 for each 150 sq. ft. of floor area	Note a	Restaurant with drive-through facility: 6 queuing spaces  Other use with accessory drive-through facility: 2 queuing spaces	D

**Table 4-5 Requirements by Parking Class**

Parking Class	Use Type	Required Number of Parking Spaces	Additional Parking Requirement		Loading Space Category (Table 4-8)
			Bicycle Parking*	Minimum Queuing Spaces	
22	Jail/detention centre; Towing and storage facility; Utility facility, major; Utility facility, minor; Garbage incineration and reduction; Landfill /snow dump; Recycling collection centre; Recycling plant; Waste transfer station; or Wrecking and salvage yard	1 for every 5,000 sq. ft. of floor area	Note a	N/A	A
23	Shopping centre; or Supermarket	1 for every 250 sq. ft. of floor area See note b	Note a	N/A	C
24	Landscape or garden supplies	1 for every 1000 sq. ft. of floor area	Note a	N/A	C
<p>Notes:</p> <p>a) The <i>owner</i> must provide one (1) <i>lockable bicycle space</i> per twenty (20) required automobile <i>parking spaces</i> (Not less than two (2) lockable spaces). Required bicycling parking must be located with convenient access to major <i>building</i> entrances.</p> <p>b) Where Table 4-5 requires the <i>applicant</i> to provide more than 250 off-street automobile <i>parking spaces</i>, the <i>owner</i> must not provide surface accessory off-street <i>parking spaces</i> in an amount exceeding 125 percent of the minimum number required. This provision does not apply to parking class 23 (<i>shopping centres</i>), and does not apply to structured parking for any <i>use</i>. This provision shall apply at the time of <i>development</i> or redevelopment of the property. If the tenancy or <i>use</i> of the property is later changed to a <i>use</i> with lower parking requirements, the fact that <i>surface parking</i> exceeds 125 percent of the minimum parking requirements of the new <i>use</i> will not be deemed to create <i>non-conformity</i>.</p>					



## **ACCESSIBLE PARKING SPACES**

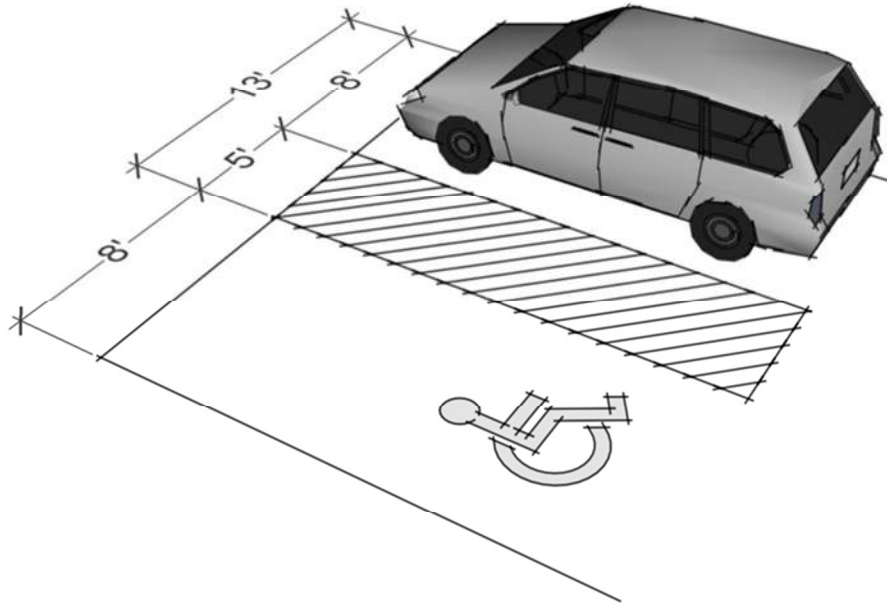
112.1 Except *Dwelling, single-family detached; Secondary suites; Mobile home; Caretaker's residence; Dwelling, two-family; and Dwelling, home-based business*, the owner must provide at least the number of accessible spaces shown in Table 4-6 below, based on the total minimum number of spaces required in Table 4-5.

**Table 4-6 Accessible Parking Spaces**

<b>Total Required Parking Spaces per Table 4-5</b>	<b>Minimum Number of Accessible Parking Spaces Required</b>
1 to 25	1
26 to 50	2
51 to 75	4
76 to 100	6
101 to 150	7
151 to 200	8
201 and over	5 percent of total (minimum 10 spaces)

112.2 Each accessible *parking space* must be in accordance with the following:

- a. A minimum of eight (8) feet in width plus a five (5) foot wide *adjacent* access aisle. Two stalls may be served by one access aisle (see Illustration 6).
- b. An accessible route must be provided from the accessible *parking* to an assessable entrance. It must be at least three (3) feet wide. The width requirement applies to curb ramps, sidewalks and built-up curb ramps. Accessible ramps must be located *adjacent* to the access aisle, not in the parking stall.
- c. Must include signage reserving the space for use by persons with disabilities.
- d. Must be located within 200 feet of major *building* entrances used by residents, employees, or the public.
- e. At least 1 curb ramp must be located within 100 horizontal feet of the auto *parking space* closest to each entrance to a principal or *accessory building* that is not a service entrance.



**Illustration 6 Access aisle between parking spaces**

## ***CALCULATION OF OFF-STREET PARKING REQUIREMENTS***

### **Fraction of a Parking Space**

- 113.1 When the computation of the number of accessory off-street *parking spaces* required by this By-law results in a requirement of a fractional *parking space*, any fraction less than one-half of a *parking space* may be disregarded, but a fraction of one-half or more of a *parking space* must be counted as one (1) *parking space*.

### **Places of Public Assembly**

- 113.2 In places of public assembly, the following applies:
- a. Where those in attendance occupy benches, pews, or other similar seating facilities, each twenty (20) inches of such seating facilities are counted as one (1) seat;
  - b. Where both fixed seats and an open assembly area are combined, the requirements for each must be computed separately and added together; and
  - c. Where movable seats or chairs are used in a place of public assembly, and a determination of seating capacity is required, the said seating capacity must be determined on the basis of one (1) seat for every six (6) square feet of assembly area.

## **ADJUSTMENTS TO PARKING REQUIREMENTS**

### **Combination of Uses**

- 114.1 Where *principal uses* from different sub-categories of *uses* listed in Table 3-1 are located within a single *building* (for example: retail and service *uses* in a *hotel* or *office building*, or *offices* combined with warehousing *uses*), the number of *parking spaces* required is reduced to eighty (80) percent of the aggregate of the accessory off-street *parking spaces* required for each *use* established on the zoning *lot* pursuant to Table 3-1.

### **Parking Management Plan**

- 114.2 An *applicant* may propose to the *Designated Officer* a parking management plan prepared by a professional traffic engineer or parking consultant, documenting that a lower amount of automobile parking is adequate to meet the needs of the proposed *use* or combination of *uses* and to prevent traffic or parking congestion on surrounding *streets* or public lanes. A parking management plan may consider such factors as unique patterns of peak hour use, the proximity of other *public parking areas* and proximity to major public transportation routes.
- 114.3 If the *Designated Officer* concludes that the proposed parking management plan will provide automobile parking adequate to meet the needs of the proposed *use* or combination of *uses* and to prevent traffic or parking congestion on surrounding *streets* and public lanes, the *Designated Officer* may approve the parking management plan and may reduce the amount of required off-street parking required to conform with the approved plan.

## **DEVELOPMENT STANDARDS FOR PARKING AREAS**

- 115.1 Provisions 115.1 through 117.1 shall apply to all new *development* after the effective date of this By-law.

### **Dimensions of Parking Spaces**

- 115.2 The *owner* must provide all required accessory off-street *parking spaces* and *parking driveways* so that they meet the dimensions and *standards* shown in Table 4-7, except for required accessible *parking spaces*, which must meet the *standards* of provision 112.2. *Parking space* dimensions and driveway widths are determined based on the angle of parking, shown in the first column.

**Table 4-7 Minimum Required Parking Space Dimensions**

Angle of Parking [a]	Minimum Dimensions of Parking Space	Minimum Parking Aisle Width (Ft.)
75 to 90 degrees	9 feet wide by 20 feet long; or 10 feet wide by 18 feet long, or any combination in between where the sum of the width and length equals 28 feet, 7 feet high [b]	25
50 to 74 degrees		18
Less than 50 degrees		12
Parallel	9 feet wide by 23 feet long; by 7 feet high [b and c].	12
Notes: a) The angle of parking must be measured between the centre line of the <i>parking space</i> and the centre line of the <i>parking aisle</i> or driveway. b) A maximum of twenty-five (25) percent of the total number of <i>parking spaces</i> for non-residential uses, and a maximum of thirty-three (33) percent of the total number of <i>parking spaces</i> for multi-family uses, may be reduced in length to eighteen (18) feet and designated for small cars only. c) Width must be increased to ten (10) feet if long dimension is immediately <i>adjacent</i> to a fence or wall.		

**Layout**

115.3 The *owner* must provide all required accessory off-street *parking spaces* and *parking driveways* so that they meet the following *standards*:

- a. An accessory off-street parking area must be provided with a *parking driveway* that meets the requirements of Table 4-7, having access to a *street* or, where permitted, to a *public lane*.

**Surfacing**

115.4 The following *standards* apply to the surfacing of required parking areas:

- a. The *owner* must provide all required parking areas and driveways accessory to single and *two-family dwellings* with an all-weather, adequately drained surface, constructed and maintained so loose material is not dislodged and thrown or carried onto adjoining public *streets* or lanes; and
- b. The *owner* must surface all required parking areas and driveways accessory to all other *uses* and all non-accessory parking areas, excluding single-family and *two-family dwellings*, with asphalt, concrete, paving stones, or other surfaces approved by the City to a minimum surfacing *standard* as comparable to the *adjacent street* or lane surface. For Industrial Zoning Districts M1, M2 and M-MX only, if the required *parking spaces* number less than ten (10) required spaces property *owners* may choose to apply for a *variance*.

- c. All properties or *buildings* where there has been a change in *use*, the *owners* are required to hard surface the required parking of the new *use*.

### **Landscaping**

- 115.5 All required *parking spaces* must comply with the requirements of provisions 143.1 through 152.1, *Landscaping* and Buffering.

### **Lighting**

- 115.6 All required *parking spaces* must comply with the lighting requirements of provisions 158.1 through 170.1, *Lighting*.

### **Vehicle Display Areas**

- 115.7 If a parking area is used as a vehicle display area for the exhibition, sale, or rental of automobiles, *light trucks*, motorcycles, boats, recreational vehicles, off-road vehicles, or similar items, the *owner* must comply with the following additional provisions. In the event of a conflict between these provisions and provisions 86.1 through 86.4 these provisions govern:

- a. A minimum two (2) foot setback from the property line must be maintained when *abutting* a public right-of-way or an *adjacent* property; or
- b. A post-and-chain fence not exceeding four (4) feet and not less than two (2) feet in *height* must be erected where the display area *abuts* upon a public right-of-way or an *adjacent* property;
- c. The maximum *height* of a fence in a required or *voluntary yard* is four (4) feet unless the fence is set back ten (10) feet from the *lot* line, public right-of-way or an *adjacent* property; and
- d. If a fence is not installed under part (b), a wheel stop must be installed with a minimum of 2½ feet setback minimum from the property line when *abutting* a public right of way. The intent is to prevent vehicle overhang onto public right of way or sidewalk. Bollards can be used as an alternative, which may allow better pedestrian circulation.

### LOADING SPACES REQUIRED

116.1 In Table 4-8, the *loading space* categories identified in the first column correspond to those cited for various land *uses* in the final column of Table 4-5. The number of required spaces is dependent on the size of the *use*, measured in floor area, as shown in the second column. The *owner* of each property containing any of those *uses* must provide and maintain accessory off-street *loading spaces* in accordance with the third column of Table 4-8:

**Table 4-8 Loading Spaces Required**

Loading Space Categories	Floor Area	Number of Loading Spaces Required
<b>A</b>	N/A	0
<b>B</b>	Less than 10,000 sq. ft.	0
	10,000 sq. ft. to 199,999 sq. ft.	1
	200,000 sq. ft. or more	1 additional for each 200,000 sq. ft. or fraction thereof in excess of 200,000 sq. ft.
<b>C</b>	Less than 20,000 sq. ft.	0
	20,000 sq. ft. to 199,999 sq. ft.	1
	200,000 sq. ft. or more	1 additional for each 200,000 sq. ft. or fraction thereof in excess of 200,000 sq. ft.
<b>D</b>	Less than 20,000 sq. ft.	1
	20,000 sq. ft. to 59,999 sq. ft.	2
	60,000 sq. ft. to 99,999 sq. ft.	3
	100,000 sq. ft. or more	1 additional for each 50,000 sq. ft. or fraction thereof in excess of 100,000 sq. ft.
Notes:		
a) Each required <i>loading space</i> must be a minimum of twelve (12) feet wide by twenty-five (25) feet long by fourteen (14) feet in unobstructed <i>height</i> .		
b) The dimensions of the accessory off-street <i>loading spaces</i> must not include associated driveways, entrances, or exits.		

### Loading Area Surfacing

116.2 All off-street *loading* areas must be surfaced with asphalt, concrete, paving stones, or other impervious surface approved by the *Designated Officer*.

**PARKING AND LOADING SPACES AFTER RECONSTRUCTION**

117.1 For any *structure* or *use* in existence on the effective date of this By-law that is subsequently damaged or destroyed, and which is reconstructed, re-established, or repaired, accessory off-street parking or *loading spaces* maintained at the time of such damage or destruction must be restored or continued in operation except that, if the original parking or *loading spaces* were provided in numbers or dimensions greater than that required by this By-law, restored or continued *parking spaces* may meet the minimum requirements contained in this By-law.

**SECTION 4.4 ACCESSORY SIGNS**

118.1 This section applies to all accessory *signs*, *advertising/billboard signs* must comply with provisions 88.1 – 88.6.

118.2 The *owner* may erect and maintain accessory *signs* to all *sites* and *uses* other than *single-family and two-family dwellings*, and excepting *advertising signs*, subject to the Accessory Sign *standards* of this section.

**GENERAL PROVISIONS**

119.1 The following *standards* apply to *signs*:

**DEVELOPMENT PERMIT REQUIRED**

120.1 Other than normal *maintenance*, the construction, erection, *alteration*, relocation, or repair of any *sign* must comply with provisions 118.1 through 142.1, Accessory *Signs*, unless exempted by this By-law. For purposes of provision 120.1, normal *maintenance* includes a change of *sign copy* if the *sign* face is damaged.

120.2 No person may commence or cause to be commenced on a *site* the construction, erection, *alteration*, relocation, or repair, other than normal *maintenance*, of any *sign*, unless a *development permit* has been approved, or unless exempted by this By-law.

**UNSPECIFIED SIGNS**

121.1 The *Designated Officer* may permit *signs* of types that are not specified in this By-law under the *sign* type regulations that most nearly reflect the characteristics of the unspecified *sign*, as determined by the *Designated Officer*.

**ABANDONED SIGNS**

122.1 When an *owner* of a *sign* can no longer be located and the *sign* no longer correctly directs attention to or includes any person, advertising of a business, lessor, *owner*, product or activity conducted, on the *premises* where such a *sign* is displayed, the *Designated Officer* may serve notice on the *owner* of the land that either the *copy area* of the *sign* or the *sign* itself be removed.

### **ADJACENT LOTS IN RELATED USE**

123.1 Where *adjacent lots* are in related *use*, and the *lots* have cross-access easements and/or shared parking agreements so that they have the appearance and function of a single *lot development*, signage that is accessory to a *principal use* on any of the *lots* will not be considered advertising signage simply because it is erected on another of the *lots*.

### **SIGNS NOT SUBJECT TO THIS BY-LAW**

- 124.1 The following types of *signs* are not subject to the provisions of this By-law:
- a. *Signs* installed by the City for traffic control, public transit, parking, street names and direction;
  - b. Street decorations or community billboards installed by or authorized by the City;
  - c. *Signs* required to be erected or maintained by law or governmental order;
  - d. *Window signs*, unless such *signs* occupy more than thirty (30) percent of the window surface on any façade of the *principal building* in which case they are treated as *fascia signs*; and
  - e. Election *signs* during Federal, Provincial, Municipal, and School Board election periods and up to seven (7) days after the election.

### **SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A DEVELOPMENT PERMIT**

- 125.1 An *owner* may erect or maintain the following *signs* in all *zoning districts* without first obtaining a *development permit*, provided such *signs* are not illuminated, *flashing*, *scintillating* or *animated*, unless otherwise noted:
- a. Official public notice *signs*;
  - b. One *fascia* or *freestanding real estate sign*, per zoning *lot* (i.e., for sale or lease *sign*), illuminated or non-illuminated, not exceeding thirty-two (32) square feet in *sign surface area*, with a maximum *height* of twelve (12) feet. The *sign* must be removed within fifteen (15) days of conclusion of the purpose for which the *sign* is erected;
  - c. Non-illuminated *construction signs* not exceeding 125 square feet in total *sign surface area*, to be located within the zoning *lot*, or attached to a fence or hoarding, with a maximum *height* of twelve (12) feet. The *sign* must be permitted from the date a *development application* is made until eighty (80) percent of the building(s) is/are occupied, or a Zoning Compliance Certificate is issued confirming compliance with all rules, agreements and orders;



- d. Temporary *signs* not exceeding thirty-two (32) square feet in *sign surface area* or banners related to civic, non-commercial health, safety or welfare campaigns or to campaigns by educational or religious organizations, with a maximum *height* of twelve (12) feet. The *signs* must be removed within fifteen (15) days following the date of the event and the *signs* are not erected earlier than the official date of the commencement of the above campaigns;
- e. Non-advertising memorial *signs*, commemorative plaques and cornerstones of bronze, brass, stone or other non-combustible materials when built into or attached to the walls of a *building* or other *structure* provided they bear only the name of the *owner*, the name and *use* of the *building*, the date of erection of the *building* and/or reading matter commemorating a person or event;
- f. Bulletin boards not exceeding eighteen (18) square feet in *sign surface area*, limited to one (1) per *site*;
- g. For a *single-family dwelling* and each *dwelling unit* of a *two-family dwelling*, one illuminated or non-illuminated *sign* up to a maximum of four (4) square feet in *sign surface area* indicating the address, name of occupant, or a *permitted use*;
- h. For each *use* other than a *single-family or two-family dwelling*, one (1) *identification fascia sign* with illuminated or non-illuminated letters or logo, up to a total of four (4) square feet in *sign surface area* identifying the civic address and the name of the *building*; and
- i. Any *sign* that cannot be seen from off the *premises*.

**SIGNS PERMITTED IN ACCESSORY OFF-STREET PARKING AND LOADING AREAS**

126.1 The *owner* may erect and maintain the following types of *signs* for accessory off-street parking areas in the RHD *zoning district*, the commercial and institutional *zoning districts*, and the industrial *zoning districts*, and on any *lot* containing a permitted non-residential *principal use* in the A, RR, and RLD *zoning districts*:

- a. One (1) illuminated or non-illuminated *sign* designating each entrance and exit, limited to a maximum of six (6) square feet in *sign surface area* per *sign* and a maximum *height* of 6½ feet above curb or *grade*;
- b. Illuminated or non-illuminated *directional signs* for control of traffic movement; limited to a maximum of six (6) square feet in *sign surface area* and a maximum *height* of 6½ feet above curb or *grade*;

- c. Illuminated or non-illuminated parking area *sign* or *signs* identifying the parking area and setting forth the rules governing the *use* of a parking area (i.e., "No Parking," "Public Parking," "Private Parking," etc.), limited to a maximum of six (6) square feet in *sign surface area* and a maximum *height* of 6½ feet above curb or *grade*; and
- d. *Warning signs*, provided that the *sign surface area* must not exceed six (6) square feet.

**SIGNS OBSTRUCTING VIEWS**

127.1 No *sign*, including a *mobile sign*, may be erected, re-erected, or *altered* that may interfere with, obstruct the view of, or be confused with any authorized traffic signal, *warning sign*, or other regulatory or information device.

**DISTRICT SPECIFIC REGULATIONS**

128.1 All *signs*, *freestanding* or attached to a *building*, must comply with the *standards* shown in Table 4-9. In Table 4-9, the first column indicates a *zoning district* or districts. The second column indicates the *sign* type. The third and fourth columns indicate dimensional requirements for each *sign* type.

**Table 4-9 District Specific Sign Regulations**

Zoning District	Type [a]	Maximum Height	Permitted Surface Area Per Zoning Lot
<b>A</b>	Freestanding	25 feet above grade	100 sq. ft.
	Attached to building	Wall height	25% of building wall
<b>RSF, RLD, RMD</b>	Freestanding	20 feet [b]	48 sq. ft. maximum [c]
	Attached to building	Wall height	4 sq. ft. per dwelling unit
<b>PR, O, RHD, R-MX, R-MH, C1</b>	Freestanding	8 feet above grade [d]	48 sq. ft. maximum [c]
	Attached to building	Wall height	25% of building wall to a maximum of 48 sq. ft.
<b>EI, C2, C-MX, M1, M-MX, M2</b>	Freestanding	20 feet above grade	1.25 sq. ft. per foot of frontage to a maximum of 323 sq.ft.
	Attached to building	Wall height	25% of building wall
<b>C3, C4</b>	Freestanding	50 feet above grade	1.25 sq. ft. per foot of frontage to a maximum of 323 sq.ft.
	Attached to building	Wall height	25% of building wall

Notes:

- a) *Signs* "attached to *building*" include *fascia signs*, *projecting signs*, *swinging signs*, *marquee signs*, and *canopy signs*.
- b) For *lots* containing a permitted non-residential *principal use*.
- c) Maximum *sign surface area* of a *sign* accessory to a school, *community centre* or religious institution is 100 sq. ft., if a *bulletin board* is included.
- d) Maximum *height* of a *sign* accessory to a school or *community centre* is 20 feet.

## MEASUREMENT OF SIGN SURFACE AREA

### ***SIGNS ATTACHED TO BUILDING***

129.1 *Sign surface area* is calculated as follows for *signs* attached to a *building*:

- a. *Sign surface area* includes the entire area of the smallest rectangle that encloses the extreme limits of any writing, representation or emblem forming part of the display, (see Illustration 7);



**Illustration 7** Sign Surface area equals the smallest rectangle surrounding any writing or symbols

- b. *Sign surface area* does not include non-illuminated *signs* visible through windows in the *building* façade, provided that such *signs* do not exceed thirty (30) percent of the glazed surface on any façade of the *building*. Allowable *window signage* is not transferable to the glazed surface on another façade of the *building*;
- c. In calculating wall area for purposes of determining maximum *sign surface area*, only the first three (3) *storeys* or forty-five (45) feet (whichever is lower) of the *building* may be used. Allowable *sign surface area* is not transferable to another wall; and
- d. A permanent *sign* composed of changeable letters or a *bulletin board sign* areas are not included in calculation of *sign surface area* provided that they comply with the following:
  - i. Are a maximum of twenty-five (25) percent of the overall size of the *sign*;
  - ii. Incorporate the same background color as the *sign*;
  - iii. Do not exceed fifteen (15) square feet in area; and
  - iv. Are designed as an integral part of the *sign* (not an add on).

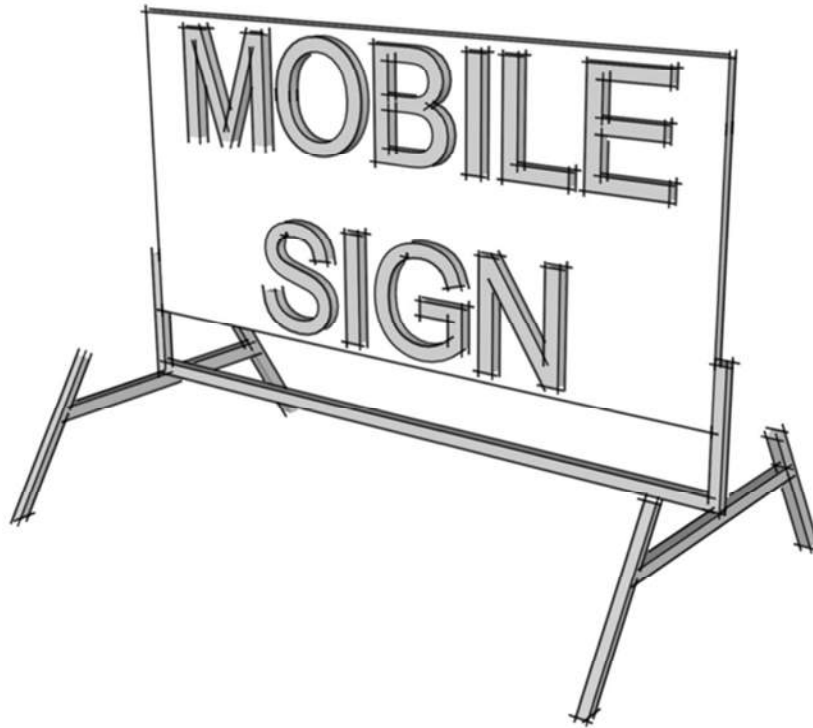
## ***FREESTANDING AND MOBILE SIGNS***

130.1 *Sign surface area* is calculated as follows for *freestanding* and *mobile signs*:

- a. *Sign surface area* includes the entire area of the smallest rectangle that encloses the extreme limits of any writing or symbol, background colour or material, and any embellishment of the supporting *structure* forming part of the display;
- b. *Sign surface area* includes the total area of all faces exhibited or intended for display, except where two faces are parallel and located back-to-back, in which case *sign surface area* includes the area of only one such face, and if the two parallel, back-to-back faces are not equal, then the *sign surface area* is the larger of such faces (see Illustration 8);
- c. The maximum allowed surface area for *freestanding signs* is not transferable to any *frontage* other than that from which its maximum size was calculated pursuant to Table 4-9, District Specific Sign Regulations; and
- d. A permanent *sign* composed of changeable letters or *bulletin board sign* areas are not included in calculation of *sign surface area* provided that the *bulletin board* area:
  - i. Is a maximum of twenty-five 25 percent of the overall size of the *sign*;
  - ii. Incorporates the same background color as the *sign*;
  - iii. Does not exceed fifteen (15) square feet in area; and
  - iv. Is designed as an integral part of the *sign* (not an add-on).

130.2 All *mobile signs* must meet the following additional requirements

- a. No *owner* may erect a *mobile sign* that does not meet the following *standards* for maximum *sign surface area*:
  - i. A *mobile sign* that is a flag, an *inflatable sign*, or a *banner*, is not subject to a maximum *sign* size limit; and
  - ii. A *mobile sign* that is not a flag, an *inflatable sign*, or a *banner*, to a maximum of eighty-five (85) square feet.



**Illustration 8 Freestanding mobile signs - Sign surface area includes the total area of all faces exhibited or intended for display, except where two faces are parallel and located back-to-back, sign surface area includes the area of only one such face.**

### ***THREE-DIMENSIONAL SIGN***

131.1 When a three-dimensional *sign* has no easily measurable faces, the *sign surface area* of said *sign* is half the sum of the total area of the four vertical faces of the smallest right-angled box encompassing the *sign*.

### **FLASHING, ANIMATED, SCINTILLATING, ROTATING, ELECTRONIC MESSAGE BOARD SIGNS AND VIDEO SCREENS**

132.1 *Flashing, animated, or scintillating signs, rotating signs or beacons, electronic message boards and video screens* must meet the following requirements:

- a. A *Conditional Use* Order is required;
- b. The following *copy* and/or letter *heights* based on posted speed restrictions must be followed;
- c. *Copy height* of nine (9) inches or less in a fifty (50) kilometer per hour speed zone;
- d. *Copy height* of eleven (11) inches or less in a sixty (60) kilometer per hour speed zone;

- e. *Copy height* of thirteen (13) inches or less in a seventy (70) kilometer per hour speed zone; and
  - f. *Copy height* of a maximum of fifteen (15) inches in a speed zone above seventy (70) kilometers per hour.
- 132.2 No *owner* may place an illuminated *sign*, in a *yard* in a commercial, institutional or industrial *zoning district* that *abuts* a *lot* line in an agricultural or residential district, or on a wall overlooking such a *lot* line.
- 132.3 *Flashing, animated, or scintillating* features, *rotating* features, beacons, *electronic message boards* and *video screens* are not permitted on *mobile signs*.
- 132.4 All *electronic message boards* must meet the following additional requirements:
- a. No *electronic message board* may be located within fifty (50) feet of a pedestrian crosswalk/corridor or controlled intersection;
  - b. The *sign* must be located and installed in such a way as *illumination* does not project to any surrounding residential users;
  - c. The Owner shall display public safety broadcasts upon request from the City of Steinbach;
  - d. The *sign* may not carry live video, any form of audible broadcast or full motion or animation in the form of a short commercial or video. Only static images will be permitted; and
  - e. The brightness of the *sign* copy must be adjusted on the time of day or night, as well as ambient light conditions including, but not limited to, cloudy or bright sunlight. A maximum luminaire of 13,000 nits between sunrise and sunset, and a maximum luminaire of 400 nits between sunset and sunrise.

***ILLUMINATED SIGNS IN CERTAIN YARDS***

- 133.1 No *owner* may place an illuminated *sign*, in a *yard* in a commercial, institutional or industrial *zoning district* that *abuts* a *lot* line in an agricultural or residential district, or on a wall overlooking such a *lot* line.

**ROOF SIGNS**

- 134.1 *Roof signs*, other than *signs* on mansard style roofs, are not permitted. On *mansard roofs*, *roof signs* may be attached to the sloping portions of the roof, but must not extend beyond the *parapet height*, and must not be located on the horizontal portion of the roof.

## FASCIA SIGNS

- 135.1 *Fascia signs* may have an emblem, logo, or other unique features *projecting* above the *building* wall if the *sign* projection is not more than two (2) feet above the *building* wall or *parapet* wall and the total projection does not exceed twenty (25) square feet. The area of the projection must be counted towards the total *sign* area allowed.

## FREESTANDING SIGNS

- 136.1 Up to ten (10) percent of the maximum permitted *sign* area of any *freestanding sign* may be installed on the support *structure* for the *sign* face.
- 136.2 Each *freestanding* accessory *sign* shall be set back from each side, front and rear *lot* line, a minimum of two (2) feet clear of projections.

## PROJECTING SIGNS

- 137.1 The minimum *height* above-*grade* to the bottom edge of *projecting signs* must be 8.5 feet.

## MOBILE SIGNS

- 138.1 A *mobile sign* permit is required for each *mobile sign* on the same zoning *lot*.
- 138.2 A *mobile sign* must be removed from a zoning *lot*, a *lot*, or a *site* upon the expiry date of the *mobile sign* permit.
- 138.3 No *mobile sign* shall be permitted on the same zoning *lot* as an *electronic message board sign*.
- 138.4 No *mobile sign* shall be illuminated or electrified, or have any rotating beam or beacon.
- 138.5 No *mobile sign* shall be located, erected or placed on City-owned property, except *signs* which have received prior approval from the City of Steinbach.
- 138.6 Any *mobile sign* occupying a portion of a highway, right-of-way, public place or where a *mobile sign* has been abandoned, or where a permit has expired or where a permit has not been obtained, may be removed by the City of Steinbach By-law Enforcement Officer or appointee of the City, without notice.
- 138.7 A fee of \$100.00 and the costs of removal shall be payable for recovery of the *sign* and failing recovery within thirty (30) days of removal, the City may dispose of the *sign*, retaining sufficient proceeds to pay the fees and costs imposed by this section and the costs of sale.
- 138.8 No person shall erect a *mobile sign* unless such *sign* displays the name and contact information of the erector of the *sign* in clearly legible lettering located in such a place on the *sign* that it can be easily read.

**LENGTH OF TIME FOR DISPLAY**

**Flags, Banners, and Inflatable Signs**

139.1 Subject to issuance of a *mobile sign* permit, an *owner* may locate or erect either a flag, a *banner*, or an *inflatable sign* (but not more than one of them) on a zoning *lot*, a *lot*, or a *site* for a period not exceeding ninety (90) days per calendar year. No permit shall be issued for a period exceeding thirty (30) consecutive days.

**Mobile Signs**

139.2 Subject to issuance of a *mobile sign* permit, an *owner* may locate or erect a *mobile sign* that is not a flag, an *inflatable sign*, or a *banner* on a zoning *lot*, a *lot*, or a *site* for a period not exceeding ninety (90) days per calendar year. No permit shall be issued for a period exceeding thirty (30) consecutive days.

139.3 No permit for a *mobile sign* shall be issued for a *site* until a period of thirty (30) days has elapsed from the expiry date of any previous *mobile sign* permits issued for that *site*.

**SPACING AND MAXIMUM NUMBER OF SIGNS**

140.1 No property *owner* may erect more than one (1) *mobile sign* per *use* on a zoning *lot* or *site*. The maximum number of *mobile signs* on any zoning *lot* or *site* at any one time may not exceed two (2), regardless of the number of individual *uses* located on that zoning *lot* or *site*.

**MOBILE SIGNS HEIGHT**

141.1 The maximum allowed *height* of a *mobile sign* is nine (9) feet measured from *grade* to the highest part of the *sign*.

**MOBILE SIGN LOCATION**

142.1 A *mobile sign* must be contained within the zoning *lot* on which it is located, not *encroaching* on any right-of-way. Additionally, all such *signs* must comply with Table 4-10.

**Table 4-10 District Specific Mobile Sign Regulations**

Zoning District	Setback from lot lines	Maximum Height	Maximum Width
C1, C2, C-MX	Front yard 1 ft.	5 ft.	3 ft.
	Side yard 2 ft.		
C3, C4, EI, M-MX, M1, M2, PR, O	Front yard 10 ft.	9 ft.	10 ft.
	Side yard 2 ft.		
Notes:			
a) In the case of a corner <i>lot</i> , the <i>side yard</i> setback must be 10 feet in all <i>zoning districts</i>			



## **SECTION 4.5      LANDSCAPING AND BUFFERING**

### **INTENT**

- 143.1      The intent of provisions 143.1 through 152.1, Landscaping and Buffering, is to:
- a.      Specify *landscaping* and buffering requirements for all multi-family, commercial, industrial and institutional *uses*;
  - b.      Provide for landscape techniques to achieve compatibility between *abutting* and *adjacent uses*, including public and private *streets*; and
  - c.      Provide flexibility, taking into account the high percentage of already developed properties and the wide *variance* in the size of existing *lots*.

### **APPLICABILITY**

- 144.1      The *landscaping* and buffering requirements shall apply to all new *developments* and existing *developments* that undergo *substantial improvements* involving:
- a.      Multi-family *Uses*;
  - b.      Commercial *Uses*;
  - c.      Institutional *Uses*; and
  - d.      Industrial *Uses*.
- 144.2      *Substantial improvements* includes any repair, reconstruction, or improvement of a *structure*, the cost of which equals or exceeds 50 percent of the assessed value of the *structure* either:
- a.      Before the improvement or repair is started; or
  - b.      If the *structure* has been damaged and is being restored, before the damage occurred.

## **GENERAL LANDSCAPING AND BUFFERING STANDARD**

### ***LANDSCAPE PLAN REQUIRED***

- 145.1      A *landscaping* plan must be submitted as a part of any *development application* for all development, other than single-family or two-family development, subject to this section, unless the *Designated Officer* determines that compliance with provisions 143.1 through 152.1 can be documented without the use of such a plan.
- 145.2      Each *landscaping* plan must comply with provisions 143.1 through 152.1. A *landscaping* plan may be combined with other required application documentation if compliance with provisions 143.1 through 152.1 can be clearly demonstrated in the combined documentation.

- 145.3 Where a *landscaping* plan is required pursuant to this By-law, the landscape plan shall include the following information:
- a. A *site* plan drawn to scale, including dimensions and distances, a north arrow and a clear legend;
  - b. All property lines with dimensions including *adjacent* sidewalks, curbs, driveway entrances, alleys, easements, and the location and name of *adjacent streets*;
  - c. Footprint for all existing and proposed *structures* including patios, and decks;
  - d. *Building* entrances, porches, decks, steps, walkways, parking areas, screens, fencing, lighting, and garbage collection areas;
  - e. Approximate location and type of *adjacent* land uses;
  - f. All surface utilities including fire hydrants, catch basins, utility covers;
  - g. The location of existing and proposed overhead and underground utilities;
  - h. Location, type and quantity of existing plant materials to be retained and what is to be removed;
  - i. All vegetation (trees, shrubs, grass areas) to be provided, including a plant list identifying type, size, and quantity of each and a calculation of the tree/shrub requirements;
  - j. The location and description of other landscape improvements such as earth berms, walls, fences, screens, sculptures, fountains, site furnishings, screened refuse containment areas and bicycle racks;
  - k. Existing and final *site* grading of the landscape areas;
  - l. Snow removal and storage sites; and
  - m. Other information as requested by the *Designated Officer*.

#### ***PLANT MATERIALS***

- 146.1 Plant material must be able to withstand local climatic conditions:
- a. Plant material must be No. 1 Grade Nursery Stock, supplied and installed in conformance with the latest edition of Canadian Nursery Landscape Association “Canadian Standards for Nursery Stock”; and
  - b. Plant materials located within twenty (20) feet of a public *street* must be of a salt-tolerant species.

### **MINIMUM PLANT SIZES**

- 147.1 Plant materials must comply with the following:
- a. Deciduous trees located within five (5) feet of a walkway, path, or pathway: 2½ inch caliper, and of species that normally have lower branches at least six (6) feet above *grade* at maturity;
  - b. Deciduous trees not located within five 5 feet of a walkway, path, or pathway: 1¾ inch caliper;
  - c. Coniferous trees: minimum of six (6) feet high at the time of planting;
  - d. All shrubs: two (2) gallon container, and of species that can remain healthy when trimmed so as to maintain a *height* of not more than thirty (30) inches at maturity; and
  - e. Groundcover, annuals, and perennials: no minimum size.

### **AVOIDING INTERFERENCE WITH TRAFFIC/PEDESTRIAN SAFETY**

- 148.1 All required plantings must comply with the following:
- a. All required plantings within thirty (30) linear feet of an intersection between any combination of public *streets*, public lanes, railroad right-of-way, or driveways must be limited to species that will not block sightlines between persons on such public *streets*, public lanes, railroad rights-of-way, or driveways, between a *height* of thirty (30) inches and a *height* of six (6) feet above *grade*; and
  - b. Required landscape or *buffer* areas must not be used to accommodate accessory off-street parking or *loading*, storage of materials, or commercial or industrial activities of any kind.

### **SITE LANDSCAPING**

- 149.1 The following areas of each *lot* must be landscaped by the *owner* pursuant to the *standards* of this section for all development, other than single-family or two-family development. In the event that *standards* for the *landscaping* of two or more of the following areas overlap, or are inconsistent, the *standard* requiring more *landscaping* governs.

### **STREET EDGE LANDSCAPING**

- 149.2 All required or *voluntary yards* must contain a minimum of one deciduous or coniferous tree for each thirty (30) feet of linear *street frontage*, plus three (3) shrubs for each twenty (20) feet of linear *street frontage*.
- 149.3 Required trees may be clustered to provide visual interest as long as other requirements of this By-law are met.

149.4 *Lot frontage* areas occupied by curb cuts or driveways must be included when calculating linear *frontage* planting requirements, and any trees that would otherwise be required in such areas must be planted in remaining *lot frontage* areas unless prohibited by minimum spacing requirements for the species being used.

**PARKING LOT INTERIOR LANDSCAPING**

149.5 Parking *lot interior landscaping* is required for all parking areas within Commercial, Institutional and Industrial Areas, that contain more than thirty (30) automobile *parking spaces*:

- a. Five (5) percent of the gross parking *lot* area must be landscaped;
- b. One (1) tree must be provided for each 300 square feet of parking *lot* interior landscape area and one (1) shrub must be installed for each 100 square feet of parking *lot* interior landscape area;
- c. Parking lot interior *landscaping* must be distributed within the parking area so as to break up the expanse of pavement;
- d. Where *landscaping* is provided within landscaped parking islands, those islands must be a minimum of five (5) feet wide; and
- e. Required trees and shrubs may be clustered to create visual interest.

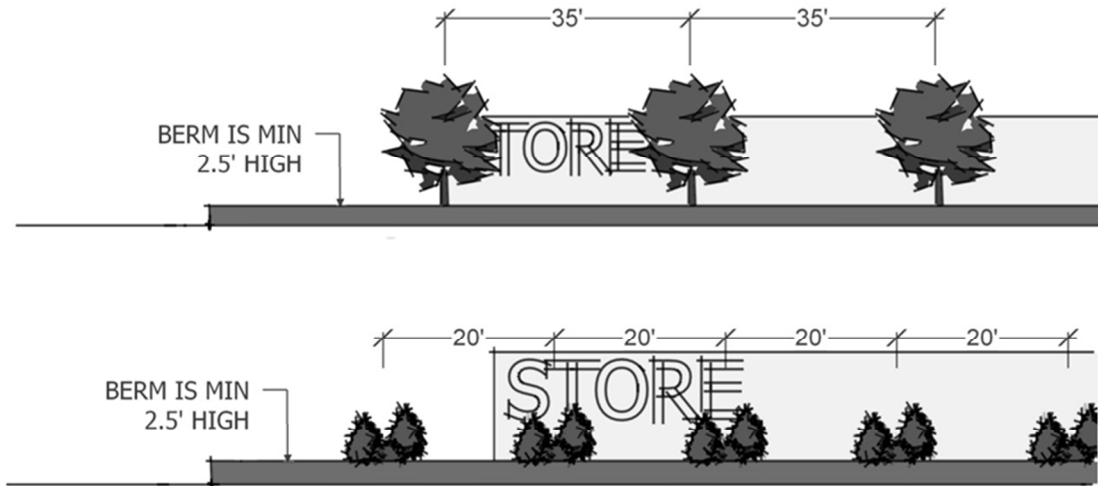
**SIDE AND REAR SITE EDGE BUFFERING**

149.6 A landscaped *buffer* must be installed along the side or rear *lot* lines to reduce the impacts of traffic movements, light, noise, dust, and odours on *adjacent* properties in the following two situations listed in provisions 149.7 through 149.11.

**BUFFERING RESIDENTIAL USES**

149.7 A landscaped *buffer* must be installed where a side or rear *lot* line of a *lot* in a commercial, institutional, or industrial *zoning district* *abuts* a *lot* in a single, two-family, or multi-family residential *zoning district*. The required *buffer* must comply with either Option 1 or Option 2 below:

- a. Option 1: *Site edge buffering* must have a landscaped area with at least one (1) deciduous or coniferous tree for every 35 linear feet of *lot* line and three (3) shrubs per twenty (20) linear feet of *lot* line where the *abutting* condition exists. A landscaped berm a minimum of 2½ feet in *height* with a rise-to-run ratio not exceeding 1:3 may be integrated into this option. The *height* of planted materials (together with any berm provided) must be at least six (6) feet in *height* at the time of planting.



**Illustration 9 Option 1 Buffering of Residential Uses**

- b. Option 2: *Site* edge buffering must include an opaque wall, berm, fence and/or dense vegetative screen with a minimum combined *height* of six (6) feet. If a vegetative screen is proposed, it must be at least six (6) feet in *height* at the time of planting. If a wall or fence is used the maximum continuous horizontal length of any section is forty-eight (48) feet, at the end of which a landscaped strip of a minimum length of sixteen (16) feet, a minimum depth of four (4) feet, and with shrubs a minimum *height* of 2½ feet must be provided (see Illustration 10).



**Illustration 10 Option 2 Buffering of Residential Uses**

149.8 Regardless of which option is chosen, required trees and shrubs within a required landscaped area may be clustered to create visual interest.

149.9 Where the side or rear yard of a proposed *lot* in single, two-family, or multi-family residential *zoning district abuts a lot* in a pre-existing commercial, institutional, or industrial *zoning district*, the proposed *development* shall provide the landscaped *buffer* as per the requirements of this By-law unless it has been previously provided on the commercial, institutional, or industrial *lot*.

**BUFFERING OF PARKING AND LOADING AREAS**

149.10 A landscaped *buffer* must be installed when a parking or *loading* area accessory to any *use*, other than a single-family or two-family residential *use*, is located within twenty (20) feet of a side or rear *lot* line *abutting* a residential *zoning district*.

149.11 Buffering of a parking or *loading* area may comply with either Option 1 or Option 2 in 149.7, but the required minimum *height* of any wall, fence, berm, or combination of a wall, fence, or berm must be four (4) feet rather than six (6) feet.

**PRESERVATION OF EXISTING TREES**

150.1 Preservation of existing trees and vegetation is encouraged where possible. Existing trees will be given credit as part of any *landscaping* plan as shown in Table 4-11.

**Table 4-11 Tree Preservation Credits**

Caliper of Preserved Tree (in inches)	Number of Required Trees Credited
Over 12 inches	6
8 inches to 11.9 inches	4
2.5 inches to 7.9 inches	2

**INSTALLATION**

151.1 The *owner* must install required *landscaping* and buffering in conformance with the following *standards*:

151.2 Installation of required *landscaping* and buffering is required before issuance of an occupancy permit for the *principal building* unless climate or weather conditions make installation impractical; and

151.3 Where, due to climate or weather conditions, it is impractical to install required *landscaping* before construction on the *principal building* has been completed, the *Designated Officer* may authorize a delay in installation until no later than the following June 30.

## MAINTENANCE

152.1 The *owner* must maintain required *landscaping* and buffering areas in conformance with the following *standards*:

- a. The *owner* must maintain all *landscaping* and buffering areas required by this By-law free from refuse and debris and with a neat appearance, and must maintain plant materials, including lawns and naturalized *landscaping*, in a healthy growing condition. The *owner* must replace any plant material required by this section that dies or becomes diseased;
- b. The *owner* must maintain street edge *landscaping* and parking *lot* interior *landscaping* between a *height* of thirty (30) inches and a *height* of six (6) feet above *grade* to preserve sightlines between public *streets* and *adjacent* properties, except where a fence has been erected;
- c. The *owner* must maintain each required landscape or *buffer* area with adequate drainage in order to prevent the accumulation of standing water, and must maintain drainage features free of refuse and debris so as to allow water to drain freely; and
- d. The *owner* must maintain all *landscaping* to avoid encroachment onto pedestrian walkways and to maintain a minimum clear distance of seven (7) feet above all pedestrian walkways.

## SECTION 4.6 FENCES AND SCREENING

153.1 The *owner* may erect and maintain fences, hedges, trees, shrubs, arbours, trellises, and similar landscape features in all *yards*, provided that (i) no electric fences or barbed wire fences are erected or maintained except as provided for in Table 4-12, and (ii) the *standards* of provisions 153.1 through 157.3 are complied with.

### MAXIMUM HEIGHT PERMITTED

154.1 The *owner* may only erect and maintain fences, hedges, trees, shrubs, arbours, trellises, and similar landscape features that comply with the *standards* set forth in Table 4-12.

**Table 4-12 Maximum Heights in all Voluntary or Required Yards**

Yard	Zoning Districts			
	Agricultural, Residential, Commercial and Institutional [a]	Parks and Open Space [b]	Industrial [c]	
			M-MX	M1 and M2
Front	3 ft.	10 ft.	4 ft.	10 ft.
Side and Rear	6.5 ft.	10 ft.	6.5 ft.	10 ft.

Notes:

- a) If accessory to a school or park, the maximum permitted *height* is 10 feet.
- b) Chain link fences accessory to school or park *sites* are exempt from this limit
- c) Two feet of barbed wire may be added to the top of such fenced, for a total *height* of 12 feet only in M2 Zoning districts

## FENCE MATERIALS AND DESIGN

155.1 No person may erect or maintain a fence or wall made of debris, junk, or waste materials.

## SCREENING OF OUTSIDE STORAGE REQUIRED

156.1 On any *lot* that contains any *use* other than a *single-family or two-family dwelling unit*, and *abuts* a *lot* containing a residential *use*, all permitted storage of materials, inventory, and products must be:

- a. Within a completely enclosed *building*; or
- b. Effectively screened from the view of the residential *buildings* by:
  - i. An opaque fence or masonry wall at least six (6) feet in *height*, or
  - ii. A chain link fence with plastic slats at least six (6) feet in *height*, or
  - iii. A chain link fence bordered by coniferous trees and shrubs with an expected mature *height* at least equal to the *height* of the fence.

156.2 The stored materials, inventory, or products within the enclosure must not exceed the *height* of the enclosure. The wall or fence must be maintained in good repair at all times, to the satisfaction of the *Designated Officer*.

156.3 In addition, in all *zoning districts*, any *outside storage* must comply with the following additional *standards*:

- a. If the *outside storage* area is used only for *outside storage*, and not for operations and maintenance related to the *use* or property, the *outside storage* area must be located to the rear of a line *adjacent* to and parallel with the front wall of the *principal building*;
- b. If the *outside storage* area is also used for operations and maintenance related to the *use* or the property, then the *outside storage* area must be located to the rear of a line *adjacent* to and parallel with the rear wall of the *principal building*;
- c. *Outside storage* of sand, gravel, soil, or other loose aggregate is prohibited within 300 feet of the boundary of any residential *zoning district*; and
- d. *Outside storage* is not permitted in any *required yard*.

156.4 In the M2 *zoning district*, areas used for storage compounds may be surfaced with asphalt, concrete, paving stones, or other impervious surface approved by the *Designated Officer*, provided that all entrance and exit driveways and driving aisles are surfaced with the same materials as the *streets* to which the compound has access.



## **MAINTENANCE**

- 157.1 The *owner* must maintain all voluntary and required screening required by this By-law free from refuse and debris in good repair, and if live materials are used then such materials must be maintained in a healthy growing condition. The *owner* must replace any live plant material used for screening that dies or becomes diseased.
- 157.2 The *owner* must maintain each required screening area with adequate drainage in order to prevent the accumulation of standing water, and must maintain drainage features free of refuse and debris so as to allow water to drain freely.
- 157.3 The *owner* must maintain all required screening to avoid encroachment onto pedestrian walkways and to maintain a minimum clear distance of seven (7) feet above all pedestrian walkways.

## **SECTION 4.7 LIGHTING**

### **APPLICABILITY**

- 158.1 The *owner* of each *lot* containing a *use* other than a single-family or two-family residential *dwelling* must comply with the following *standards* in provisions 158.1 through 170.1. These *standards* do not apply to seasonal lighting used less than sixty (60) days per calendar year.

### **INTENT**

- 159.1 The *owner* may design and install *site* lighting to maintain adequate lighting on-site and provide security for people and property through the use of fixtures that prevent glare beyond the property line.

### **GENERAL STANDARDS**

- 160.1 The *owner* must design and install only on-site lighting that complies with the provisions in Section 4.7. Lighting of parking lots, canopies, and *loading* areas must also comply with provisions in Section 4.7 as applicable.

### ***WALL-MOUNTED LIGHTS***

- 161.1 Wall-mounted lights must have fully shielded luminaires to direct all light downward.

### ***DIRECTION OF LIGHTING***

- 162.1 No *owner* may install or maintain a light source that is directed outward toward property boundaries or *adjacent* rights-of-way.
- 162.2 Lighting of non-residential properties must be directed downward except for low-voltage architectural, landscape and decorative lighting.
- 162.3 Architectural, landscape, and decorative lighting may be directed upward to illuminate flags, statues, or any other objects but must use a narrowly directed light whose light source is not visible from *adjacent* residential properties or public *streets*.

### **SHIELDING**

163.1 All light sources must be shielded to prevent glare and spillover.

### **WALKWAYS**

164.1 The *owner* must install all required lighting so as to maintain a minimum clear distance of seven (7) feet above all pedestrian walkways, and such lighting must be installed so as not to cause a hazard to those using pedestrian walkways.

### **PROHIBITED LIGHTING**

165.1 No person may install or maintain strobe lights that are visible from another property, unless required by a governmental aviation authority.

165.2 No person may install or maintain red, blue, or yellow rotating lights designed to imitate lighting on police, fire, or emergency vehicles that are visible from another property.

### **PARKING AREA LIGHTING**

166.1 The *owner* may install and maintain parking area lighting only if it complies with the following *standards* in provisions 166.1 through 169.2.

### **LOCATION**

167.1 Light fixtures must be located to provide a relatively uniform level of lighting and to avoid extreme contrasts between levels of lighting, except as necessary to prevent glare onto *adjacent* properties.

### **HEIGHT**

168.1 Within any residential *zoning district*, the maximum permitted *height* of light poles is twenty (20) feet.

### **CANOPY AND SERVICE AREA LIGHTING**

169.1 Within any commercial or industrial *zoning district*, the maximum permitted *height* of light poles is twenty-five (25) feet within fifty (50) feet of residential *uses*, and thirty-five (35) feet in all other areas.

169.2 The *owner* may install and maintain *canopy* and service area lighting only if it complies with the following *standards*:

- a. All *canopy* lighting must use recessed luminaire fixtures and must be designed and located so as to prevent glare onto *adjacent* properties;
- b. No light source in a *canopy structure* may extend downward further than the lowest edge of the *canopy* ceiling;
- c. Reflective material must not be installed on the underside of the *canopy*; and

- d. As an alternative (or supplement) to recessed lighting, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the *canopy*. When this method is used, light fixtures must be shielded so that direct light is focused exclusively on the underside of the *canopy* and is not visible from any residential *use adjacent* to or across a *street* or *public lane* from the subject property, or from any public right-of-way.

## **SERVICE AREAS**

- 170.1 Service area lighting fixtures must be designed and located so that the light source cannot be seen from *adjacent streets* or areas with residential *uses*. Wall mounted light fixtures must use cut off devices to contain direct lighting to the service area and must have a concealed light source.

## **SECTION 4.8 DESIGN STANDARDS**

### **INTENT**

- 171.1 The intent of the *design standards* in this section is to:
- a. Implement recommendations from Steinbach's *Official Community Plan*; and
  - b. To ensure that the design quality of commercial, institutional, mixed-use, and industrial *developments* protects and enhances the image of surrounding *developments*.

### **ACCESSIBILITY**

- 172.1 *Multi-family dwelling developments* containing more than one (1) *principal building* on a single *lot* or parcel must include an unobstructed walkway or pathway providing access between and access into *principal buildings* for persons with disabilities. The walkway or pathway must be at least five (5) feet wide, and, if curb ramps are necessary to provide such access, the curb ramps must comply with the slope and design requirements established by the City of Steinbach.

### **ROOFTOP EQUIPMENT SCREENING**

- 173.1 Rooftop mechanical equipment and appurtenances must be screened so as not to be visible from *adjacent public streets* or *adjacent* properties. Screening enclosures must be constructed of a material similar in appearance to at least one of the materials used in the facades of the *principal building* and one of the same colours used in the *principal building*. All air conditioning compressors must be completely screened. Any rooftop equipment generating noise that can be heard outside the boundaries of the *lot* must also be buffered or otherwise attenuated to direct unavoidable noise upward.

## **PEDESTRIAN AND BICYCLE ACCESS**

- 174.1 Each commercial, industrial or institution *development* containing more than 50,000 square feet, whether developed in a single or multiple phases, and whether in a single or multiple *principal buildings*, must comply with the following *standards*, where applicable.

### ***PATHS AND PATHWAYS***

- 175.1 Pedestrian and bicycle paths and pathways must be developed where indicated in the City's adopted path and pathway plan and policies. Paths and pathways must be designed and constructed to the City of Steinbach *standards*.

### ***PEDESTRIAN CONNECTIONS***

- 176.1 All principal entrances of *principal buildings* must have direct access (i.e., access without having to cross a street) to a sidewalk, walkway, path, or pathway that leads to a public *street*. Each such sidewalk, walkway, path, or pathway must be a minimum of five (5) feet wide.

### ***BICYCLE ACCESS***

- 177.1 Bicycle access routes must be provided between public bicycle lanes, paths, or pathways and on-*site* bicycle parking areas. *Sites* should be designed to avoid or minimize all conflicting bicycle/motor vehicle and bicycle/pedestrian movements.
- 177.2 All bicycle paths and pathways connecting to the City's path and pathway system must comply with the City of Steinbach *standards*.

## PART 5.0 OVERLAY ZONING DISTRICTS

The following overlay *zoning districts* are hereby established by the City, and each such district is intended for the purposes described below.

### SECTION 5.1 PLANNED OVERLAY DISTRICT

#### PURPOSE

178.1 The purpose of the Planned Overlay District (POD) is to provide a means to *alter* or specify allowed *uses* and/or *development standards* in otherwise appropriate zones, in unique or special circumstances, in order to achieve local planning objectives in specially designated areas. A POD is appropriate when additional zoning controls are required to address an area-wide (rather than *site-specific*) condition, or to implement an area-wide plan for the proposed district. PODs are generally appropriate for areas with unique or special circumstances containing ten (10) or more parcels or containing twenty-five (25) acres or more in area.

#### ELIGIBILITY

179.1 The POD must only be applied where specified through an amendment to the *zoning by-law*. Such amendment must include:

- a. A map of the location(s) of any neighbourhood(s) affected by the overlay at an appropriate scale indicating the name, location, and boundaries of each underlying *zoning district*;
- b. The name and boundaries of any adopted *Secondary Plans* applicable to the area covered by the POD; and
- c. Every regulation specified or changed by the POD.

#### CRITERIA

180.1 The POD must meet subsection 179.1 and:

- a. The proposed *development* rules are for the purpose of implementing local planning objectives in specially designated areas, an adopted *Secondary Plan*, or an area-wide plan;
- b. The proposed *development* rules apply to all the land within the POD;
- c. The proposed *development* rules are unique to the proposed area, and are not likely to be used in other areas of the City without significant changes; and

- d. The proposed *development* rules contain relatively minor changes to the permitted and *conditional uses* in the underlying *zoning district* and/or minor changes to permitted *dimensional standards* applicable to the underlying *zoning district*.

180.2 PODs may not be used:

- a. To add to the list of permitted or *conditional uses* or increase *density*;
- b. To allow more than one *single-family detached dwelling* on a lot; or
- c. Where the proposed changes to the regulations of the underlying *zoning district*:
  - i. Are significant enough to be inconsistent with the general purpose of that *zoning district* and the designation of another zone would be more appropriate; or
  - ii. Are not merely related to local planning objectives but would have significant general application to warrant an amendment to the text of the underlying *zoning district* itself.

## USES

181.1 The *permitted uses* specified in the underlying zones are permitted and the *conditional uses* specified in the underlying zones are conditional, unless the *development* regulations adopted in the POD state otherwise.

## DEVELOPMENT REGULATIONS

182.1 The regulations provided in the POD may be substituted for the specified regulations of the underlying zones. Where there is a conflict between the provisions of the POD and those of the underlying zone, the provisions of the POD govern.

182.2 The POD may change or specify regulations and submission requirements, as provided below, and may specify the conditions under which such changed or specified regulations would apply:

- a. The overall residential *density*;
- b. *Site* dimensions and area;
- c. *Building height*;
- d. Size and *floor area ratio* for each *use category* and *use type*;
- e. *Yard* requirements;
- f. Separation spaces;

- g. Parking requirements for each *use category* or *use type*;
- h. Architectural and site design requirements;
- i. Performance criteria;
- j. *Landscaping* requirements;
- k. Regulations pertaining to *accessory structures*;
- l. Signage requirements; and
- m. Environmental regulations, which may include items such as flood proofing, noise attenuation, and municipal servicing requirements.

### **EFFECT OF APPROVAL**

183.1 All regulations in the *zoning by-law* must apply to *development* in the area covered by the adopted POD, unless the POD By-law specifically modifies those regulations.

### **ADOPTED PODS**

184.1 All adopted PODs are included within Part 5.0, Overlay Zoning Districts, of this By-law.

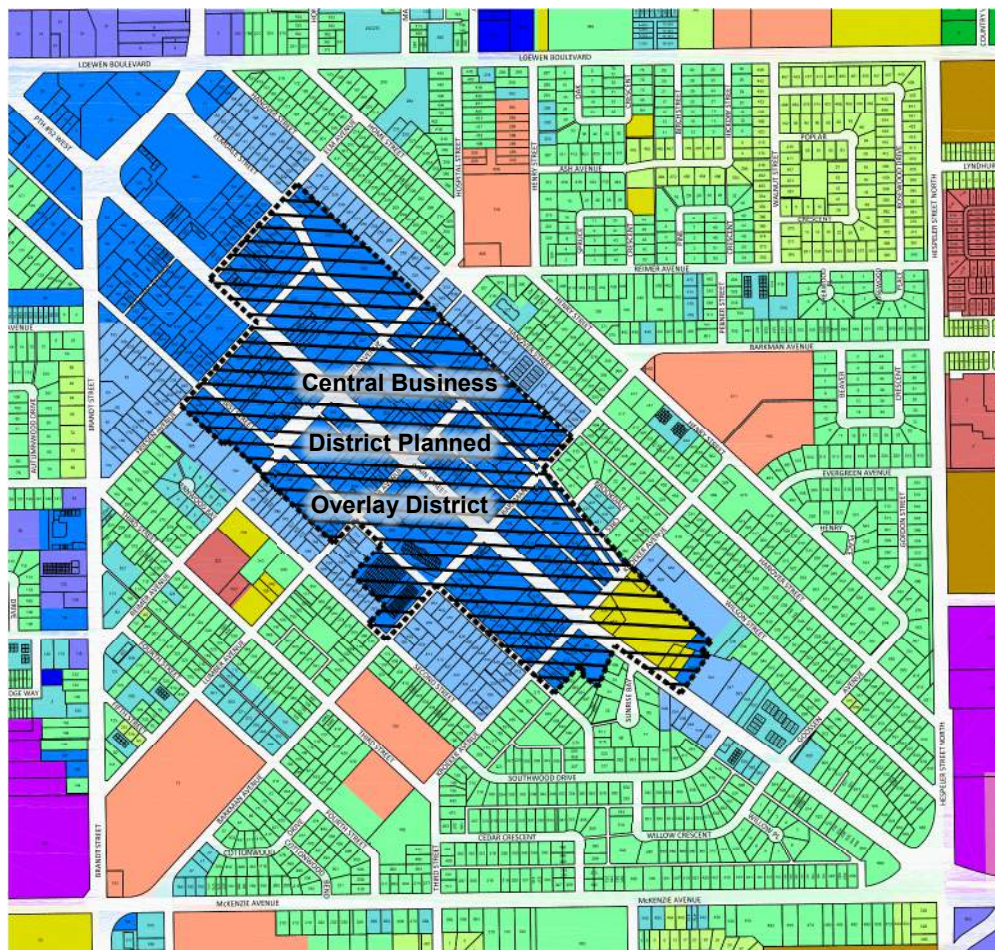
## **SECTION 5.2      CENTRAL BUSINESS DISTRICT POD**

### **PURPOSE**

185.1      The City of Steinbach Central Business District (CBD) POD is designed to promote a vibrant urban area within the downtown area, and is intended to enhance the character and function of the CBD by accommodating growth and provide less rigid requirements. The flexible application of *development standards* is expected to encourage compact, pedestrian friendly, mixed-use *development* resulting in a high concentration of jobs and affordable housing opportunities. The CBD will give residents a sense of identity, facilitate interaction and promote an area where people can live, work and play. An important focus in the CBD will be to improve the compatibility between infill *development* and the CBD neighbourhood by promoting neighbourhood fit.

### **APPLICABILITY**

186.1      This overlay shall apply to the lands fronting Main Street, Elmdale Street and First Street, as shown on Map 1 and in Part 7.0.



**Map 1 Central Business District Planned Overlay District Map**



## DEVELOPMENT STANDARDS

187.1 Except to the extent modified by this overlay, all *standards* of the *zoning by-law* apply in the CBD POD.

## PROHIBITED USE REGULATIONS

188.1 Notwithstanding other provisions of this By-law, in the CBD POD, the following *uses* are prohibited and are not allowed as a permitted, conditional, or temporary *principal uses*.

- a. Car Wash

## PERMITTED USE REGULATIONS

189.1 Notwithstanding other provisions of this By-law, in the CBD POD, the following *uses* may be approved only as *conditional uses*, subject to the *use specific standards* identified in Table 3-1, where they are otherwise permitted:

- a. *Auto/light truck/motorcycle, repair, service, sales, and rental;*
- b. *Auto parts and supplies, sales;*
- c. *Drive-in or drive-through;*
- d. *Fuel sales;*
- e. Parking, structured; and
- f. Parking, surface.

## USE SPECIFIC STANDARDS

190.1 Notwithstanding other provisions of this By-law, in the CBD POD, the following *use specific standards* must be met in respect to the *uses* identified in addition to the *use specific standards* identified in Table 3-1, except as authorized by other sections of this By-law or by a *Conditional Use* or *Variance Order*.

- a. *Drive-in or drive-through*
  - i. No *drive-in or drive-through* access or egress may be located within 150 feet of Main Street.
- b. *Landscape or garden supplies*
  - i. No *landscape or garden supplies* commercial sales and service *uses* may be located along Main Street.

## DIMENSIONAL STANDARDS

191.1 Notwithstanding other provisions of this By-law, in the CBD POD, development must comply with the dimension *standards* and *required yards* in Table 5-1 and 5-2.

**Table 5-1 Building Heights**

	Building Height	
	Minimum [a]	Maximum
Within 150 feet of Main Street	1 Storey	5 Storeys
All other areas	1 Storey	4 Storeys
Notes:		
a) <i>Accessory structures</i> less than 400 sq. ft. are exempt from minimum building height standards.		

**Table 5-2 Required Yards**

Required Yards	
Properties within the overlay district fronting onto Main Street that are serviced with a rear lane or that have access to a side street	Minimum fifty (50) feet between the street right-of-way and any parking areas
Between the Street right-of-way and the front building façade	Maximum fifteen (15) ft.
Side or rear yard	No requirements

## DESIGN REVIEW

- 192.1 Except as otherwise provided in this section, any *development*, redevelopment, expansion, demolition, signage or exterior *alteration* proposal is subject to a design review which must be approved by the *Designated Officer*.
- 192.2 Review of *development*, redevelopment, expansion, demolition, or exterior *alteration* proposals is primarily intended to ensure the thoughtful integration of such proposals into their local context and their consistency with the *standards* articulated in the City of Steinbach's *Official Community Plan*. For the purposes of this By-law, CBD POD considerations will focus on the quality of the public environment.
- 192.3 In making a decision concerning the approval or rejection of a proposed *development* and redevelopment in the CBD POD pursuant to provision 192.1, the *Designated Officer* must consider the extent to which the proposed *development* or redevelopment is consistent with the guidelines set out in this section pursuant to provisions 193.1 through 193.4 in respect of the following Design Review Considerations:
- a. *Building* placement;
  - b. Access and building service;
  - c. *Signs*; and
  - d. Parking.

- 192.4 In addition to serving as the basis for the *Designated Officer's* decision, the guidelines set out in this section:
  - a. Are provided to assist property *owners*, design professionals, administrators, decision-makers, advisory committee members, and other parties involved in preparing, reviewing, or approving new *developments*, redevelopments, expansions, and exterior *alterations*;
  - b. Provide a bridge between current policy direction and any detailed urban design guidelines, *standards*, or criteria that may be generated and which would then supplant the Design Review Considerations; and
  - c. Are not intended to stifle or discourage creativity, but to provide a framework within which to exercise creative design approaches.

**DESIGN REVIEW PROCESS**

- 193.1 The City may approve design guidelines, *standards* or criteria, not inconsistent with the guidelines set out in this section, which are to be considered by the *Designated Officer* in review of *development* proposals.
- 193.2 The City may appoint an advisory committee (or committees) for the purpose of providing recommendations to the *Designated Officer* regarding:
  - a. Design guidelines, *standards*, or criteria; and/or
  - b. Whether or not to grant design review approval for a particular *development*, redevelopment, expansion, demolition, or exterior *alteration*.
- 193.3 The *Designated Officer* may not deny a design review application without first giving the *applicant* notice of the date, time, and location of a meeting to hear representation from the *applicant* concerning the application.
- 193.4 The *applicant* has the right to appeal the decision of the *Designated Officer* to *Council*.

**BUILDING PLACEMENT**

- 194.1 Where a consistent *building* alignment exists along a block, *buildings* should provide a *front yard* setback consistent with the average setback on that block to respect this alignment (*front and corner side yards*).
- 194.2 Deviating from the *front yard* alignment on a block may be considered to provide *front yard* space for active *uses* such as sidewalk cafés, newsstands, and retailer displays.
- 194.3 Landscaped spaces, streetscapes, and architectural features should be respected, including the preservation of trees.
- 194.4 *Development* should respect any *adjacent* heritage *buildings*.

## **ACCESS AND BUILDING SERVICE**

195.1 Access to off-street parking and *building* services should consider the following:

- a. Off-street *parking facilities*, delivery *loading spaces*, refuse storage areas, and other *building* services should be accessed via a *public lane* (or from secondary *streets*, when a *public lane* is not available); and
- b. The number and dimensions of motor vehicle driveways, private approaches, and other intrusions into Main Street should be minimized to encourage an uninterrupted pedestrian realm.
- c. The location of off-street parking and *building* services are:
  - i. Discouraged between the *building* and major roadways;
  - ii. Encouraged to be located within or behind *buildings*; and
  - iii. Encouraged to be screened when located *adjacent* to public roads and/or residential *uses*. Screening may include *landscaping*, fencing, *building* wing walls, or combinations of these, ensuring pedestrian access and motor vehicle sight lines are maintained.

## **SIGNS**

196.1 *Signs* are expected to:

- a. Enable pedestrian and driver orientation;
- b. Be helpful in finding a *building* or *use* (from a distance or up close);
- c. Have legible and clear *copy*, logos, or symbols;
- d. Be visible and legible to pedestrians;
- e. Not obscure neighbouring *signs*;
- f. Not limit individual tenant opportunities at multiple-tenant *sites*;
- g. Respect historic areas and other important *sites*; and
- h. Respect valued views and vistas.

196.2 *Signs* must not negatively impact personal safety or motor vehicle safety - located and anchored safely and out of the way of pedestrians; not obscuring or mimicking traffic *signs/signals*.

**PARKING**

- 197.1 Required parking for commercial *uses* within a multi-storey mixed-use *building* may be reduced by 1/3 of the required parking in Table 4-5.
- 197.2 Required parking may be shared by two (2) or more *buildings* or *uses* where the hours of operation do not overlap. For *restaurant uses*, a maximum of 1/3 of the required spaces may be assigned as shared parking with another *use*.
- 197.3 New *uses* established after the adoption of this By-law that are unable to meet the parking requirements and are located within 1,000 feet of a City owned *parking facility* may pay a fee per stall, as established by *Council*, in lieu of providing parking. Fees collected by the City will be kept in a reserve fund to be used only to enhance parking in the CBD POD.

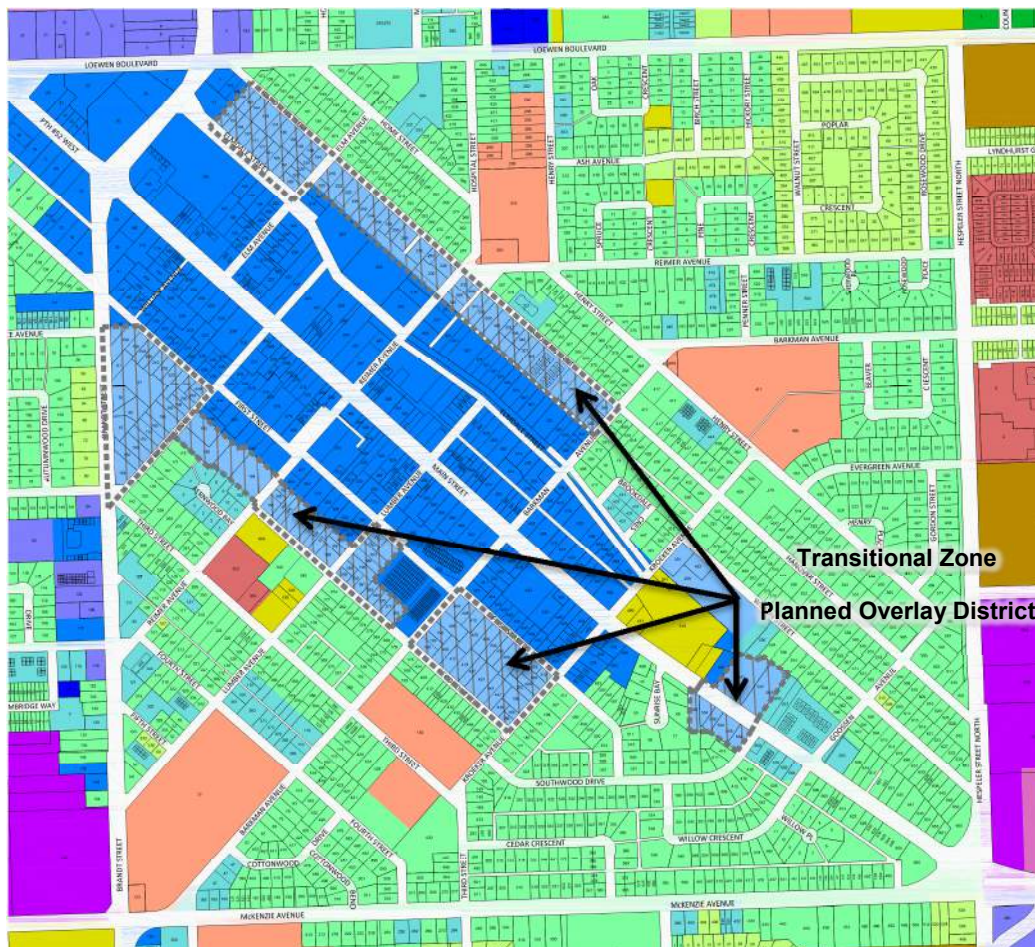
## SECTION 5.3 TRANSITIONAL ZONE POD

### PURPOSE

198.1 The Transitional Zone Planned Overlay District (POD) provides for transition between commercial concentrations and predominantly residential areas, where residential and low-impact commercial activities can co-exist in a mixed-use environment. *Development* within this category is to retain current built forms and *lot* configurations, and is encouraged to create mixed-use redevelopment. The Transitional Zone POD also provides for mixed employment concentration, with a focus on employment and *office* redevelopment opportunities along with supportive commercial and residential *uses*. *Development* within this category is to retain a pedestrian-oriented urban form with a high quality of urban and architectural design.

### APPLICABILITY

199.1 The Transitional Zone Planned Overlay District is shown on Map 2 and in Part 7.0.



Map 2 Transitional Zone Planned Overlay District Map

## DEVELOPMENT STANDARDS

200.1 Except to the extent modified by this overlay, all *standards* of the *zoning by-law* apply in the Transitional Zone POD.

## PERMITTED USE REGULATIONS

201.1 Notwithstanding other provisions of this By-law, in the Transitional Zone POD, the following *uses* may be approved only as *conditional uses*, subject to the *use specific standards* identified in Table 3-1, where they are otherwise permitted:

- a. *Restaurant*;
- b. *Office*;
- c. *Personal services* (unless otherwise listed);
- d. *Medical/dental/optical/counselling clinic*; and
- e. *Retail sales* (unless otherwise listed).

## USE SPECIFIC STANDARDS

202.1 Notwithstanding other provisions of this By-law, in the Transitional Zone POD, the following *use specific standards* must be met in respect to the *uses* identified in addition to the *use specific standards* identified in Table 3-1, except as authorized by other sections of this By-law or by a *Conditional Use* or *Variance Order*.

- a. *Office as a home-based business*:
  - i. An *office as a home-based business* must not exceed a maximum floor area of 400 square feet, or thirty-five (35) percent of the gross floor area of the *dwelling unit*, whichever is lesser, and no *home-based business* may be established, relocated, or enlarged until the person proposing to operate it has filed, with the *Designated Officer*, a floor plan signed by such person certifying the location and area of the space to be so used, relocated, or enlarged.

## DESIGN REVIEW

203.1 Except as otherwise provided in this section, any *development*, redevelopment, expansion, demolition, signage or exterior *alteration* proposal is subject to a design review which must be approved by the *Designated Officer*.

203.2 Review of *development*, redevelopment, expansion, demolition, or exterior *alteration* proposals is primarily intended to ensure the thoughtful integration of such proposals into their local context and their consistency with the *standards* articulated in the City of Steinbach's *Official Community Plan*. For the purposes of this By-law, Transitional Zone considerations will focus on the quality of the public environment.

- 203.3 In making a decision concerning the approval or rejection of proposed *development* and redevelopment in the Transitional Zone POD pursuant to provision 203.1, the *Designated Officer* must consider the extent to which the proposed *development* or redevelopment is consistent with the guidelines set out in this section pursuant to provisions 203.1 through 203.4 in respect of the following Design Review Considerations:
- a. *Building* placement; and
  - b. *Signs*.
- 203.4 In addition to serving as the basis for the *Designated Officer's* decision, the guidelines set out in this section:
- a. Are provided to assist property *owners*, design professionals, administrators, decision-makers, advisory committee members, and other parties involved in preparing, reviewing, or approving new *developments*, redevelopments, expansions, and exterior *alterations*;
  - b. Provide a bridge between current policy desires and any detailed urban design guidelines, *standards*, or criteria that may be generated and which would then supplant the Design Review Considerations; and
  - c. Are not intended to stifle or discourage creativity, but to provide a framework within which to exercise creative design approaches.

### ***DESIGN REVIEW PROCESS***

- 204.1 The City may approve design guidelines, *standards* or criteria, not inconsistent with the guidelines set out in this section, which are to be considered by the *Designated Officer* in review of *development* proposals.
- 204.2 The City may appoint an advisory committee (or committees) for the purpose of providing recommendations to the *Designated Officer* regarding (i) design guidelines, *standards*, or criteria, and/or (ii) whether or not to grant design review approval for a particular *development*, redevelopment, expansion, demolition, or exterior *alteration*.
- 204.3 The *Designated Officer* may not deny a design review application without first giving the *applicant* notice of the date, time, and location of a meeting to hear representation from the *applicant* concerning the application.
- 204.4 The *applicant* has the right to appeal the decision of the *Designated Officer* to *Council*.



### ***BUILDING PLACEMENT***

- 205.1 Where a consistent *building* alignment exists along a block, *buildings* should provide a *front yard* setback consistent with the average setback on that block to respect this alignment (*front and corner side yards*).
- 205.2 Landscaped spaces, streetscapes and architectural features should be respected, including the preservation of trees.
- 205.3 *Development* should respect any *adjacent* heritage *buildings*.

### ***SIGNS***

- 206.1 *Signs* are expected to:
- a. Enable pedestrian and driver orientation;
  - b. Be helpful in finding a building or *use* (from a distance or up close);
  - c. Have legible and clear *copy*, logos, or symbols;
  - d. Be visible and legible to pedestrians;
  - e. Not obscure neighbouring *signs*;
  - f. Not limit individual tenant opportunities at multiple-tenant *sites*;
  - g. Respect historic areas and other important *sites*; and
  - h. Respect valued views and vistas.
- 206.2 *Signs* must not negatively impact personal safety or motor vehicle safety - located and anchored safely and out of the way of pedestrians; not obscuring or mimicking traffic *signs/signals*.
- 206.3 The following *sign* types are not permitted:
- a. *Freestanding signs*.

## PART 6.0 DEFINITIONS

### SECTION 6.1 RULES OF CONSTRUCTION

- 207.1 The following rules of construction apply to the text of this By-law:
- 207.2 Words, phrases and terms defined herein shall be given the defined meaning;
- 207.3 Words, phrases and terms not defined herein but defined in the *Act* and the Building or Plumbing By-laws of the City of Steinbach shall be construed as defined in such *Act* and By-laws;
- 207.4 Words, phrases and terms neither defined herein nor in the Building or Plumbing By-laws of the City of Steinbach shall be given their usual and customary meaning except where the context clearly indicates a different meaning; and
- 207.5 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:
- 207.6 "and" indicates that all the connected items, conditions, provisions or events shall apply in any combination;
- 207.7 "or" indicates that the connected items, conditions, provisions or events may apply singly but not in combination; and
- 207.8 "either or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- 207.9 The word "includes" shall not limit a term to the specified examples, but is intended to extend the meaning to all instances or circumstances of like kind or character;
- 207.10 Where any requirement of this By-law results 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;
- 207.11 The terms "shall" and "must" are mandatory and not permissive; the words "may" or "encourage" are enabling and not mandatory; the word "should" requires a reason why can't be done.
- 207.12 Unless specified, words used in the singular include the plural and words used in the plural include the singular;
- 207.13 Words used in the present tense include the future tense and words used in the future tense include the present tense;

- 207.14 the phrase "used for" includes "arranged for", "designed for", "maintained for" or "occupied for"; and
- 207.15 The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

## **SECTION 6.2 GENERAL DEFINITIONS**

208.1 The following definitions apply to the text of this By-law:

### **A**

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

**"accessibility"** means that all individuals regardless of their physical abilities can safely and freely enter or use a space without obstacles such as facility design and infrastructure impeding movement.

**"accessory building, structure, or use"** means a *building, structure, or use* established or erected in conjunction with or subsequent to the establishment or erection of a *principal building, structure, or use* approved under this By-law, and is subordinate or *incidental* to, and located on the same zoning *lot* as, a *principal building, structure, or use*.

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

**"adjacent"** means properties or *uses* that *abut* one another or are separated by a *street* or other publicly-dedicated right-of-way, canal, or railroad right-of-way.

**"adult service or entertainment establishment"** means an establishment where any exhibition, display, dance, or service, or the sale or rental of products that involve the presentation or exposure to view of any portion of the female breast below the top of the areola, male genitals, female genitals, or the pubic hair, anus, or cleft of the buttocks of any person, or male genitals in a discernibly turgid state even if completely and opaquely covered, but does not include establishments licensed by the Manitoba Liquor Control Commission, a dating and escort service, a *massage parlour* that does not meet the criteria above, or an "*X-rated store*".

**"advertising/billboard sign"** means a third party, non-accessory *sign* that advertises goods, products, services, or facilities that are not available at the location where the *sign* is situated or that directs persons to a location different from that where the *sign* is located.

**"agricultural activity"** means a *use* of land for agricultural purposes including farming, pasturage, apiculture, horticulture, floriculture, and viticulture.

**“agricultural building”** means a *structure* on agricultural land designed, constructed, and used to house farm implements, *livestock*, or agricultural produce or products used by the owner, occupant, employees, and persons engaged in the pick up or delivery of agricultural produce or products grown or raised on the *premises* but does not include a *dwelling*.

**“agricultural cultivation”** means the raising for consumption or commercial sale of agricultural vegetation, including vegetables, grains, fruits, plants, sod, trees, and other similar products.

**“agricultural grazing”** means the practice of keeping cattle, sheep, horses, or other similar animals on fields for the purpose of grazing and does not include *livestock* operations as defined by *The Planning Act*.

**“agricultural implement sales and services”** means a *building* and open area, used for display, sale or rental of new or used farm implements and where incidental repair work is done.

**“airport and associated facilities”** means land or water which is used or intended for the landing or take-off of aircraft and any associated areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including taxi-ways, aircraft storage and tie-down areas, hangers, helicopter pads, 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, structural”** means the construction or reconstruction of supporting elements of a *building* or other *structure*, such as bearing walls, columns, joists, beams or girders. For the purpose of this By-law structural alteration shall not include the following *alterations*:

- a) An addition on the exterior of a *building*, such as an open deck or porch;
- b) The *alteration* of interior non load bearing components;
- c) The replacement of, or change in, utility pipes, ducts or conduits;
- d) Adding or enlarging windows or doors; when the opening is not enlarged;
- e) Replacement of *building* facades;
- f) Strengthening the load bearing capacity, in not more than ten (10) percent of the total floor area, to permit a specialized unit of machinery or equipment; and
- g) Other non-structural maintenance, repair or renovation.

**“amusement device”** means any equipment, machine or instrument that may be used or operated as a game, entertainment or amusement, and includes all marble machines, strength testing machines, pinball machines, skill-ball machines, mechanical grab machines, flipper games, shooting galleries, electronic dartboards, electronic games, mechanical rides, shuffleboards, billiard tables and other similar devices, but does not include video lottery terminals as licensed by the Province of Manitoba.

**“amusement enterprise, indoor”** means a commercial establishment designed and equipped for assembly occupancy *uses* for the conduct of sports, exercise, and/or leisure-time activities within a fully enclosed *building*, *uses* of which include: arcade games, billiard and pool tables, bingo tables, bowling lanes, skating/roller rinks, go kart tracks, shooting ranges, and paintball arcades, and related amusements.

**“amusement enterprise, outdoor”** means an outdoor facility whose main purpose is to provide the general public with entertainment or recreation, with or without charge, including amusement parks, batting cages, drive-in theatres, golf driving ranges, miniature golf courses, go-cart tracks, target sport ranges, skating rinks, skateboard parks, swimming pools, water parks, zoological parks, and similar *uses*.

**“animal hospital or veterinary clinic”** means an establishment providing inpatient and outpatient services for domestic animals which might involve indoor facilities only, or both indoor and outdoor facilities, depending on the *zoning district* in which they are located.

**“animal unit”** means the number of animals of a particular category of *livestock* that will excrete 73 kg of total nitrogen in a twelve (12) month period.

**“apiary”** means a place where bee colonies, hives, combs, or appliances are kept.

**“applicant”** means, unless otherwise specified, a registered owner or an owner's authorized agent, who has filed an application subject to the provisions of this By-law.

**“assisted living facility”** means a facility where meals, lodging, and continuing nursing care are provided for compensation, including nursing homes, retirement homes, and medical receiving homes, but excludes facilities providing medical diagnostic services or treatment by licensed physicians.

**“auction room”** means a *building* or portion of a *building* used for the public sale of goods, merchandise, or equipment, other than *livestock*, vehicles or heavy equipment, to the highest bidder.

**“auction yard”** means an outdoor place where vehicles or heavy equipment (operable or inoperable) are offered for sale to the highest bidder.

**“auditorium, concert hall, theatre or cinema”** means an establishment devoted to showing motion pictures or dramatic, dance, musical, or other live performances.

**“auto / light truck / motorcycle, sales and rental”** means the storage, display, sale, lease, or rental of new or used vehicles, including automobiles, *light trucks*, motorcycles, and similar vehicles and may include repair and service. This *use* does not include junk or salvage operations. *Light trucks* include those with a gross vehicle weight of 14,000 pounds or less.

**“auto / light truck / motorcycle, repair and service”** means an establishment involved in the repair and maintenance of automobiles, *light trucks*, motorcycles, and similar vehicles. Services include engine, transmission, or differential repair or replacement; body work; upholstery work; painting; engine tune-ups; oil change and lubrication; brake repair shop; tire store; detailing and polishing, and associated repairs. Vehicle parts ordinarily installed on the *premises* may be sold.

**“auto parts and supplies, sales”** means an establishment that sells primarily new parts, tires, and other accessories for automobiles, *light trucks*, motorcycles, recreational vehicles, boats, trailers, snowmobiles, and similar vehicles but does not include establishments dealing primarily in used parts, including junk or salvage operations.

**“automated teller machine”** means a device that dispenses cash and conducts limited banking transactions for customers using a credit card, bank card, or other similar personal banking card.

**“aviary”** means a place for keeping birds for the purpose of raising, exhibiting, or selling them.

**“awning”** means a shelter.

- a) *Projecting* from and supported by the exterior wall of a *building*;
- b) Designed to be collapsible or retractable; and
- c) Generally constructed of fabric or similar non-rigid material.

## **B**

**“bare land condominium”** means a condominium plan upon which one (1) or more units are defined by delineation of the horizontal boundaries of the unit without reference to any *buildings*.

**“basement”** means that portion of a *building* that is partly underground but that has at least one-half of its *height* from finished floor to finished ceiling below *grade*.

**“bay window”** means a large window or series of windows *projecting* from the outer wall of a *building*.

**“bed and breakfast”** means a home-based business operated as an *accessory use* to a single-family residential *use* that provides temporary lodging (other than a *hotel or motel*) to guests for short periods of time, and that may also provide breakfast to guests.

**“Board”** means The Municipal Board of Manitoba.

**“boarder or roomer”** means a person who is provided lodging with or without meals at another’s home for a fee or services.

**“body modification establishment”** means a commercial establishment that provides physical body adornment by body piercing or tattooing including scarification and the insertion of implants but excluding piercing of the ear.

“**buffer**” means an area of land that is intended to provide a means of separating two types of *development* that are generally incompatible. Typically buffers consist of tree planted areas which provide a visual barrier between two types of *development*, and which also serve as a measure of controlling the movement of other nuisances, such as dust.

“**building**” means a building as defined in the *Act*.

“**building footprint**” means the square footage contained with-in the outside foundation and walls of a *building*. Concrete flat work including walks, porches, and patios are not included in the computation unless enclosed by a *structure*.

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

“**building, principal**” means the *building* or *structure* on a *lot* used to accommodate the principal *permitted use*, such *use* possibly occurring in more than one *building* or *structure*.

“**bulk storage**” means the storage of chemicals, petroleum products and other materials in above ground containers for subsequent resale to distributors or retail dealers or outlets.

“**bus depot**” means an area utilized by commercial carriers for pick-up or drop-off of passengers and associated freight transported by buses and by bus trailers, including *loading* and unloading areas, shelters, restrooms, concessions, benches, information offices, parking, ticket sales, *landscaping*, lighting and other such facilities and appurtenances.

## C

“**call centre**” means a *building* or a portion of a *building* in which workers provide support services to off-site customers primarily via telephone or computer interactions. Services to customers are not typically available on a walk-in or over-the-counter basis. *Call centres* are distinct from “*office*” uses on the bases of multiple-shift operations (typically 24-hour, seven (7) days a week) and floor space configurations that typically involve dense staff concentrations in comparatively smaller work areas.

“**camping ground**” means an area or tract of land on which accommodations for temporary occupancy are located or may be placed, including tents and recreational vehicle equipment.

“**canopy**” means a non-retractable, covered or enclosed rigid structural framework attached to and extending outward from the exterior wall of a *building*, including theatre marquees, but does not include any structurally integrated architectural feature such as lintels, sills, mouldings, architraves and pediments, or any *structures* over petroleum pumps.

“**car wash**” means a facility for the cleaning of automobiles or other motor vehicles, whether operated by the public or by on-site employees.

**“caretaker’s residence”** means an accessory *dwelling* on a non-residential property occupied by the person or family who oversees or guards the operation.

**“cemetery, mausoleum, or columbarium”** means land used or dedicated to the interment of human or animal remains, including columbarium, mausoleums, mortuaries and associated maintenance facilities when operated in conjunction with, and within the boundaries of, such *cemetery*.

**“cheque-cashing facility”** commonly known as a “payday loan” establishment, means a commercial establishment that engages in the business of cashing cheques, warrants, drafts, money orders, or other commercial paper serving the same purpose but does not include a bank, savings and loan, or credit union nor establishments selling retail consumer goods, where the cashing of cheques or money orders is incidental to the principal purpose of the business.

**“college or university”** means a permanent facility recognized by the Province of Manitoba for the purpose of undergraduate and graduate instruction, whether privately or publicly funded, and may include on-site dormitories for enrolled students.

**“commercial school”** means an establishment, other than *elementary or middle schools, senior high schools, or colleges and universities*, offering training or instruction in a trade, art, or occupation, including beauty schools, dance schools, and trade or vocational schools.

**“community gardens”** means a public use of land for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

**“community / recreation centre”** means a facility for recreational, social, or multi-purpose use where patrons are primarily participants and any spectators are incidental and attend on a nonrecurring basis. Examples include recreation and leisure centres, hockey and skating rinks, curling rinks, swimming pools, bowling alleys, racquet clubs, rifle and pistol ranges, community halls, and *community centres*.

**“conditional use”** means a *use of a building or land* described as a *conditional use* in this By-law. *Conditional uses* are *uses* that may have unique or widely varying operating characteristics, may have potential operational or other impacts on *adjacent* properties, or may have unusual *site development* demands.

**“condominium”** means a condominium established under the provisions of *The Condominium Act*.

**“council”** means the elected council for the City of Steinbach.

**“crematorium”** means a facility containing a properly installed, certified furnace or other apparatus intended for use in the incineration of human or animal corpses.



“**cultural centre**” means a *building* or portion of a *building* dedicated to the celebration and promotion of a cultural group or groups. A cultural centre is distinct from a private club on the basis of a broader range of *uses* typically available to customers and guests, including *restaurants, retail sales, personal services*, theatres, and banquet halls. In addition, customers and guests are not required to be members of a non-profit organization.

## D

“**dating and escort services**” means any business which offers to provide or does provide an introduction between two persons for a period of companionship for which service a fee is charged, levied or otherwise imposed.

“**day care centre**” means the provision of child care services for eight (8) or more children in a provincially-licensed facility.

“**day care, home**” means the provision of child care services for less than eight (8) children including the children of the licensed operator.

“**density**” means the total number of *dwelling units* divided by the total area of land to be developed, expressed in gross acres.

“**design standard**” means a *development* requirement related to the design or layout of a *site* or *building* set out in Part 4.0 Design Standards.

“**development**” means the construction of a *building* or the installation of services and utilities on, over or under land, a change in the *use* or intensity of *use* of a *building* or land, the removal of soil or vegetation from land, the deposit or stockpiling or material on land, and the excavation of land.

“**development application**” means any application in connection with a *development* or an approval, permit, order, by-law or amendment that allows or would allow a *development* and includes any appeal filed against a *Variance Order* or *Conditional Use Order* related to any one or more of them.

“**development permit**” means a permit authorizing a *development* that is subject to a *zoning by-law* as defined by the *Act*, commonly referred to as a building permit when referencing the *development* of a *building* or *structure*.

“**Designated Officer**” means the Designated Officer as appointed by the City of Steinbach.

“**development standard**” means a *development* requirement included in Part 4.0.

“**dimensional standard**” means a *development* requirement that establishes maximum size of *buildings* and *structures* on a *lot* and the buildable area within which the *building* can be located, including *lot* coverage, *yard* requirements, *height*, *floor area ratio*, and other *standards* defined in Part 4.0.

**“dormitory”** means a *building* designed for or used as group living quarters for students of a school, and owned and managed by that school, or by a fraternity or sorority officially recognized by that school.

**“drinking establishment”** means an establishment or portion of an establishment, licensed by the Government of Manitoba, where the principal purpose of the establishment or portion is the sale of alcoholic beverages to the public, for consumption on the *premises*.

**“drive-in or drive-through”** means any *use* designed or operated to allow patrons, while outside on the *premises* in motor vehicles, to order, request, exchange, donate, or receive goods, wares, merchandise, products, foods, beverages, or services.

**“dwelling”** means a *building* or portion of a *building* designed for and intended to be used for residential occupancy. It does not include establishments for commercial accommodation.

**“dwelling unit”** means a *building* or portion of a *building* designed or used for residential occupancy by a single-family, including cooking, eating, living, sanitary and sleeping facilities.

**“dwelling, multi-family”** means a *structure*, located on a single *lot*, containing three (3) or more *dwelling units*, each of which is designed for or occupied by one (1) family only, with separate housekeeping and cooking facilities for each.

**“dwelling, single-family detached”** means a *building* designed for residential occupancy by one family, including modular and ready-to-move homes, but not including a *mobile home*.

**“dwelling, two-family”** means a *building* containing two *dwelling units*, each designed and used or intended to be used exclusively by one (1) *family*.

## E

**“elementary or middle school”** means an accredited school under the sponsorship of a public, private, or religious agency providing instruction to students between the kindergarten and middle school levels.

**“emergency residential shelter”** means a facility where emergency temporary lodging is provided to persons who are homeless, due to indigence or disaster, operated by a public or non-profit agency, and where on-site supervision is provided whenever such shelter is occupied.

**“extension”** means an increase in the amount of existing floor area used for an existing *use*, within an existing *building*.

## F

**“family”** means one (1) person or two (2) or more persons voluntarily associated, plus any dependents, living together as an independent, self-governing single-housekeeping unit.

**“farmers’ market”** means an occasional or periodic market held in an open area or in a *structure* where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on-site.

**“fitness or wellness centre, indoor”** means a commercial establishment designed and equipped for assembly occupancy *uses* for the conduct of exercise and/or leisure-time activities within a fully enclosed *building*, *uses* of which include: gymnasiums and health clubs, wellness centres, weightlifting establishments, martial arts studios, fitness studios, yoga studios, dance studios, swimming pools, and related fitness and wellness activities.

**“flag lot”** means a *lot* lacking the required minimum *lot* width or *frontage* on an existing or proposed *street* but having direct access to the *street* through a narrow leg or land.

**“fleet services”** means a central facility for the distribution, storage, loading and repair of a fleet of vehicles, with or without associated dispatch services and offices. Typical *uses* include, but are not limited to, courier, delivery, and express services, cleaning services, key and lock services, security services, and taxi services.

**“floor area ratio”** is computed as the combined gross floor area of all *buildings* on a *lot* or parcel, divided by the *lot* area, except that such floor area does not include any area used for parking within the *principal building* and does not include any area used for incidental service storage, installations of mechanical equipment, penthouses housing ventilators and heating systems, and similar *uses*.

**“floor area”** means the sum of the gross horizontal areas of the several floors of all *buildings* and *structures* on the zoning *lot*, measured from the exterior faces of exterior walls, or from the centre line of partitions, except spaces in a *basement*, cellar or penthouse used for mechanical or heating equipment, and except any space within the *building* used as a parking area or loading area.

**“freight or truck yard”** means an area or *building* where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis. The *use* may include facilities for the temporary storage of loads prior to shipment. The *use* also includes truck stops or fueling stations where diesel fuel is primarily sold.

**“frontage”** means that part of a zoning *lot* fronting on a public road. For the purposes of frontage foot calculations, “frontage” includes all property lines *abutting* public roads.

**“fuel sales”** means an establishment operated at a fixed location at which gasoline or any other motor vehicle engine fuel is offered for sale to the public.

**“full cut-off lighting”** means lighting with a light distribution pattern that results in no light being projected at or above a horizontal plane beyond the *site*.

**“fundraising event”** means an activity sponsored by a non-profit organization or public entity for the purpose of raising funds or providing information, other than a *special event* as defined in this Part.

**“funeral chapel or mortuary”** means a facility for the storage of deceased human bodies prior to burial or cremation, or a *building* used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

## G

**“gallery/museum”** means:

- a) A commercial establishment engaged in the sale, loan, or display of paintings, sculpture, textiles, antiquities, or other works of art; or
- b) A permanent facility, open to the public, with or without charge, for the collection and display of paintings, sculpture, textiles, antiquities, or other works of art. This type of *use* is distinct from and does not include libraries.

**“garbage incineration and reduction”** means a facility for the purpose of treating, burning, compacting, composting, or disposing of solid waste.

**“golf course”** means a tract of land laid out with a course having nine (9) or more holes for playing the game of golf. This term does not include miniature golf courses nor does it include driving ranges that are not an accessory to a golf course.

**“grade”** means:

- a) For purposes of *sign* regulations, the elevation established by the City for the surface of the sidewalk or boulevard above which the *sign* is located and, for a *sign* completely within private property, the finished ground surface directly underneath the *sign*; and
- b) For other purposes, the average of the finished ground surface at the midpoint of each wall of a *building*. In the case of walls that are parallel to and within five (5) feet of a public sidewalk, the ground level must be measured at the sidewalk.

**“Group home”** means a residence that is licensed or funded under an *act* of the Parliament of Canada or the Province of Manitoba for the accommodation of fewer than five (5) persons, exclusive of staff or receiving family, living under supervision in a single housekeeping unit and who by reason of their emotional, mental, social or physical condition, or legal status, require a group living arrangement for their well-being.

**“Group Residence”** means a residence that is licensed or funded under an act of the Parliament of Canada or the Province of Manitoba for the accommodation of five (5) or more persons, exclusive of staff or receiving family, living under supervision in a single housekeeping unit and who by reason of their emotional, mental, social or physical condition, or legal status, require a group living arrangement for their well-being.

## H

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

“**hall rental**” means any *building* or portion of a *building* that is hired or rented for wedding receptions, private banquets, socials, or other functions to which public access is restricted and to which no direct fee is charged for admission.

“**heavy equipment sales, service, and rental**” means a facility that is engaged in the sales and repair of heavy equipment typically used in agricultural, commercial or industrial operations, including tractors, trucks with a gross vehicle weight of over 14,000 pounds, semi-tractor trucks and/or trailers, harvesters, loaders and tracked vehicles as well as sales of parts, whether new or used, for heavy equipment.

“**heavy industrial**” means a *use* of land that includes the assembly, fabrication, and/or processing of goods and materials using processes that have an impact on the surrounding *use* and enjoyment of other properties in terms of noise, smoke, fumes, odours, glare, or health or safety hazards, or that otherwise do not constitute “*light industrial*,” or any *use* where the area occupied by *outside storage* of goods and materials used in the assembly, fabrication, or processing exceeds twenty-five (25) percent of the floor area of *buildings* on the *lot*. Examples include, but are not limited to: battery, chemicals, machinery, and plastics manufacture; mushroom plant; asphalt or concrete batching plant; packaging plant; slaughterhouse; rendering plant.

“**height**” is measured as the vertical distance from *grade* to:

- a) The highest point of the roof surface of a flat roof or a shanty roof; or
- b) To the deck of a mansard roof; or
- c) To the mean *height* level between the eaves and ridge of a gable, hip or gambrel roof.

Where the slope of a gable, gambrel, or hip roof, or any portion of such roof is less than 1:3 (rise:run), the *building height* is measured as though the roof were flat.

Where a roof contains multiple gables, multiple ridgelines, or multiple flat surfaces, or a combination of those features, the measurement is made pursuant to the provisions above (as these apply to that portion of the roof resulting in the highest measurement.)

“**home-based business**” means an occupation or activity that is accessory to the *use* of the *premises* as a *dwelling* and that does not *alter* the exterior of the property or affect the residential character of the neighbourhood.

“**hospital**” means an institution that maintains and operates facilities for inpatient medical care with overnight stays, including x-ray, laboratory, and surgical, for the diagnosis, care, and treatment of human illness, injury, and disease (physical or mental). Outpatient care may also be provided.

“**hostel**” means a *building* or portion of a *building* other than a private home where temporary accommodation with cooking facilities or meals is provided, but not including a *hospital*, a care home, a rehabilitation home, or a *social service facility*.

“**hotel or motel**” means a *building* or portion of a *building* providing temporary accommodation in individual guest rooms or suites for a fee with or without provision for cooking in any individual guest room or suite.

“**incidental**” means a *building*, feature or *use* established or erected in conjunction with or subsequent to the establishment or erection of a *principal building*, *structure*, or *use* approved under this By-law, and is incidental to, and located on the same zoning *lot* as, a principal or *accessory use*, and that has fewer impacts than an *accessory use*.

## J

[Reserved]

## K

“**kennel**” means an establishment in which dogs or cats are housed, groomed, boarded, trained, bred, or sold, on a daily or overnight basis, for commercial purposes. A kennel shall not include a veterinary clinic, *animal hospital* or animal pound.

## L

“**landfill**” means a permanent facility, either publicly- or privately-owned, operated for the purpose of disposing of or composting solid waste.

“**landscape or garden supplies**” means an establishment, including a *building*, part of a *building* or open space, for the display and/or sale of plants, trees, and other materials used in indoor or outside planting for *retail sales* and incidental wholesale trade.

“**landscape/garden contractor or production**” means a location for the production of landscape materials, including commercial greenhouses or nurseries, and the wholesale sale of supplies, plants, trees and *landscaping* materials.

“**landscaping**” means any decorative features, such as concrete bases, planter boxes, and pole covers, or decorative framing on the *sign* support or base *structures*, and shrubs or plants, but does not include any *copy* or logo.

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

**“large commercial retail building”** means, for purposes of determining the applicability of those “retail building” *standards* and requirements in Part 4.0 for single-storey retail *building* containing 65,000 square feet or more of gross floor area in which one user or tenant occupies more than seventy-five (75) percent of the gross floor area.

**“light industrial”** means the assembly, fabrication, and/or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odours, glare, or health or safety hazards outside of the *building* or *lot* where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a *building*, or where the area occupied by *outside operations* or storage of goods and materials used in the assembly, fabrication, or processing does not exceed twenty-five (25) percent of the floor area of *buildings* on the *lot*. Examples include, but are not limited to: electronic equipment assembly and manufacturing and assembly from finished products.

**“light truck”** means a truck or similar vehicle with a single rear axle and single rear wheels weighing less than 14,000 lbs.

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

**“loading aisle”** means that portion of a loading facility that provides vehicular access to a *loading space*, not directly from a driveway. May be shared with a *parking aisle*.

**“loading driveway”** means that portion of a loading facility that provides vehicular access from a public right-of-way to a *loading space*. May be shared with a *parking driveway*.

**“loading space”** means that portion of a loading facility, excluding vehicle maneuvering areas such as aisles and driveways that will accommodate one motor vehicle.

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

**“lockable bicycle space”** means a stationary rack where bicycles can be fastened or secured to prevent theft.

**“lot”** see definition for *parcel of land*.

**“lot of record”** means any *parcel of land* lawfully existing prior to the effective date of this By-law that does not comply with the applicable district *dimensional standards* for *lots* on the effective date of this By-law. A “lot of record” may also be referred to as a “non-conforming lot.”

## **M**

**“massage parlour”** means any *premises*, room or place in which the trade of massaging is carried out for commercial purposes by an individual not registered with the Massage Therapy Association of Manitoba.

**“medical, dental, optical, or counselling clinic”** means a facility for the provision of human health services and related activities such as preparation of castings, dentures, and x-rays, for patients without overnight accommodations, and accessory laboratory facilities. Each clinic shall be considered a single use regardless of the number of professional service providers sharing a clinic space.

**“micro-brewery, distillery or winery”** means a small brewery, winery, or distillery operated in conjunction with a *drinking establishment* or *restaurant*, provided the beer, wine, or liquor is sold for consumption on-site or off the *premises* and is not sold to other *drinking establishments, restaurants, or wholesalers*.

**“mining and extraction”** means the extraction of minerals, sand, gravel, or ores, from their natural occurrences on affected land and distribution of extracted materials, including the excavation, processing or distribution of clay, gravel, stone or soils.

**“mini-warehouse/self-storage”** means an enclosed permanent facility that provides storage space to the general public on a for-hire basis. Mini-warehouses and self-storage areas may also include vehicle storage for recreational vehicles, boats, and other vehicles. No other business or service may be allowed to operate out of a rented storage space. This definition also applies to a *use* that provides portable containers for storage.

**“mobile home”** means a portable *dwelling unit* that is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached for transportation purposes, whether or not such *structure* actually has at any time such wheels, or is jacked up or skirted.

**“mobile home park”** means a *parcel of land* upon which mobile home spaces are provided and have been approved by The *Designated Officer*.

## **N**

**“neighbourhood rehabilitation home”** means a *building* or portion of a *building* used for the boarding or other residential accommodation plus mandatory supervision or treatment of persons who are from or discharged from any penal institution or who are receiving supervision or treatment for alcohol or other drug addictions, in which supervision or treatment is not provided to any persons not resident in the rehabilitation home.

**“non-conforming sign”** means any *sign* lawfully established prior to the effective date of this By-law that does not comply with the *signs standards* of this By-law.

**“non-conforming structure”** means any *building* lawfully existing prior to the effective date of this By-law that does not comply with one or more of the applicable district *dimensional standards* set forth in Part 4.0 on the effective date of this By-law.



**“non-conforming use”** means any *use* of a *building*, or *parcel of land*, or portion of a *building*, or *parcel of land*, lawfully existing prior to the effective date of this By-law, that does not conform to one or more of the applicable *use* regulations of the district in which it is located on the effective date of this By-law.

**“non-conformity”** means any *use*, *structure*, *sign*, or *lot*, individually or in combination, which lawfully existed prior to the effective date of this By-law, but that does not conform to one or more of the applicable *standards* on the effective date of this By-law.

**“non-federally regulated wireless communication freestanding tower”** means any *structure* that is designed and constructed primarily for the purpose of supporting one or more wireless analog or digital communication facilities, that is located on the ground or anchored to the ground and exceeds twenty-four (24) feet in *height* that is not under the jurisdiction of the federal government. Such a tower may have a variety of configurations, including a monopole, a lattice tower, or a guyed tower.

**“non-federally regulated wireless communication building-mounted tower”** means any *structure* attached to a *building* that supports one or more wireless analog or digital communication facilities, and that exceeds the *height* of the *building* by 24 feet or more that is not under the jurisdiction of the federal government. Such a tower may have a variety of configurations, including a monopole, a lattice tower, or a guyed tower.

## O

**“office/service area or building”** means an *accessory use* provided in conjunction to a *mobile home park*, *multi-family dwelling*, or a non-residential *use*, that is clearly incidental to and customarily found in connection with the *principal use*, such as administrative offices for the *principal use*.

**“office”** means a *building* or a portion of a *building* used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, or that provides direct governmental services to the public, such as employment, public assistance, motor vehicle licensing and registration, and similar activities.

**“Official Community Plan”** means the Steinbach Official Community Plan as adopted by By-law 1855.

**“outside operations”** means activities conducted outside that are directly related to, and in support of a permitted *principal use* on the *site*.

**“outside storage”** means outside storage, but not display for sale, of goods and/or materials. Storage of materials in a *structure* with a roof, but no walls, is considered outside storage.

**“owner”** means a person who is an owner of a freehold estate in the city and includes a person who is an owner jointly with another person, and a person who is registered under *The Condominium Act* as the owner, as defined in that *Act*, of a unit under that *Act*.

## P

“**parapet**” means a low wall at the edge of a roof; especially that part of an exterior wall that rises above the roof.

“**parcel of land**” means the aggregate of all land described in any manner in a certificate of title.

“**park, plaza, square, playground**” means a *development* of public land specifically designed or reserved for the general public for active or passive recreational use and including *landscaping*, facilities, playing fields, *buildings*, and other *structures* that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical *uses* include tot lots, band shells, picnic grounds, pedestrian/bicycle paths and pathways, landscaped buffers, arboretums, botanical gardens, playgrounds, toboggan slides, skateboard parks, swimming pools, wading pools, and water features.

“**parking aisle**” means that portion of a *parking facility* that provides vehicular access to a *parking space*, not directly from a driveway.

“**parking area, public**” means a parking area used for the temporary parking of vehicles and is available for public use whether free, for compensation or as an accommodation for clients, customers, employees or visitors.

“**parking driveway**” means that portion of a *parking facility* that provides vehicular access from a public right-of-way to a *parking space*, or an aisle.

“**parking facility**” means an open area of land or an area within a *structure*, not including an area or *structure* located within a public right-of-way, used for the parking of motor vehicles.

“**parking space**” means that portion of a *parking facility*, excluding vehicle maneuvering areas such as aisles and driveways, which will accommodate one (1) motor vehicle.

“**parking, structure**” means a *structure* or facility where motor vehicles may be stored for purposes of temporary, daily, or overnight off-street parking as a *principal use*. The facility may be above, below, or partially below ground and includes parking garages and parking decks.

“**parking, surface**” means an unenclosed area where motor vehicles may be stored for purposes of temporary, daily, or overnight off-street parking as a *principal use*.

“**party wall**” means a wall jointly owned and jointly used by two parties under easement agreement or by right in law, and erected at or upon a line separating two parcels of land each of which is, or is capable of being, a separate real estate entity.

**“passenger vehicle”** means a self-powered motor vehicle, other than a bus, commercial vehicle, motor home, or taxicab that is designed, used, or maintained primarily for the transportation of people on ordinary roads. This definition includes *light trucks*, vans, minivans, motorcycles, mopeds, scooters.

**“pawnshop”** means a place where money is loaned on security of personal property left in pawn and pledged as collateral for the loan.

**“performance standard”** means a standard established to control noise, glare, odour, smoke, toxic or noxious matter, vibration, fire and explosive hazards or heat generated by, or inherent in, *uses* of land or *buildings*.

**“premises”** means an area of land with or without *buildings*.

**“permitted use”** means a *use* permitted in a *zoning district* without the need for special administrative review and approval, upon satisfaction of the *standards* and requirements of this By-law.

**“personal services”** means establishments that provide services to the general public, and in which any retail sale of merchandise associated with the service provided is incidental to the provision of services, but not including a *“body modification establishment”*, *“cheque-cashing facility”*, *“funeral chapel or mortuary”*, *“medical/dental/optical/counselling clinic”* or *“adult services”*.

**“pet day care”** means a place or facility or business for grooming, training or care of pets, but where no animals are kept overnight.

**“place of worship”** means facilities used primarily for non-profit purposes to provide assembly and meeting areas for religious activities. Examples include churches, temples, synagogues, mosques, chapels, and meeting houses.

**“principal building”** means any *building* on a *site* that contains permitted *principal uses*, as opposed to:

- a) *Buildings* that contain only accessory or incidental *uses*; and
- b) *Buildings* that contain only storage or operational functions in support of *principal uses* located in other *buildings*.

**“principal building entrance”** means the entrance of any *building*, generally facing a sidewalk or public street, intended to accommodate the majority of public traffic.

**“principal use”** means the primary or predominant *use* of any *lot*, *building*, or *structure*.

**“private club, not licensed”** means a non-profit organization incorporated as such by the Government of Canada or the Government of Manitoba. Includes facilities used for the meeting, social, or recreational activities of non-profit philanthropic, social service, athletic, business, or fraternal organizations, without on-site residences. When licensed for the sale of alcoholic beverages by the Government of Manitoba, such a club is considered a *“drinking establishment.”*

**“prohibited use”** means a *use* not permitted in a *zoning district*.

**“protection and emergency services”** means a *development* that is required for the public protection of persons and property from injury, harm, or damage together with the incidental storage of equipment and vehicles. Typical *uses* include police stations, fire stations, ambulance services, and ancillary training facilities.

**“public pathway”** means a walkway, trail or route for pedestrian usage maintained by the municipality.

**“public utility”** means any person, firm, corporation, municipal department, or board duly authorized to furnish, and furnishing under provincial or municipal regulations to the public, electricity, gas, steam, sewer, communication, telegraph, transportation, or water services. The term also means the *use* of land for the purpose of providing such service.

**“public works”** means any publicly owned or occupied land, *building, structure, system, plant* or equipment constructed, erected, extended, enlarged, repaired, excavated or employed for the purpose of providing services to the public, including but not limited to:

- a) Public transportation systems;
- b) Communication systems;
- c) Utilities such as water, sewer, gas, or electricity; and
- d) Other government services, but does not include government administration and office *buildings* and public works yards.

## Q

[Reserved]

## R

**“race track”** means a measured course where animals or machines are entered in competition against one another or against time, including tracks used only in the training of animals.

**“real estate sales offices and model sales homes”** means an uninhabited *dwelling unit* temporarily used for display purposes as an example of a *dwelling unit* to be available for sale or rental in a particular residential *development* and located within that *development*. Model homes may also incorporate sales or rental offices for *dwellings* within the *development*.

**“recreation vehicle”** means any vehicle, other than an automobile, motor home, travel trailer, or truck, with or without motive power, designed for recreational purposes, including but not restricted to a boat, a power toboggan, an all-terrain vehicle and a trailer designed specifically for the transport of a recreation vehicle.

**“recycling collection centre”** means a *use* that serves as a drop-off point for temporary storage for recoverable resources, such as newspapers, glassware, plastics, and metal cans. No processing of such items would be allowed.

**“recycling plant”** means a facility in which recoverable resources such as newspapers, glassware, plastics, and metal cans are recycled, reprocessed, and treated to return such products to a condition in which they can again be used for production, or consolidated and packaged for transport from the facility. This facility is not a wrecking yard or a junkyard.

**“research institution”** means an establishment or facility engaged in scientific research, product design, development and testing, and limited manufacturing necessary for the production of prototypes.

**“restaurant”** means an establishment primarily engaged in the preparation of food intended to be sold to the public for consumption on or off the *premises*. *Restaurants* may be licensed by the Government of Manitoba for the sale of alcohol; however, the sale of alcohol is incidental to the sale of food.

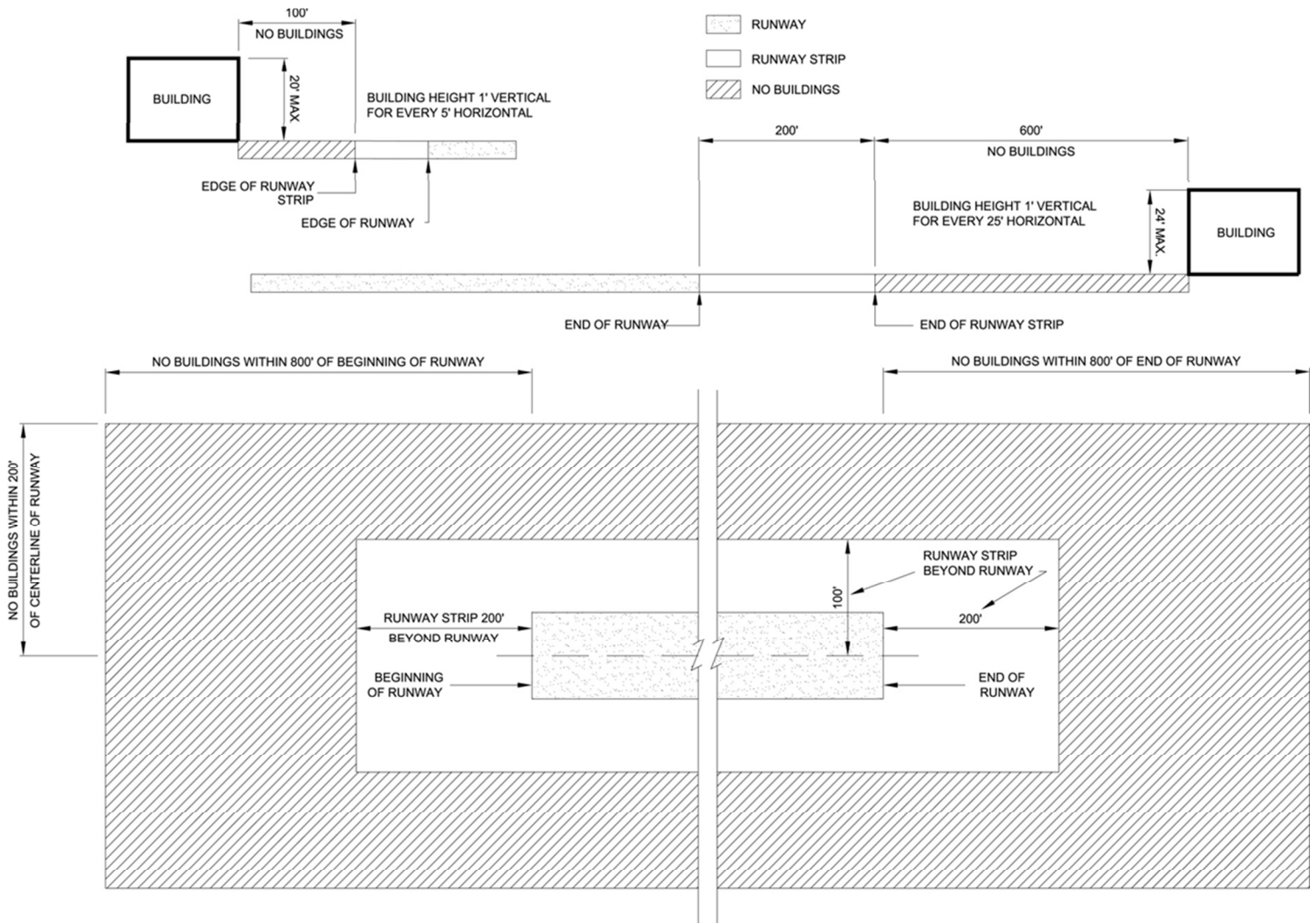
**“retail sales”** means a *use* involved in the sale, lease, or rent of new or used products directly to the general public, or to individuals or households based on their membership in an association or club, but not including an “*auction room*”, “*landscape and garden supplies*”, or “*supermarket*”. This *use* includes facilities whose names indicate that they are *warehouse* or *wholesale* operations, but that in fact conduct more than incidental *retail sales*.

**“road allowance”** means a registered public *street* right-of-way.

**“roof line”** means the line made by the intersection of a wall of a *building* with a roof of the *building*.

**“runway”** means a defined rectangular area on a land aerodrome prepared for the landing and take-off of aircraft along its length. (Refer to Illustration 11).

**“runway strip”** means a rectangular area extending one hundred (100) feet on either side of the centerline of the *runway* and two hundred (200) feet beyond the ends of the *runway*. (Refer to Illustration 11).



**Illustration 11 Runway and Runway Strip**

**S**

“**seasonal sales**” means the outside sale of seasonal merchandise, other than those sold at a farmer’s market, such as Christmas trees, flags, kites, or arts and crafts.

“**secondary plan**” means a plan providing such objectives and actions as *Council* considers necessary or advisable to address, in a neighbourhood, district, or area of the city, any matter within a sphere of authority of the City of Steinbach, including, without limitation, any matter dealt with in Steinbach Official Community Plan or pertaining to economic development or the enhancement or special protection of heritage resources or sensitive lands.

“**secondary suite**” means an accessory *dwelling unit* added to or created within a single-family residence that can be rented and provides basic requirements for living, sleeping, cooking, and sanitation.

**“senior high school”** means an accredited school under the sponsorship of a public, private or religious agency providing instruction to students at the senior high school level.

**“shopping centre”** means a facility that contains five (5) or more *retail sales uses*, and that may also contain other personal service *uses*, in a single *building* or attached *buildings*, or on *adjacent lots*, sharing common parking, and with a floor area greater than 50,000 square feet.

**“signs”** Notwithstanding anything else in this By-law, the following terms are defined for the purposes of provisions 118.1 through 142.1, *Signs*:

**“A-board sign”** means an A-shaped *sign* which is set upon the ground and has no external supporting *structure*.

**“alteration”** means a structural modification of a *sign* but does not include routine maintenance, painting or change in face, *copy* or lettering.

**“animated sign”** means a *sign* which uses movement or change of lighting to depict action or create special effects or a pictorial scene but does not include a clock.

**“auxiliary sign”** means a *sign* of any type which is attached to the face, *copy*, backing, lighting or supporting *structure* of any *sign*.

**“awning sign”** means an *awning* which incorporates a *sign* painted on, or affixed flat to the surface of the *awning* and which does not extend vertically or horizontally beyond the limits of such *awning*. The *awning* itself may or may not be illuminated.

**“banner sign”** means a temporary *sign* composed of lightweight, non-rigid material, such as cloth, canvas, P.V.C., or similar material.

**“bulletin board sign”** means a *sign* of permanent character, but with movable letters, words or numerals indicating the names of persons associated with, or events conducted upon, or products or services offered upon the *premises* upon which such *sign* is located.

**“business sign”** means a *sign* directing attention to a business, commodity, service, or entertainment conducted, sold, or offered upon the same zoning *lot* on which that *sign* is located. The *sign* must be located entirely on the business property to which it pertains.

**“canopy sign”** means a *canopy* or *freestanding canopy* which utilizes or incorporates a *sign*.

**“clearance”** means the shortest vertical distance between the underside of a *sign* and *grade* immediately below.

**“community identification sign”** means a *sign* which states the name of a residential, commercial or industrial community area and may contain a logo or symbol which is related to the community name.

**“construction sign”** means a temporary *sign* erected by an individual or a firm on the *premises* undergoing construction and upon which the *sign* user identifies a construction project and information relative thereto.

**“copy”** means letters, graphics, or characters that comprise the *sign message*.

**“copy area”** means that area of a *sign* covered by a single rectangle drawn around the extremities of the *message* contained on the *sign* and in the case of a multi-face *sign* comprises one-half of the total area of all *sign* faces.

**“directional sign”** means:

- a) A *sign* which directs the public to or denotes the name of any thoroughfare, route, educational institution, public *building*, historical site, or *hospital*;
- b) A *sign* which directs and regulates traffic;
- c) A *sign* which denotes any public or transportation facility;
- d) A *sign* which gives direction to a private *premises* or its vehicular use area.

**“double-faced sign”** means a *sign* having two faces, with each face being of equal area and in identical proportion to the other, and with each face located on the *structure* so as to be parallel and opposite to and facing away from each other.

**“electronic message board sign”** means a *sign* or component of a *sign* on which the *copy* can be changed by electrical or electronic means.

**“encroaching sign”** means a *sign* which extends, in whole or in part, into or over a public right-of-way or other public place.

**“fascia sign”** means a *sign*, or individual letters attached to, marked, or inscribed on, or erected or placed against a wall or other surface, whether forming part of a *building* or not, and having the exposed face of the *sign* on a place approximately parallel to the plane of such wall or other surface and *projecting* not more than eighteen 18 inches from the face of such wall.

**“flashing sign”** means a *sign* which contains an intermittent or flashing light source but does not include an electronic message centerboard *sign*.

**“freestanding sign”** means a *sign* supported by *structures* or supports that are placed on or anchored in the ground and that are independent from any *building* or other *structure*, including a *sign* that is attached to a fence.

**“identification sign”** means a *sign* that identifies a business, owner, resident, or institution by name, logo or street address, and which sets forth no other advertisement.

**“illumination”** means the lighting of any *sign* by artificial means.

**“illumination, direct”** means the lighting of any *sign* face from a light source located on or near the exterior of the *sign*.



**“illumination, indirect”** means the lighting of any *sign* face by reflected light.

**“illumination, internal”** means the lighting of any *sign* face from a light source located within the *sign* or behind the *copy*.

**“inflatable sign”** means an inflated three-dimensional device which may incorporate a *sign* and is anchored or affixed to a *building* or *site*, and is approved as a *mobile sign*.

**“maintenance”** means the cleaning, painting, repair or replacement of any defective parts of a *sign* in a manner that does not *alter* the basic design or *structure* of the *sign* and does not include a change in *copy*.

**“mansard roof sign”** means a *sign* attached to the face of, or located on the sloping roof of a mansard roof in the manner of a *fascia sign*.

**“marquee sign”** means a *sign* attached to a marquee.

**“mobile sign”** means a *sign* which is mounted on a trailer, vehicle, stand or similar support *structure* which is designed in such a manner that the *sign* can be readily relocated to another location, and which may include *copy* that can be changed through the use of removable characters or panels.

**“multi-tenant sign”** means a *sign* containing *copy* for three (3) or more tenants or occupants located on a *site*.

**“owner of sign”** means a person or their authorized agent in lawful control of a *sign*.

**“painted wall sign”** means a *sign* which is painted directly upon any outside surface of a *building* or other integral part of a *building*.

**“projecting sign”** means a *sign*, other than a *fascia* or *canopy sign*, the exposed face or faces of which are not necessarily parallel to a wall and which is attached to a *building* and extends as a projection of a line of that *building* or beyond the surface of that portion of the *building* to which it is attached.

**“reado-graph sign”** means a *sign* on which the *copy* can be changed manually through the use of attachable letters, numerals or pictorial panels.

**“real estate sign”** means a temporary *sign* advertising real estate that is “for sale”, “for lease”, or “for rent”, or real estate that has been “sold”.

**“roof sign”** means a *sign* that projects above a *roof line* to which the *sign* is attached or is erected upon or above a roof or parapet of a *building* to which the *sign* is attached, except that a *sign* that projects above the *roof line* by not more than two (2) feet at the point of attachment and the total projection of which does not exceed twenty-five (25) square feet is not included within the definition of a roof *sign*.

**“rotating sign”** means a *sign* or portion of a *sign* which moves in a revolving manner, but does not include a clock or a traditional barber pole *sign* two (2) feet or less in *height* that meets all other *standards* of this By-law.

**“scintillating”** a group of lights electronically controlled to blink on and off at random so as to give the effect of twinkling lights.

**“sign”** means any writing (including letter, word, or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol, logo, or trademark), flag (including banner, or pennant but not the flag of any nation or government), and anything designed or intended to, or having the effect of, announcing, identifying, directing attention to, or advertising any *building* or *use*.

**“sign height”** means the vertical distance measured from the highest point of the *sign* or *sign structure* to *grade*.

**“sign message”** includes any image, written *copy*, *structure*, graphics, pictures, logos, symbols, or letters used or intended to be used for advertising or for calling attention to any business, person, matter, object or event.

**“sign surface area”** means the entire area of a *sign* within a single continuous perimeter enclosing the extreme limits of writing, representation or emblem.

**“under-canopy sign”** means a *sign* which is suspended beneath a *canopy* or beneath a portion of a *building*.

**“video screen”** means a device used to present information on LED (Light Emitting Diode) monitors or on LCDs (Liquid Crystal Display) or similar technology.

**“wall-mounted sign”** means a *sign* which is mounted or fixed to or supported by a wall, by any means.

**“warning sign”** means a *sign* displayed to warn the public about a physical danger present in its surrounding, or associated with some feature, or activity on a specific *site*, such as “Danger, Look out for Cars”.

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

**“single-room occupancy”** means a *building*, other than a *hotel* or *hostel*, which provides living units with separate sleeping areas and some combination of shared bath or toilet facilities. The *building* may or may not provide meals to guests for compensation, and may or may not have separate shared cooking facilities for residents. *Single-room occupancy* includes *uses* commonly called “rooming houses” and “boarding houses.” Care, treatment or supervision must not be provided to any resident.

**“site”** means a *zoning site* as defined herein unless the context indicates otherwise.

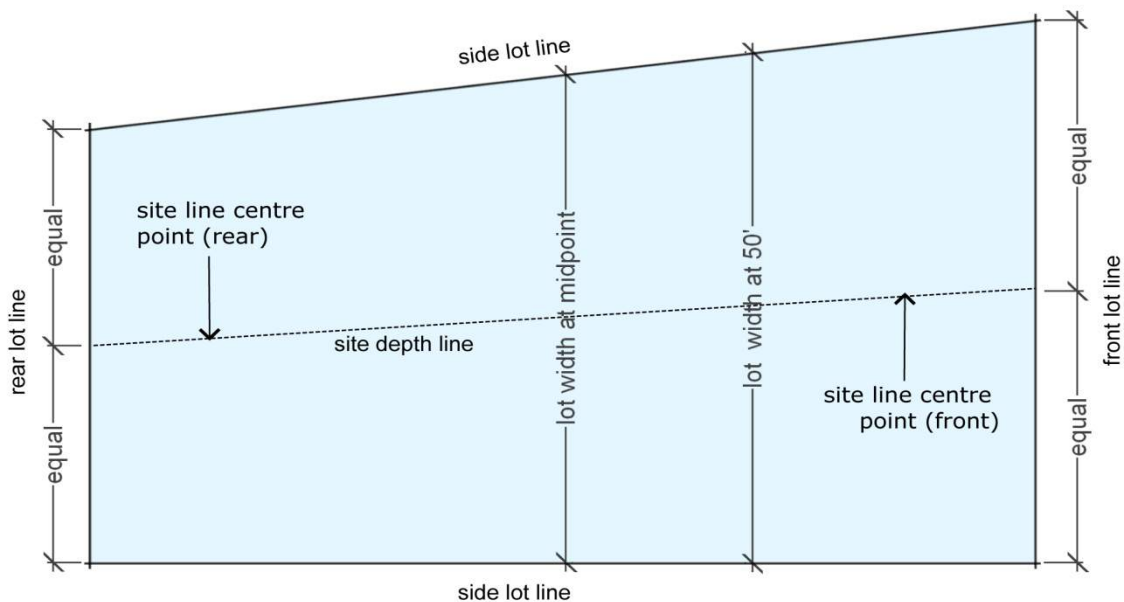
**"site area"** is computed as the amount of gross land area contained within the property lines of a *lot* or parcel or a combination of contiguous parcels that collectively form a *site* such as that of a *shopping centre*.

**"site, corner"** means a *zoning site* that *abuts* the intersection of two (2) or more public *streets*, or that *abuts* the approximately perpendicular intersection of two (2) or more frontages of the same public *street* (see Illustration 13).

**"site coverage"** is computed as the percentage of the total *lot* area covered by *buildings*. It is calculated by dividing the square footage of the *building footprint* by the square footage of the *site*, except that the following *structures* are not counted as covered areas for purposes of determining *lot* coverage:

- a) Areas covered by open swimming pools and hot tubs;
- b) Open decks, landings, and stairs less than four (4) feet above *grade*;
- c) *Accessory structures* with a cumulative *lot* coverage under 125 square feet in total area; and
- d) Any permitted projections.

**"site depth"** means the horizontal distance between the centre points on the *front and rear site lines*. (Refer to Illustration 12) 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*.



**Illustration 12 Site Depth**

“**site depth line**” means the site depth line is the line between the *front site line centre point* to the rear *site line centre point* (see Illustration 12).

“**site, flag**” see definition under *flag lot*.

“**site frontage**” means all that portion of a *zoning site* fronting on a *street* and measured between *side site lines*. (Refer to Illustration 12)

“**site, interior**” means a *zoning site* that has frontage on only a single public *street* (see Illustration 12).

“**site line centre point**” means the centre point of a site line is located at one-half the cumulative distance of the length of all line segments or arcs forming the *site line*. Where it is not possible to determine *site line centre point* according to this definition, they shall be determined by the *Designated Officer* (see Illustration 12).

“**site line, front**” means:

- a) In the case of an *interior site*, all *site limits* which *abut* public *streets*; or
- b) In the case of a *through site*, all *site limits* which *abut* public *streets* from which vehicular access is permitted; or
- c) In the case of a *corner site*, that frontage which is the continuation of the *front site line* of an *abutting interior site* or, if none, those frontages which, as *front site lines*, accord with the intent and purpose of *yard requirements* under this By-law, as determined by the *Designated Officer*.

“**site line, rear**” means:

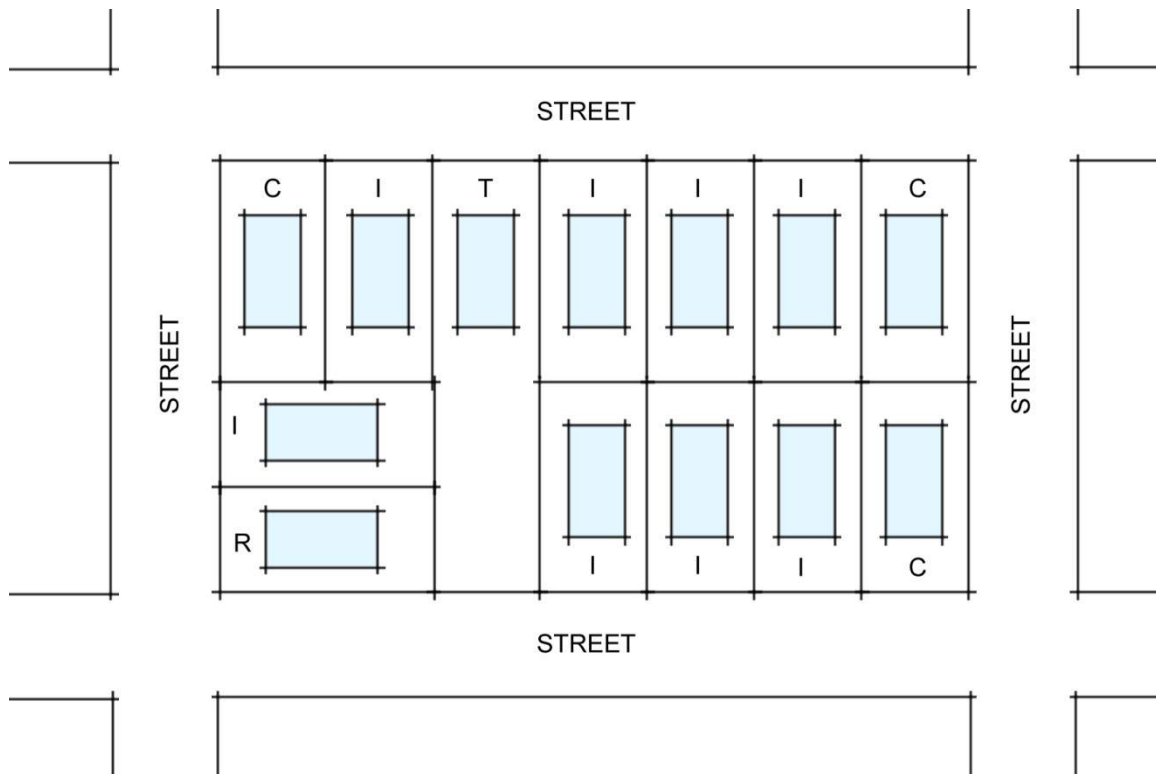
- a) The *site limit* which is most nearly parallel to the *front site line*; or
- b) Any *site limit* which is in whole or in part the *rear site line* of an *abutting site* and as a *rear site line* accords with the intent and purpose of *yard requirements* or *development standards* under this By-law; or
- c) In the case of a *site* where the *side site lines* intersect, the *rear site line* is deemed to be a line ten (10) feet in length, located within the *site*, parallel to and at the maximum distance from the *front site line*.

“**site line, side**” means any *site limit* which intersects with a *front site line* and which is not a *rear site line* in accordance with the intent and purpose of *yard requirements* under this By-law.

“**site of record**” regarded the same as a “*lot of record*”.

“Site requirements” means the following:

- a) The size (including *height of building* and floor area), of *buildings* or *structures*;
- b) 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*;
- c) The location of exterior walls of *buildings* in relation to *site* lines, to other walls of the same *building*, to legally required windows, or to other *buildings*; and
- d) All open areas relating to *buildings* or *structures* and their relationships thereto.



**Illustration 13 Site Types: (C) corner site, (I) interior site, (R) reverse corner site and (T) through site**

“**site, reverse corner**” means a *corner site*, the side street line of which is substantially a continuation of the *front site line* of the first *site* to its rear (see Illustration 13).

“**site, through**” means a *zoning site* that *abuts* two or more public *streets* but that does not *abut* the intersection of those *streets* (see Illustration 13).

“**site width**” means the lesser of the horizontal distance between the side *lot* lines of a *lot*, measured at right angles to the *lot* depth line either at a point midway between the front and rear *lot* lines, or at a point forty (40) feet from the front *lot* line.

**“site, zoning”** means a parcel of land that *abuts* a public *street* or an unimproved street that is to be improved as a public *street* to serve that *lot* pursuant to an agreement with the City, or is separated from a public *street* that it would otherwise *abut* by a portion of that parcel acquired out of it by the City or by the Province of Manitoba for the purpose of diking or future *street* widening, and which:

- a) Conforms to the *site width* and *site area* requirements of the applicable *zoning district* and is one entire subdivided parcel, no part of which can separately be conveyed without subdivision approval under the City of Steinbach Council; or
- b) Does not conform to the *site width* and/or *site area* requirements of the applicable *zoning district*, which is not contiguous with any parcel registered to the same owner, and which lawfully existed on the date of enactment or amendment of this By-law; or
- c) Does not conform to the *site width* and/or *site area* requirements of the applicable *zoning district*, which is not contiguous with any parcel registered to the same owner, and which does not conform solely as a result of acquisition of a portion of that *site* by the City or the Province of Manitoba.

**“social service facility”** means the use of a *premises* to provide social or welfare services to those in need, for no fee or compensation, or at a fee recognized as being significantly less than charged by profit-making organizations. Services may include but are not limited to information and referral services, counselling, skill development, aid through the provision of food or clothing, life skill and personal development programs, alcohol, drug, or substance abuse counseling centre, and drop-in or activity space.

**“special event (carnival, circus, fair, concert, or similar event)”** means a transportable group or aggregation or combination of rides, shows, performances, games, or concessions.

**“sports or entertainment arena/stadium, indoor”** means a fully-enclosed facility specifically intended for the viewing of public sports, concerts, circuses, and theatrical productions, where patrons attend on a recurring basis.

**“sports or entertainment arena/stadium, outdoor”** means outdoor or partially-outdoor facilities specifically intended for the viewing of public sports, concerts, circuses, and theatrical productions, or exhibition grounds, where patrons attend on a recurring basis.

**“stable or riding academy”** means a commercial facility where horses are sheltered, fed, or kept for sale or hire to the public. Training of horses and riders may also be conducted. A stable may only contain ten (10) *animal units* or less.

**“stable, private”** means a *building* or land where horses are sheltered, fed, or kept for personal use, accessory to a *dwelling unit*. A stable may only contain ten (10) *animal units* or less.

**“standard”** means a definite rule, principle, or measure with which compliance is mandatory unless expressly waived or varied. A *development application* may be denied for failure to meet one or more *standards* established by this By-law.

“**storey, half**” means a habitable *basement* or a storey under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such *storey*.

“**storey**” means that portion of any *building* that is situated between the surface of any floor and the surface of the floor next above it, and, if there is no floor above it, that portion between the surface of such floor and the ceiling above it, but does not include a cellar.

“**street**” means a public thoroughfare but does not include a *public lane*.

“**street block**” means a group of *adjacent lots* or parcels whose front *lot* lines all face a common *abutting street* and that are located between two (2) intervening side *streets*. A street block is generally an area bounded by:

- a) A *street abutting* the long dimension of a block;
- b) Two side *streets abutting* the short dimensions of that block; and
- c) A lane *abutting* the rear *lot* lines of the *lots*, or if there is no lane, then the rear *lot* lines of other *lots* or parcels on the same block.

“**structure**” means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground and includes, but is not limited to, buildings, walls, fences, *signs*, billboards, poster panels and light standards.

“**studio, radio, TV, motion picture broadcast and production**” means a facility for the production and/or broadcasting of motion pictures, videos, television programs, radio programs, or sound recordings. The *use* may also include facilities for the rehearsal of dance, music, or other performing arts.

“**substantial improvement**” means any repair, reconstruction, or improvement of a *structure*, for which the cost equals or exceeds 50 percent of the assessed value of the *structure* either:

- a) Before the improvement or repair is started: or
- b) If the *structure* has been damaged and is being restored, before the damage occurred.

“**supermarket**” means a retail store with a floor area of more than 55,000 square feet that sells primarily groceries, produce, and packaged food products, but in which up to forty (40) percent of the gross floor area may be used for the sale of non-food related products, including convenience products.

## T

“**temporary construction trailer or building**” means a movable, portable, or modular *structure* or trailer used for the storage of construction materials and/or the offices or work spaces for construction managers or workers during the time a principal or *accessory building* is being constructed.

**“temporary use”** means a *use* established for a temporary period of time in conformance with Part 3.0.

**“towing and storage facility”** means a commercial establishment engaged in towing of vehicles or equipment from one location to another. Such facilities may also include an indoor storage component for such vehicles or equipment, but may not include junked, salvage, or permanently inoperable vehicles or equipment.

**“transit station”** means an area utilized by public or commercial carriers for pick-up or drop-off of passengers. In addition to loading and unloading areas, transit stations may include shelters, restrooms, concessions, benches, information offices, parking, ticket sales, *landscaping*, lighting and other such facilities and appurtenances. Transit modes served may include, without limitation, local bus service, express bus service, commuter rail, and light rail.

## U

**“use category”** means the broadest grouping of land *uses* in this By-law, based on generally accepted industry groupings, similar descriptions of planning goals or functions, similar allowed *use types*, and similar allowed *density/intensity of use*. A “*use category*” may be further subdivided into “*use sub-categories*.”

**“use sub-category”** means a category of *uses* within a “*use category*.” “*Use sub-categories*” are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and *site* conditions. A “*use sub-category*” may be further subdivided into “*use types*.”

**“use type”** means the finest-grained category of *uses* in this By-law. They are used to tailor the regulatory treatment of *uses* to address issues such as the relative intensity of the *use*, issues related to *building type*, possible effects on neighbouring land *uses*, and consistency with *zoning district* purposes and goals.

**“use specific standard”** means a standard located in Part 3.0 of this By-law that is applied to *use types* in order to address issues such as *building* size, location, and operating requirements.

**“utility facility, major”** means significant utility buildings, plants or operations that may have employees located at the *site*. Examples include public works yards, water control works, reservoirs, and works used to provide services or commodities to the public by the Crown or the City, including but not limited to power plants, heating plants, steam generating plants, or sewer treatment facilities.

**“utility facility, minor”** means those facilities that do not qualify as major utility facilities, and that are used for or incidental to the operation of a *public utility*. Examples include electric transformer stations, gas regulator stations, telephone exchange buildings, and well, water, and sewer pumping stations.



**“Use”** means the purpose or activity, for which land or *buildings* are designed, arranged, intended, or for which land or buildings are occupied or maintained.

## V

**“variance”** means the modification of a provision of the *zoning by-law*.

**“variance order”** means an order in respect of an application for a *variance*.

## W

**“warehouse”** means a permanent facility for the storage of products, supplies, and equipment within an enclosed *building*.

**“waste transfer station”** means a fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site.

**“wholesaling”** means a facility where goods are distributed or sold to retailers, to industrial, commercial, or institutional users, or to other wholesalers, for resale or redistribution, but where goods are not sold to the public or to individuals or households based on their membership in an association or club.

**“wrecking and salvage yard”** means any *lot* upon which two (2) or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license or registration, have been placed for the purpose of obtaining parts for recycling or resale. Building materials, scrap metal, or any other kind of salvage are also be included in this definition.

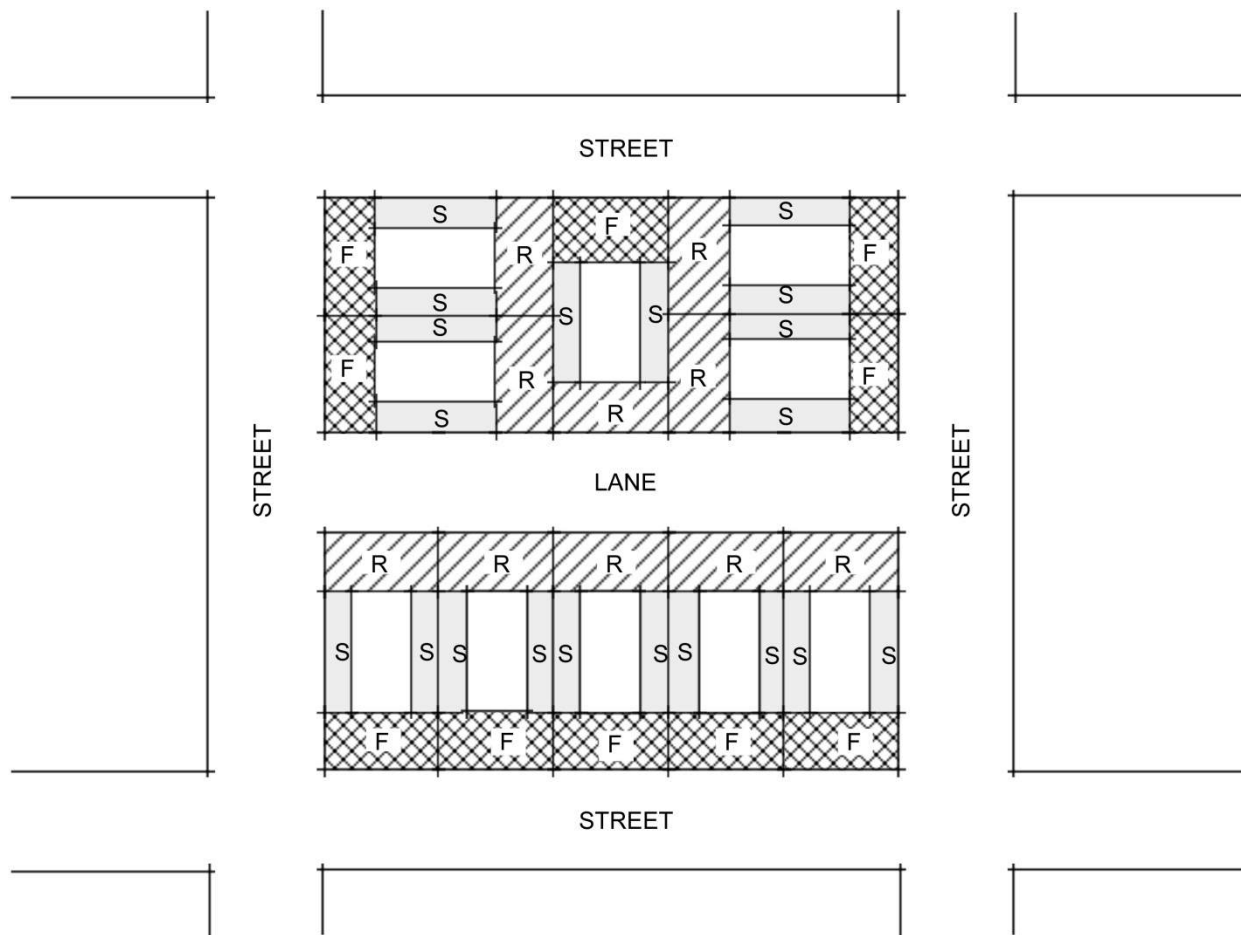
## X

**“X-rated store”** means any store which:

- a) Offers for purchase or rental, merchandise including sexually oriented films, video tapes or video disc, classified as “18+” by The Manitoba Film Classification Board, or by store-front *signs* excludes persons under eighteen (18) years of age from the store; or
- b) Offers for purchase or rental, merchandise including sexually oriented films, video tapes or video discs, classified as “18+” by the Manitoba Film Classification Board, in a part of the store, or by internal signage excludes persons under eighteen (18) years of age from part of the store where such merchandise is displayed.

## Y

**“yard”** means those areas of *lots* that are unobstructed from the ground to the sky except as otherwise specifically allowed in Table 4-2, Permitted Projections of this By-law. *Yards* (also known as setbacks) are measured using the horizontal distances measured between the *lot* line and the closest foundation wall of a *building* or *structure* along a line perpendicular to the *lot* line.



**Illustration 14 Yard Types: (F) front yard, (R) Rear Yard, (S) side yard**

“**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.

“**yard, interior side**” means a *side yard* which is *adjacent* to another *zoning site*, or to a lane separating such *side yard* from another *zoning site*, or to the wall of a *building adjacent* to the wall of another *building* in a planned unit *development*.

“**yard, corner side**” means a *side yard* which adjoins a public *street*.

“**yard, front**” means an open area on a zoning *lot* which is clear from ground to sky, except as otherwise permitted, extending along the full length of the front *lot* line, the depth of which is measured perpendicularly and radially to the front *lot* line (see Illustration 14).

“**yard, rear**” means an open area on a zoning *lot* which is clear from ground to sky, except as otherwise permitted, extending along the full length of the rear *lot* line, the depth of which is measured perpendicularly and radially to the rear *lot* line (see Illustration 14).

**“yard, side”** means an open area on a zoning *lot* which is clear from ground to sky, except as otherwise permitted, extending along the full length of the side *lot* line between the *front yard* and *rear yard*, the depth of which is measured perpendicularly to the side *lot* line (see Illustration 14).

**“yard, voluntary”** means that portion of a front, side, or *rear yard* that is provided in addition to the minimum *yard* requirements of this By-law. For example, if this By-law requires a *front yard* of at least twenty (20) feet, and the owner provides a *front yard* of thirty (30) feet, the ten (10) feet furthest from the *street* is a *voluntary yard*.

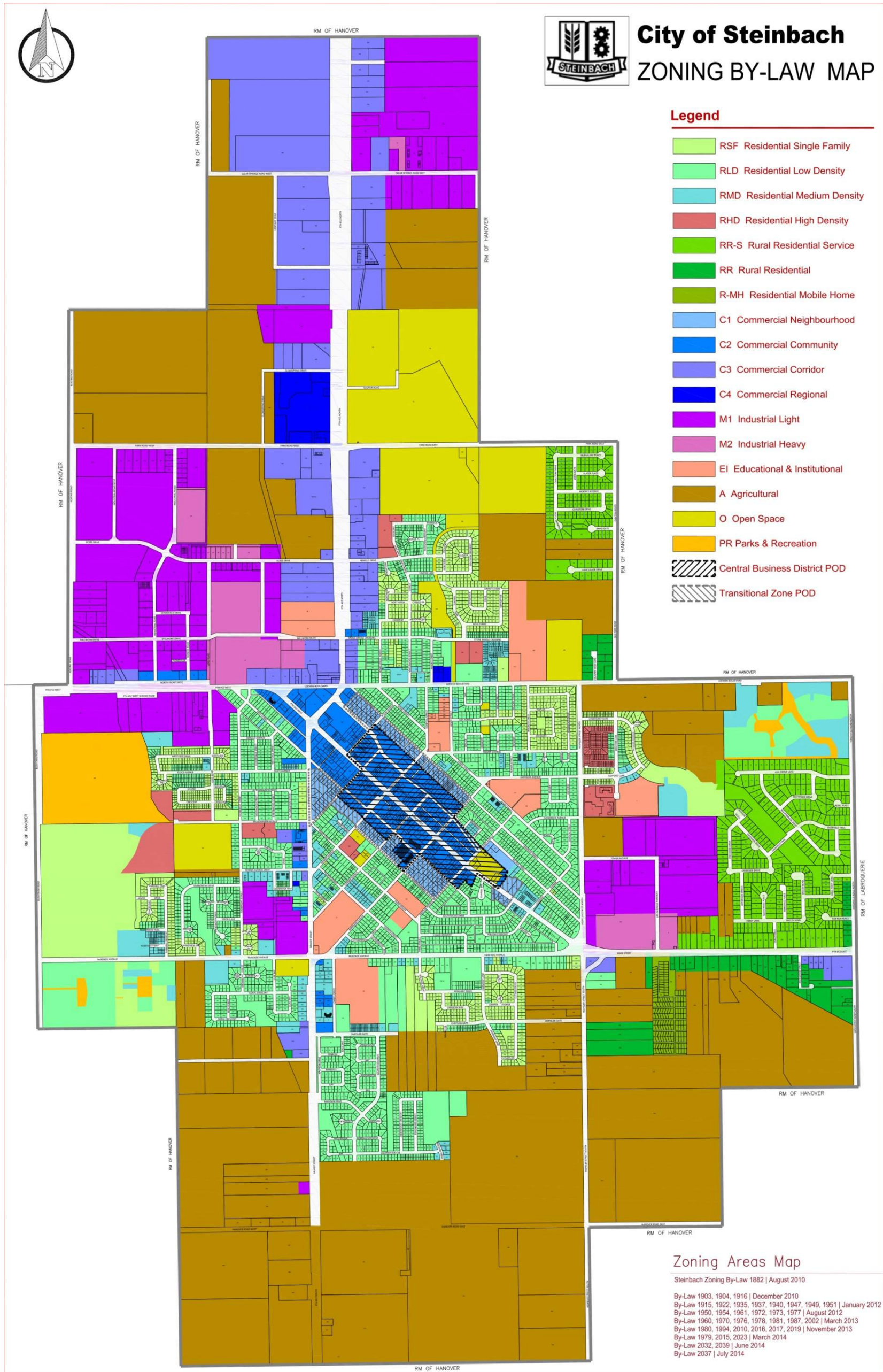
## **Z**

**“zoning by-law”** defined by the *Act*.

**“zoning district”** means an area or areas within the limits of the City, as established by Part 2.0 of this By-law, for which the regulations and requirements governing *use*, *lot* and *dimensional standards of buildings* and *premises* are uniform.

SECTION 7.1 ZONING BY- LAW MAP

PART 7.0 SCHEDULES



**PART 8.0**

**APPENDICES**