

TOWN OF SWAN RIVER

ZONING BY-LAW

NO. 9/2004

THE TOWN OF SWAN RIVER BY-LAW NO. 9/2004

Being a By-law of **The Town of Swan River** to regulate the use and development of land.

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

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

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

NOW THEREFORE, the Council of The Town of Swan River in meeting duly assembled, enacts as follows:

1. This By-law shall be known as the **Town of Swan River Zoning By-law**.
2. The Zoning By-law, attached hereto and marked as SCHEDULE "A" is hereby adopted.
3. The By-law No. 19/85, being a by-law of The Town of Swan River to adopt The Town of Swan River Zoning By-law and all amendments thereto are hereby repealed.
4. This By-law shall take force and effect on the date of third reading.

DONE AND PASSED in Council duly assembled at The Town of Swan River, Manitoba, this 5th day of December, 2006 A.D.

Mayor

Chief Administrative Officer

READ A FIRST TIME THIS 17th day of August A.D. 2004

READ A SECOND TIME THIS 21st day of September A.D. 2004

READ A THIRD TIME THIS 5th day of December A.D. 2006

TOWN OF SWAN RIVER ZONING BY-LAW

BEING SCHEDULE "A"
TO
BY-LAW NO. 9/2004 OF

THE TOWN OF SWAN RIVER

Prepared for:

THE TOWN OF SWAN RIVER

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August 2004

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PART 1: SCOPE

1.1 THE BY-LAW

- 1.1.1 This By-law shall be known as the *“Town of Swan River Zoning By-law”*.
- 1.1.2 This By-law shall be in full force and effect on the day that it is given Third Reading by the Council of The Town of Swan River.
- 1.1.3 This By-law shall apply to all land in The Town of Swan River, except for land within public streets and lanes as described in 2.2.5 (b) of PART 2.
- 1.1.4 No land, building, structure, or mobile home shall be used and no building, structure or mobile home shall be constructed, erected, located, relocated, enlarged, structurally altered or moved unless it conforms to the provisions of this By-law, and only after all permits have been obtained by the owner.

1.2 INTENT AND PURPOSE

- 1.2.1 The intent and purpose of this By-law is to implement the objectives and policies of *The Swan Valley Planning District Development Plan* and to establish various zones in the community in order to accommodate and regulate development. These zones are shown on **MAP 1** attached to and being part of this By-law and established as **Appendix “A”** of this By-law.
- 1.2.2 The regulations and provisions established by this By-law are deemed necessary in order to:
 - (a) Provide for appropriate uses of land, buildings and structures;
 - (b) Provide adequate open spaces for light and air, and to serve as a measure of prevention against the spread of fires;
 - (c) Provide for adequate standards of development so that overcrowding, unhealthy living conditions and parking congestion will be kept to a minimum;
 - (d) Minimize the overloading of municipal services;
 - (e) Provide a measure of protection for the value of property; and
 - (f) Provide for the health, safety and general welfare of the residents of the Town of Swan River.

1.2.3 This By-law shall regulate the following:

- (a) All buildings and structures, including mobile homes, erected hereafter;
- (b) All uses of land, buildings, structures and mobile homes established hereafter;
- (c) All structural alterations or relocations of existing buildings, structures and mobile homes occurring hereafter;
- (d) All enlargements of, or additions to existing buildings, structures, mobile homes, or land uses; and
- (e) The change in use of all land, buildings, structures and mobile homes.

PART 2: GUIDE TO ZONES, MAPS AND TABLES

2.1 ZONES

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

RESIDENTIAL	<p>“RS-U”</p> <p>“RS-5”</p> <p>“RS-6”</p> <p>“RT”</p> <p>“RM”</p> <p>“RMH”</p>	<p>Residential Single-Family Unserviced Zone</p> <p>Residential Single-Family Zone</p> <p>Residential Single-Family Zone</p> <p>Residential Two-Family Zone</p> <p>Residential Multiple-Family Zone</p> <p>Residential Mobile-Home Zone</p>
COMMERCIAL	<p>“CN”</p> <p>“CC”</p> <p>“CH”</p>	<p>Commercial Neighbourhood Zone</p> <p>Commercial Central Zone</p> <p>Commercial Highway Zone</p>
INDUSTRIAL	<p>“ML”</p> <p>“MH”</p>	<p>Industrial Light Zone</p> <p>Industrial Heavy Zone</p>
OTHERS	<p>“I”</p> <p>“OR”</p> <p>“AUR”</p>	<p>Institutional Zone</p> <p>Open-Space/Recreational Zone</p> <p>Agriculture Urban Reserve Zone</p>

2.2 ZONING MAP

2.2.1 Part of By-law

The location and the limits of the zones listed in 2.1 above are shown upon **Zoning Map 1** of **Appendix “A”** to this By-law. The said Zoning Map forms part of this By-law. All notations, references and other information shown thereon together with any amendments made by amending by-law from time to time and shown thereon, together with any amendments to limits in the case of any street, lane or public works right-of-way closing, as provided in this section, shall be as much a part of this By-law as if the matters and information set forth by the said Zoning Map were fully described herein.

2.2.2 Dimensions and Scale

All dimensions of the Zoning Map are in feet.

2.2.3 Registered Plans

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

2.2.4 Abbreviations

The abbreviations noted on the Zoning Map mean the following:

- | | | |
|-----|-----------------|---|
| (a) | “Ave.” | means Avenue ; |
| (b) | “Cres.” | means Crescent ; |
| (c) | “Pt.” | means Part ; |
| (d) | “N” | means North ; |
| (e) | “Rge.” | means Range ; |
| (f) | “Sec.” | means Section ; |
| (g) | “St.” | means Street ; |
| (h) | “Twp.” | means Township ; |
| (i) | “W.P.M.” or “W” | means West of the Principal Meridian ; and |
| (j) | “P.T.H.” | means Provincial Trunk Highway |

2.2.5 Interpretation of Zone Limits

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

- (a) Heavy solid lines represent the zone limits. Where the zone limit is broken by the name of a street, it shall be construed that the limit continues through the name of the street;
- (b) Notwithstanding that streets, lanes, walkways, public works rights-of-way or other means of communication may be within zone limits, the regulations contained in this By-law shall not be deemed to be applicable to said streets, lanes, walkways, public works rights-of-way or other means of communication;
- (c) Zone limits shown as approximately following the limits of centerlines set forth below shall be construed to follow said limits or centerlines:
 - (i) public streets or lanes;
 - (ii) lot, site or property lines;
 - (iii) limits of the Town;
 - (iv) railway lines or rights-of-way; and
 - (v) public works lines or rights-of-way;
- (d) If a street, lane, walkway, public works right-of-way or other means of communication shown on the Zoning Map is lawfully closed, the land formerly comprising the right-of-way shall be included within the zone of the adjoining land provided that if the said right-of-way was a zone limit between two or more different zones, the new zone limit shall be the former centerline of the closed right-of-way; and

- (e) Where the application of the above rules do not determine the exact location of the limits of a zone, the Council either on its own motion or upon written application being made to it by any person requesting the determination of the exact location of the limits shall fix the portion in doubt or dispute in a manner consistent with the provisions of this By-law and with the degree of detail as the circumstances may require.

2.3 ZONE REQUIREMENTS

2.3.1 Interpretation of Zone Requirements

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

2.3.2 Uses

TABLES 3-1 through 6-1 in this By-law, list all uses that are

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

in respective zones. All listed uses shall be interpreted in accordance with PART 11: DEFINITIONS, shall be dealt with in accordance with procedures outlined in PART 9: ADMINISTRATION and shall be subject to the provisions contained in PART 7: GENERAL PROVISIONS, and PART 8: SPECIAL USES AND PROVISIONS.

No land shall be used or occupied and no building or structure shall be erected, altered, used, relocated or occupied hereafter for any use in any zone in which such land, building or structure is located other than a use listed on the subject USE TABLE.

Uses of land, buildings or structures not listed in the USE TABLE may be allowed if:

- (a) The use was lawfully established prior to the effective date of this By-law in which case the use shall be dealt with as a non-conforming use, structure or building in accordance with 7.1.1 (c) of PART 7: GENERAL PROVISIONS; or
- (b) The use, in the opinion of Council, falls into a general use category established in the USE TABLE. Such uses shall be permitted uses where the general use category is "Permitted" and conditional uses where the general use category is "Conditional" in that zone.

2.3.3 Site and Other Requirements

Site and other requirements shall be as set forth in TABLES 3-2 through 6-2. The requirements set forth therein shall apply to all uses, structures or buildings.

2.4 USING THE TABLES AND REFERENCES

2.4.1 Main Uses

The standard USE TABLES and BULK TABLES provide the main requirements – whether a use is allowed and what the site, yard and other requirements are. PART 8 should be used for secondary information such as exceptions for yard and height requirements and further provisions applying to accessory buildings or uses.

2.4.2 Accessory Uses

Accessory uses and buildings occur in all zones and the general category is included in each of the USE TABLES. However, the specific types of accessory uses allowed in residential, commercial, industrial and other zones varies drastically. They even vary within a specific zone depending on the main use (i.e., a house in a residential zone has different accessory uses than a church or park in the same zone).

Because of this complexity, most of the provisions and requirements pertaining to accessory uses are located in PART 8. This PART offers a more thorough explanation of what types of accessory uses are permitted with main uses in various zones and what special provisions apply to them.

PART 8 contains sections dealing with application of or interpretation of:

- (a) Accessory Uses, Buildings and Structures including:
 - home-based businesses;
 - parking, entrances and loading requirements; and
 - sign regulations;
- (b) Alternate Forms of Development including:
 - condominiums;
 - planned unit development;
 - multiple uses; and
 - subdivision of attached dwellings;
- (c) Yards and Special Yards;
- (d) Temporary Uses, Buildings and Structures; and
- (e) Height exceptions.

2.4.3 Measurements

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

2.4.4 Footnotes

Footnotes form part of the tables of this By-law.

PART 3: RESIDENTIAL ZONES

3.1 INTENT AND PURPOSE

The following Residential Zones are hereby established to provide areas for various types of residential development within the Town in accordance with the policies set forth in The Swan Valley Planning District Development Plan and the following general purposes:

“RS-U” RESIDENTIAL SINGLE-FAMILY UNSERVICED ZONE

This zone provides for the development of single-family dwellings at low density and associated or compatible uses in areas not serviced with municipal sewer and water systems.

“RS-5” AND “RS-6” RESIDENTIAL SINGLE-FAMILY ZONES

These zones provide areas for the development of low density single-family dwellings and associated or compatible uses serviced by municipal sewer and water systems.

“RT” RESIDENTIAL TWO-FAMILY ZONE

This zone provides areas for low and medium density single-family and two-family dwellings and associated or compatible uses.

“RM” RESIDENTIAL MULTIPLE-FAMILY ZONE

This zone provides areas for medium and high density dwellings such as triplexes, fourplexes, town or row type dwellings, walk-up apartments and high rise apartments, and associated or compatible uses. Single-family and two-family dwellings are also permitted.

“RMH” RESIDENTIAL MOBILE HOME ZONE

This zone provides areas for mobile home parks and subdivisions for mobile homes and associated or compatible uses.

TABLE 3-1: RESIDENTIAL USE TABLE

USES P: Permitted C: Conditional -: Not Permitted N/A: Not Applicable	RESIDENTIAL ZONES					Parking Group No. (See Table 8-2)
	RS-U	RS-5 & RS-6	RT	RM	RMH	
1. <u>Accessory Uses, Buildings and Structures</u> ^{1,2} (See 8.1)	P	P	P	P	P	N/A
2. <u>Assembly</u> , including Churches and Religious Institutions, community Halls and Recreational Clubs	-	C	C	C	-	8/11
3. <u>Day Care</u>						
• Community or Group	-	C	C	C	-	8
• Home	P	P	P	P	-	8
4. <u>Dwellings</u>						
a) Single Family	P	P	P	P	-	1
b) Modular Home ³	C	C	C	C	P	1
c) Two-Family	-	-	P	P	-	1
d) Multiple-Family	-	-	-	P	-	2/3 SH ⁴
e) Boarding, Rooming and Lodging Houses	-	-	-	P	-	4
f) Group Houses	C	C	C	C	-	5
g) Residential Care Facilities	-	-	-	C	-	5
h) Bed and Breakfast	P	P	C	C	-	4
i) Secondary Suite	C	C	P ⁵	P ⁵	-	1
5. <u>Mobile Homes</u>						
a) Parks and Subdivisions	-	-	-	-	P	1
6. <u>Open Space</u> , including playgrounds, tot lots and similar uses, buffer strips, public reserves and walkways	P	P	P	P	P	20
7. <u>Planned Unit Development and Bare Land Unit Condominiums (See 8.2)</u>	C	C	C	C	C	20
8. <u>Public Works</u>	P	P	P	P	P	20
9. <u>Temporary Uses, Buildings and Structures (See 8.4)</u>	P	P	P	P	P	20
10. <u>Retail Business/Services</u>	C	C	C	C	C	9
11. <u>Eating and Drinking Places, except Drive-in and Drive-through Establishments</u>	C	C	C	C	C	11

¹Freestanding towers not allowed in residential zones; antennas not to exceed 5' above roofline unless conditional use approved.

²Refer to clause 8.1.2 (d) regarding main buildings being built prior to accessory buildings.

³Except within the "RMH" Zone, modular homes must not exceed a length to width or width to length ratio of 2.1. Minor adjustment to this ratio may be granted by Council through the conditional use approval process.

⁴Seniors' Homes

⁵Secondary Suites are accessory to single-family detached homes and cannot be contained within a duplex or any type of multi-family building.

TABLE 3-2: RESIDENTIAL BULK TABLE

ZONES	PERMITTED OR CONDITIONAL USES	MINIMUM REQUIREMENTS							MAXIMUM REQUIREMENTS	
		SITE		YARD ¹				Dwelling Unit Area (ft ²)	Site Coverage %	Building Height (ft) (See 8.5)
		Area (ft ²)	Width (ft)	Front (ft)	Side (ft)		Rear (ft)			
Interior	Corner									
RS-U	Open Space, Public Works & Temporary Uses ²	-	-	-	-	-	-	-	-	-
	Single-Family Dwellings & Other "RS-U" Uses ³	15000	75	30	12	15	25	800	30	30
	Accessory Buildings & Uses	-	-	30	12	15	2 ⁴	-	20	15
RS-5	Open Space, Public Works & Temporary Uses ²	-	-	-	-	-	-	-	-	-
	Single Family Dwellings & Other "RS-5" Uses ³	5000	50 ⁵	30	5 ^{6,7}	10 ⁸	25	800	50	30
	Accessory Buildings & Uses	-	-	30	5 ^{6,9}	10 ⁸	2 ⁴	-	20	15
RS-6	Open Space, Public Works & Temporary Uses ²	-	-	-	-	-	-	-	-	-
	Single-Family Dwellings & Other "RS-6" Uses ³	6000 ¹¹	60 ⁵	30	5 ^{6,7}	10 ⁸	25	800	50	30
	Accessory Buildings & Uses	-	-	30	5 ^{6,9}	10 ⁸	2 ⁴	-	20	15
RT	Open Space, Public Works & Temporary Uses ²	-	-	-	-	-	-	-	-	-
	Two-Family Dwellings	6500	65 ⁵	30	5 ^{6,10}	10 ⁸	25	800	50	30
	Other "RT" Uses ³	6500	65	30	5 ⁷	10 ⁸	25	-	50	30
	Accessory Buildings & Uses	-	-	30	5 ^{6,9}	10 ⁸	2 ⁴	-	20	15

TABLE 3-2: RESIDENTIAL BULK TABLE

ZONES	PERMITTED OR CONDITIONAL USES	MINIMUM REQUIREMENTS						MAXIMUM REQUIREMENTS		
		SITE		YARD ¹				Dwelling Unit Area (ft ²)	Site Coverage %	Building Height (ft) (See 8.5)
		Area (ft ²)	Width (ft)	Front (ft)	Side (ft)		Rear (ft)			
Interior	Corner									
RM	Open Space, Public Works & Temporary Uses ²	-	-	-	-	-	-	-	-	-
	Multiple Family Dwellings	9000 ¹¹	70	30	8 ¹²	15 ¹²	25	400	60	45
	Other "RM" Uses ³	9000	70	30	8 ⁷	15	25	800	50	30
	Accessory Buildings & Uses	-	-	30	8 ⁹	15	2 ⁴	-	10	15
RMH	Mobile Home Parks (See 3.2)	-	-	-	-	-	-	-	-	-
	Mobile Homes in RMH Subdivisions	5000	50	15	7 ⁴	10	15	400	50	15
	Other "RMH" Uses ³	-	-	-	-	-	-	-	-	-
	Accessory Buildings & Uses	-	-	15	5 ⁹	10	2 ⁴	-	10	-

¹See 8.3 for Yard Requirements.

²See 8.4 for Temporary Buildings.

³See 8.2 for Planned Unit Development and Bare Land Unit Condominiums.

⁴Except for outdoor pools and hot tubs which shall be located a minimum of five (5) feet from any site line. See 8.1.5 for requirements for outdoor pools and hot tubs.

⁵Minimum site width reduced to twenty-five (25) feet for semidetached dwellings and bare land condominiums that share a common party wall located on a side site line.

⁶Interior minimum side yard setback reduced to zero (0) feet on the side of the party wall, for semidetached dwellings, bare land condominiums, and associated accessory buildings that share a common party wall located on a side site line.

⁷When no public lane is located at the rear of the site and no garage or carport is attached to the side of a dwelling, one side yard shall be a minimum of ten (10) feet.

⁸In the case of a reversed corner site, the side yard on the street side of the reversed corner shall be increased to a minimum of fifteen (15) feet.

⁹Where an accessory building is to the rear of the main building the side yard may be reduced to two (2) feet if it does not abut a front yard.

¹⁰Where no public lane is located at the rear of the site and no garages or carports are attached to the sides of the dwelling, the interior side yards shall be a minimum of ten (10) feet.

¹¹Plus one thousand (1,000) square feet for each dwelling unit in excess of 3.

¹²One-half (1/2) the height of the building whichever is greater.

3.2 MOBILE HOME PARK REGULATIONS

3.2.1 Mobile Home Parks

- (a) The minimum area dimensions and setback requirements for mobile home park developments are outlined in TABLE 3-3: "MOBILE HOME PARK REQUIREMENTS".
- (b) No mobile home park shall be established or expanded without the approval of Council. Scaled and dimensioned plans of the mobile home park shall be submitted to Council for approval and shall show mobile home spaces, internal roads and walkways, buffers, storage areas, recreation areas, drainage, sewer and water services.
- (c) All mobile home parks shall provide:
 - (i) A central open space area equivalent to two hundred (200) square feet per mobile home space or twenty-four hundred (2,400) square feet, whichever is greater;
 - (ii) A suitably designed and landscaped minimum twenty (20) feet wide buffer strip along any boundary adjacent to a public right-of-way or another zone boundary;
 - (iii) The buffer area may be crossed by an access right-of-way a minimum of fifty (50) feet containing a concrete or asphalt driveway a minimum of twenty-four (24) feet in width from a street to the internal road system;
 - (iv) An all weather surface internal roadway to serve all mobile homes with a minimum twenty-four (24) feet wide driving surface and forty (40) feet total width;
 - (v) One (1) parking space on each mobile home space;
 - (vi) Storage of refuse and garbage in a sanitary manner at a location readily accessible to all mobile homes but not more than five hundred (500) feet from any mobile home;
 - (vii) Illumination of all roadways and walkways to standards approved by Council; and
 - (viii) Clear marking of the boundaries of each mobile home space and identification of each space by a numbered sign.

TABLE 3-3: MOBILE HOME PARK REQUIREMENTS

Site Area, Minimum for Mobile Home Park	40,000 sq ft
Site Width, Minimum for Mobile Home Park	200 ft
Maximum Density	10 mobile homes per gross acre
Minimum area of each Mobile Home Space	4,000 sq ft
Minimum width of each Mobile Home Space	40 ft
Minimum depth of each Mobile Home Space	90 ft
Minimum side-to-side clearance between Mobile Homes (porches, carports, additions and projections are considered to be part of the Mobile Home)	15 ft
Minimum end-to-end clearance between Mobile Homes	20 ft
Minimum distance from Mobile Home to roadway	10 ft
Minimum distance from Mobile Home to Public street or mobile home park boundary ¹	30 ft
Dwelling Unit Area, Minimum	400 sq ft

¹In the case of Provincial Trunk Highways and Provincial Roads, greater setbacks may be required.

3.2.2 Mobile Homes

All mobile homes to be placed on a mobile home space or a mobile home site shall:

- (a) Meet all structural standards as determined by *The Buildings and Mobile Homes Act* and amendments thereto;
- (b) Be connected to an approved sewer and water system; and
- (c) The site preparation, foundation and anchorage of mobile homes shall be in conformance with the Municipal Building By-law.

3.2.3 Accessory Buildings and Uses

- (a) The type of accessory uses, buildings and structures permitted in mobile home parks shall be as set forth in 8.1 of PART 8.
- (b) The site and other requirements for accessory uses, buildings and structures in the “RMH” Zone, as outlined in TABLE 3-2 shall apply in mobile home parks except that the requirements shall be interpreted as applying to a “mobile home space” rather than a “site”.

3.3 SECONDARY SUITE REGULATIONS

3.3.1 Bulk Regulations

- (a) Not more than one (1) Secondary Suite shall be permitted within a principal dwelling.
- (b) Attached Secondary Suites are permitted only in detached single family dwellings and the detached dwelling including the secondary suite must conform to all minimum yard requirements specified in Table 3-2.
- (c) Detached Secondary Suites are not permitted in RS-U, RS-5 and RS-6 Zones.
- (d) Secondary Suites must conform to the applicable specifications in the current National Building Code of Canada.
- (e) One additional off street parking space shall be provided for the secondary suite.
- (f) Where a secondary suite has an entrance which is separate from that of the principal dwelling, the entrance may only be located on a side or rear wall of the principal dwelling.
- (g) Dwellings containing secondary suites shall be considered a total of one (1) dwelling unit for the purposes of garbage collection bylaws.

PART 4: COMMERCIAL ZONES

4.1 INTENT AND PURPOSE

The following commercial zones are hereby established to provide sufficient land in suitable locations to meet the needs of commercial development in the Town in accordance with the policies set forth in The Swan Valley Planning District Development Plan and the following general purposes:

“CN” COMMERCIAL NEIGHBOURHOOD ZONE

This zone provides for appropriate land, characteristically small in area, either within or abutting residential zones, for the retailing of commodities and personal services to satisfy the daily household or personal needs of persons residing in the adjacent neighbourhood.

“CC” COMMERCIAL CENTRAL ZONE

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

“CH” COMMERCIAL HIGHWAY ZONE

The zone provides for appropriate land for those businesses requiring large sites, to provide for retail business and personal services adjacent to major thoroughfares to serve the traveling public. Some light industrial uses may also be appropriate.

TABLE 4-1: COMMERCIAL USE TABLE

USES: P: Permitted, C: Conditional -: Prohibited N/A: Not Applicable	COMMERCIAL ZONES			Parking Group No. (See Table 8-2)
	CN	CC	CH	
1. <u>Accessory</u> Uses, Buildings and Structures (See 8.1)	P	P	P	N/A
2. <u>Accommodation</u> a) Hotels, Motels b) Camping and Tenting Grounds c) Bed and Breakfast	- - C	P - P	P C P	4+11 20 4
3. <u>Agricultural Products</u> a) Farm and Industrial Equipment Sales and Service with Incidental assembly b) Garden Supply Sales, Greenhouses and Nurseries	- -	- P	P P	10 6
4. <u>Animals</u> a) Hospitals and Veterinary Clinics b) Kennels c) Animal Grooming, Care and Accessory Sales	- - -	- - C	P C C	13 16 10
5. <u>Auction Marts</u>, excluding livestock	-	P	P	9
6. <u>Assembly</u> a) Clubs, private i) excluding licensed premises ii) including licensed premises b) Community Halls, Libraries, Museums and similar uses c) Business Colleges, Trade or Vocational Centres d) Auditoriums and Sport Complexes e) Churches f) Casino/Gaming Enterprises g) Convention Centre	C - C - - - -	P C P P C C C C	P C C C C C C C	7/11 7/11 9/11 9/11 9/11 11/20 7/16/20 7/11/20
7. <u>Business and Government Offices and Banks</u> a) Municipal and Post Office, Police and Fire Stations and similar uses b) Business and Professional Offices, Medical and Dental Offices, Banks and similar uses	C C	P P	P P	9 9

TABLE 4-1: COMMERCIAL USE TABLE

USES: P: Permitted, C: Conditional -: Prohibited N/A: Not Applicable	COMMERCIAL ZONES			Parking Group No. (See Table 8-2)
	CN	CC	CH	
8. <u>Group and Community Day Care and Group Homes</u>	-	C	C ¹	8
9. <u>Other Retail Businesses/Services</u>				
a) Those retail uses not listed elsewhere in this Table.	-	P	P	9
b) Exterminators and Machine Shops	-	C	C	9
c) Newspaper Publishing, Funeral Homes, Radio and TV Stations, Studios and Towers	-	P	P	9/11
d) Mobile Homes and Travel Trailer Sales, Rental and Service	-	-	P	
e) Convenience Store under 1200 sq. ft. in area; if 1200 sq. ft. or greater, refer to a) above	P	P	P	6
f) Laundries, Self Service	C	P	C	8
g) Ceramic Shops with associated production	C	P	C	12
h) Small Appliance Service and Repair	-	C	C	9
	C	P	P	9
10. <u>Eating and Drinking Places, except Drive-in and Drive-through Establishments</u>	C	P	P	11
11. <u>Recreation:</u>				
a) Bowling Alleys, Recreational Clubs and Cinemas	-	P	P	11/15
b) Amusement Centres including billiards and video games	-	C	-	9
c) Miniature Golf, Driving Ranges and Pitch and Putt	-	-	P	20
d) Drive-in Theatres	-	-	C	20
12. <u>Transportation:</u>				
a) Bicycle, Motorcycle, Cart, etc., sales, rental and service	-	P	P	6/10
b) Bus Terminals, Taxi and Courier Services	-	P	P	8/16
c) Automotive:				
i) Business including tires and parts sales areas and showrooms	-	P	P	6/10/14
ii) Body Shops	-	C	P	6/10/14
iii) Gas Kiosks	C	P	P	16
iv) Service Stations	-	C	P	6/9/14
v) Towing Service	-	C	P	16

TABLE 4-1: COMMERCIAL USE TABLE

USES: P: Permitted, C: Conditional -: Prohibited N/A: Not Applicable	COMMERCIAL ZONES			Parking Group No. (See Table 8-2)
	CN	CC	CH	
12. Transportation concluded: vi) Truck Terminals ² vii) Public Works Yards viii) Auto Salvage/Wrecking Establishments	-	-	C	14
	-	-	C	16
	-	-	C	9
13. <u>Building Materials and Contractors</u> ³ a) Building Supply Stores and Contractors' Establishments when totally enclosed b) Light Industry, includes warehousing, storage and assembly when totally enclosed c) Prefabricated Building Assembly and Manufacturing	-	C	C	9
	-	C	C	9
	-	-	C	9
14. <u>Drive-in and Drive-through Establishments</u>	-	C	P	20
15. <u>Wholesale</u> , business including sales and storage	-	C	P	10
16. <u>Warehousing</u> , storage facilities for non-explosive, non-toxic and non-flammable goods excluding junk yards and automobile wrecking	-	C	C	9
17. <u>Dwellings</u> :				
a) Multiple-Family Dwellings with or without associated commercial uses	P	P	P ⁴	2
b) Senior Citizen Housing	C	P	C	3
c) Single Family Dwellings – see Table 8-1 Part C Row 9				
18. <u>Open Space</u> , including Athletic Fields, Parks, Playgrounds, Public Reserves and similar uses	P	P	P	20
19. <u>Public Works</u>	P	P	P	-
20. <u>Off-Street Parking Areas</u>	P	P	P	-
21. <u>Planned Unit Development</u> and Bare Land Condominiums (See 8.2)	-	C	C	20
22. <u>Temporary Buildings and Uses</u> (See 8.4)	P	P	P	20

¹Bylaw 1/2013 Amendment

²The temporary storage of animals in conjunction with, and not separate from, a trucking terminal on Parcel 2, Plan No. 1560 D.L.T.O. will be permitted.

³Outside storage of materials and equipment is permitted in the "CH" zone provided the storage is located to the rear of a line adjacent to and parallel with the front wall of the principal building and enclosed by a fence or wall not less than six (6) feet in height.

⁴Multiple-family dwellings will be permitted in the periphery of commercial/residential zones.

TABLE 4-2: COMMERCIAL BULK TABLE

ZONES	PERMITTED OR CONDITIONAL USES	MINIMUM REQUIREMENTS						MAXIMUM REQUIREMENTS		
		SITE		YARD ¹				Site Coverage (%)	Building Height (ft) (See 8.5)	
		Area (ft ²)	Width (ft)	Front (ft)	Side (ft)		Rear (ft)			Dwelling Unit Area (ft ²)
Interior	Corner									
CN	Open Space, Public Works, Off-Street Parking Areas & Temp. Uses (See 8.4)	-	-	-	-	-	-	-	-	-
	Other “CN” Uses ²	2500	25	30	5	10 ³	25	-	60	30
	Accessory Buildings & Uses ⁴	-	-	30	2	5	5	-	10	15
CC	Open Space, Public Works, Off-Street Parking Area & Temp. Uses (See 8.4)	-	-	-	-	-	-	-	-	-
	Transportation, Building Materials & Contractors, Drive-In Establishments, Wholesale & Warehousing Uses	15000	150	0	0 ⁵	20	20	-	-	30
	Multiple-Family Dwellings with or without Commercial Uses	10000 ⁶	100	20 ⁷	15	20	25	400	50	30
	Other “CC” Uses ²	1500	15	0	0 ⁵	0	20	-	95	30
	Accessory Buildings & Uses ⁴	-	-	0	0 ⁵	0	5	-	10	15
CH	Open Space, Public Works, Off-Street Parking Areas & Temp. Uses (See 8.4)	-	-	-	-	-	-	-	-	-
	Other “CH” Uses ²	10000	100	40	10	25	10	400	60	45
	Accessory Buildings & Uses	-	-	40 ⁸	10	25	10	-	10	15

¹See 8.3 for required yards adjacent to residential zones.

²See 8.2 for Planned Unit Developments and Bare Land Use Condominiums.

³The side yard in the street side of a reversed corner site abutting a residential zone shall be fifteen (15) feet.

⁴Except that service station fuel pumps shall be located a minimum of fifteen (15) feet from any site line.

⁵Where a side yard is provided it shall not be less than four (4) feet.

⁶Plus one thousand (1,000) square feet for each dwelling unit in excess of four (4) dwelling units.

⁷Where dwelling units are provided above the first storey of a commercial use, the required front yard may be reduced to zero (0) feet.

⁸Except that service station fuel pumps may be located thirty (30) feet from the front site line.

PART 5: INDUSTRIAL ZONES

5.1 INTENT AND PURPOSE

The following industrial zones are hereby established to provide sufficient land for a wide range of industrial and related uses in suitable locations in the Town in accordance with the provisions of The Swan Valley Planning District Development Plan and the following general purposes:

“ML” INDUSTRIAL LIGHT ZONE

This zone provides for light manufacturing and warehousing uses which carry on their operations in such a manner that no nuisance factor is created or emitted outside an enclosed building. Outside storage is permitted provided it is enclosed within a wall or other adequate screen.

“MH” INDUSTRIAL HEAVY ZONE

This zone provides for a wide range of industrial uses where a certain level of nuisance factors must be accepted as characteristic of the use. Wherever practical these are located as far as possible from residential zones and in such a way as to minimize any detrimental effect on other uses of land.

TABLE 5-1: INDUSTRIAL USE TABLE

USES: P: Permitted C: Conditional -: Prohibited N/A: Not Applicable	INDUSTRIAL ZONES		Parking Group No. (See Table 8-5)
	ML	MH	
1. <u>Accessory Uses, Buildings and Structures (See 8.1)</u>	P	P	N/A
2. <u>Agriculture</u>			
a) <u>Feed, Seed, Grain and Vegetable</u>			
i) Sales, Storage and Distribution	C	P	9/20
ii) Manufacturing and Processing	-	P	9/20
b) <u>Bulk Fuel and Chemical</u>			
i) Sales, Storage and Distribution	-	P	9/20
ii) Manufacturing	-	C	9/20
c) <u>Garden Supply, Sales, Nurseries and Greenhouses</u>	P	P	9/20
d) <u>Livestock Processing and Production</u>			
i) Abattoirs, Rendering Plants, Dead Stock Removal and Stock Yards	-	C	9/20
ii) Dairy Products and Meat Packaging and Processing, including poultry slaughtering	-	P	9/20
iii) Poultry Hatcheries	-	P	9/20
3. <u>Animals</u>			
a) Hospitals and Vet Clinics	C	P	9
b) Kennels, Pounds and Shelters	C	C	9
4. <u>Auction Marts</u>			
a) Excluding Livestock	C	P	9
b) Including Livestock	-	C	9
5. <u>Building Materials and Contractors</u>			
a) Asphalt and Asphalt Products, Brick and Tile Manufacturing	-	C	9/20
b) <u>Building Supply and Materials Sales</u>			
i) Enclosed	P	P	9/20
ii) Outside Storage	C	P	9/20
c) Concrete Plants, Cement Batching and Product Manufacturing	-	P	9/20
d) Contractors' Establishments	C	P	9/20
e) Prefabricated Building Assembly and Manufacturing	-	P	9/20
6. <u>Other Manufacturing and Assembly with associated Sales</u>			
a) Other light industry not listed elsewhere in this table including Warehousing,			

TABLE 5-1: INDUSTRIAL USE TABLE

USES: P: Permitted C: Conditional -: Prohibited N/A: Not Applicable	INDUSTRIAL ZONES		Parking Group No. (See Table 8-5)
	ML	MH	
Processing, Distribution and Storage Facilities for non-flammable, non toxic or non-explosive goods with all operations contained within an enclosed building	P	P	10
b) Other Heavy Industry not listed in this Table, including Scrap Metal and Junk Yards	-	C	10
7. <u>Offices</u> , business and professional, including laboratories, medical and dental research or testing facilities	P	P	9/13
8. <u>Retail</u> , businesses and stores	P	C	6
9. <u>Transportation</u>			
a) Automotive and Travel Trailer Assembly, Parts Manufacturing including farm implements and mobile-homes	-	P	9/14
b) Sales, Rentals and Service of, including Automotive Body Shops	C	P	9/14
c) Automobile Service Stations	P	P	9/14
d) Truck Terminals and Freight Stations	C	P	9/14
e) Public Works Yards	P	P	9/14
f) Automobile Wrecking	-	C	16
10. <u>Public Works</u>	P	P	20
11. <u>Planned Unit Development and Bare Land Unit Condominiums (See 8.2)</u>	C	C	20
12. <u>Temporary Buildings, Structures and Uses (See 8.4)</u>	P	P	20

TABLE 5-2: INDUSTRIAL BULK TABLE

		MINIMUM REQUIREMENTS						MAXIMUM REQUIREMENTS	
ZONES	PERMITTED OR CONDITIONAL USES	SITE		YARD ¹				Site Coverage (%)	Building Height (ft) (See 10.5)
		Area (ft ²)	Width (ft)	Front (ft)	Side (ft)		Rear (ft)		
					Interior	Corner			
ML	Public Works & Temporary Uses (See 8.4)	-	-	-	-	-	-	-	-
	Accessory Buildings & Uses	-	-	20	10 ²	15	10 ²	10	30
	Other “ML” Uses ³	10,000	100	20	10	15	10	80	45
MH	Public Works & Temporary Uses (See 8.4)	-	-	-	-	-	-	-	-
	Accessory Buildings & Uses	-	-	25	10 ²	15	10 ²	10	30
	Other “MH” Uses ³	20,000	100	25	10	15	10	80	45

¹ See 8.3 for required yards adjacent to residential zones.

² Except that service station pumps shall be located in minimum of fifteen (15) feet from any site line.

³ See 8.2 for Planned Unit Developments and Bare Land Unit Condominiums.

5.2 INDUSTRIAL DEVELOPMENT STANDARDS

The development of a site in an industrial zone shall conform with the standards outlined in 5.2.1 and 5.2.2 below, as applicable. Council may require further performance and development standards, as necessary, through the Conditional Use procedures under 9.8 of PART 9, and by virtue of a development agreement under 9.9 of PART 9.

5.2.1 “ML” – INDUSTRIAL LIGHT ZONE

- (a) In the “ML” Zone, all production operations shall be conducted entirely within an enclosed building; and
- (b) Outside storage of goods and materials may be permitted provided:
 - i) the storage is located to the rear of a line adjacent to and parallel with the front wall of the building;
 - ii) the storage shall not project above the height of a wall or fence; and
 - iii) a wall or fence shall be maintained in good condition and repair.

5.2.2 “MH” – INDUSTRIAL HEAVY ZONE

- (a) In the “MH” Zone, the total area of outside operations and storage shall not be greater than seventy-five percent (75%) of the total site area. Outside operations and storage are not permitted in the required front yard; and
- (b) Where a fence is required, outside storage shall not project above the height of the fence.

5.2.3 LANDSCAPING AND MAINTENANCE

All portions of a site except those used for buildings, trucking, loading and for storage purposes shall be landscaped and maintained in good condition.

PART 6: INSTITUTIONAL OPEN SPACE/RECREATIONAL AND AGRICULTURAL URBAN RESERVE ZONES

6.1 INTENT AND PURPOSE

The following zones are hereby established to accommodate various open space, recreational and limited agricultural uses within the Town in accordance with the provisions of The Swan Valley Planning District Development Plan and the following general purposes:

“I” INSTITUTIONAL ZONE

This zone provides areas for concentrations of governmental, educational, institutional and similar public or semi-public uses.

“OR” OPEN SPACE/RECREATIONAL ZONE

This zone provides areas for public parks and recreational purposes and for the conservation of undeveloped scenic or hazard lands, lands buffering different types of land use and major utility rights-of-way that have an open space character.

“AUR” AGRICULTURE URBAN RESERVE ZONE

This zone provides for the continuation of non-intensive agricultural and agricultural related and open space uses in such a manner as to facilitate the orderly expansion of the Town.

TABLE 6-1: INSTITUTIONAL OPEN SPACE/RECREATIONAL AND AGRICULTURAL URBAN RESERVE USE TABLE

USES: P: Permitted, C: Conditional -: Prohibited N/A: Not Applicable	ZONES			Parking Group No. (See Table 8-2)
	I	OR	AUR	
1. <u>Accessory</u> Uses, Buildings and Structures (See 8.1)	P	P	P	N/A
2. <u>Agriculture</u> a) Cropping	-	-	P	N/A
b) Specialized Agriculture including nurseries and greenhouses, Landscape Gardeners including storage of top soil and sod	-	-	C	10/16

TABLE 6-1: INSTITUTIONAL OPEN SPACE/RECREATIONAL AND AGRICULTURAL URBAN RESERVE USE TABLE

USES: P: Permitted, C: Conditional -: Prohibited N/A: Not Applicable	ZONES			Parking Group No. (See Table 8-2)
	I	OR	AUR	
3. <u>Assembly</u> a) Art Centres, Galleries, Concert Halls, Libraries and Museums	P	P	-	9/11/20
b) Auditoriums, Grandstands, Sports Complexes, Race Tracks, Stadiums and Community Halls	-	P	C	9/11/20
c) Agricultural Exhibition Grounds and Buildings	-	P	C	9/11/20
4. <u>Government Offices</u> a) Administration Buildings and Offices, including Municipal, Police, Fire and similar uses	P	-	-	9/16
b) Water and Sewage Treatment Plants, Lagoons and Public Works Yards	-		C	9/16
5. <u>Hospitals</u> , including Clinics, Dormitories, Residences for Staff	P	-	-	4
6. <u>Mineral Extraction</u> , Operations for Clay, Gravel or Sand including crushing, screening, washing and processing	-	-	C	16
7. <u>Radio, Television and Communication Towers</u>	C	-	P	20
8. <u>Recreation</u> a) Athletic Camps and Recreational Clubs; Public Swimming and Wading Pools; Golf Courses, Driving Ranges and Miniature Golf, Curling, Indoor Skating and Hockey Rinks; and Amphitheatres	-	P	C	20
b) Tennis and similar courts, outdoor	C	P	C	20
c) Horticultural and Zoological Gardens and Artificial Lakes	P	P	P	20
d) Gun Ranges, Riding Academies and Stables	-	C	C	20

TABLE 6-1: INSTITUTIONAL OPEN SPACE/RECREATIONAL AND AGRICULTURAL URBAN RESERVE USE TABLE

USES: P: Permitted, C: Conditional -: Prohibited N/A: Not Applicable	ZONES			Parking Group No. (See Table 8-2)
	I	OR	AUR	
8. concluded				
e) Camping and Tenting Grounds, Recreational Concession Stands and Amusement Parks	-	C	C	20
f) Eating and Drinking Places	C	C	C	20
9. <u>Religious</u>				
a) Institutions, Churches and Associated Residential Schools	P	-	-	11/20
b) Funeral Homes, Cemeteries and Crematoria	P	-	P	11/20
10. <u>Schools</u>				
a) Colleges, Professional Schools including associated staff and student residences and dormitories	P	-	C	19 Elementary
b) Elementary, Junior High and High Schools	P	-	-	17 Jr. High/High
c) Group Day Care, Nursery Schools	P	-	C	18 8
11. <u>Dwellings</u>				
a) Farmstead Dwellings	-	-	P	1
b) Residential Care Facilities, Senior Citizen Homes and similar uses	P	-	C	5
c) Group Homes	P	-	C	5
12. <u>Open Space</u> , including Athletic fields, Picnic areas, Tot Lots, Playgrounds, Outdoor Skating Rinks, Buffer Strips, Public Reserves, Walkways and similar uses	P	P	P	20
13. <u>Public Works</u>	P	P	P	20
14. <u>Planned Unit Development and Bare Land Unit Condominiums</u> (See 8.2)	C	C	C	20
15. <u>Temporary Buildings, Structures and Uses</u> (See 8.4)	P	P	P	20

TABLE 6-2: INSTITUTIONAL OPEN SPACE/RECREATIONAL AND AGRICULTURAL URBAN RESERVE BULK TABLE

ZONES	PERMITTED OR CONDITIONAL USES	MINIMUM REQUIREMENTS						MAXIMUM REQUIREMENTS		
		SITE		YARD ¹				Dwelling Unit Area (ft ²)	Site Coverage %	Building Height (ft) (See 8.5)
		Area (ft ²)	Width (ft)	Front (ft)	Side (ft)		Rear (ft)			
Interior	Corner									
I	Open Space, Public Works & Temporary Uses (See 8.4)	-	-	-	-	-	-	-	-	-
	Residential Care Facilities, Seniors and Group Homes	8000	60	25	5	10	25	²	40	40
	Other "I" Uses ¹	20000	200	25	15	15	25	-	60	40
	Accessory Buildings & Uses	-	-	25	2	10	2	-	10	³
AUR	Open Space, Public Works & Temporary Uses (See 8.4)	-	-	-	-	-	-	-	-	-
	Agriculture	20 acres	600	125	25	125	25	800	10	40
	Other "AUR" Uses ¹	5 acres	200	25	15	15	25	600	50	40
	Accessory Buildings & Uses	-	-	⁴	5	15	25	-	10	³
OR	Open Space, Public Works & Temporary Uses (See 8.4)	-	-	-	-	-	-	-	-	-
	Other "OR" Uses ¹	40000	200	25	15	15	25	-	50	40
	Accessory Buildings & Uses	-	-	25	5	15	25	-	50	³

¹See 8.2 for Planned Unit Developments and Bare Land Use Condominiums.

²One thousand two hundred (1,200) sq. ft. for a residential facility operating out of a single-family dwelling (single dwelling unit) and three hundred fifty (350) sq. ft. per dwelling unit in a multiple-family dwelling.

³The height shall not exceed the height of the principal dwelling or structure.

⁴The minimum required front yard for an accessory building shall be the same as for the principal building.

6.2 CAMPING AND TENTING GROUNDS REGULATIONS

6.2.1 The minimum site area, width, yard and other requirements for camping and tenting grounds are set forth in the Use and Bulk Tables in this By-law.

6.2.2 No person shall construct, operate or maintain a camping and tenting grounds without first having obtained conditional use approval from the Town under 9.8 of PART 9. Scaled and dimensioned plans of the camping and tenting grounds shall be submitted to Council showing the camping spaces; internal roads and walkways; playground, park and vehicle parking areas; existing and proposed buildings and structures; drainage; lighting; garbage and other storage; and proposed electrical, sewer and water services.

6.2.3 All camping and tenting grounds shall provide:

- (a) A central open space area equivalent to two hundred (200) square feet per camping space or twenty-four hundred (2,400) square feet, whichever is the greater;
- (b) An all weather surface internal roadway to serve all camping spaces with a minimum eighteen (18) foot driving surface and thirty (30) foot total width;
- (c) At least one (1) parking space on each camping space;
- (d) Storage of refuse and garbage in a sanitary manner at a location readily accessible to all camping spaces but not more than five hundred (500) feet from any camping space;
- (e) Illumination of all roadways, walkways and common service buildings to standards approved by Council;
- (f) Service buildings or structures for the common use of tenants or for the administration of the camping and tenting grounds, such as washroom/shower building, outdoor cooking areas, office or convenience store. A dwelling unit shall be permitted when contained within the same building as the administration office or store;
- (g) Clear marking of the boundaries of each camping space and identification of each space by a numbered sign; and
- (h) Utility services and on-site liquid waste storage facilities in the form of a holding tank in a suitable location for the use of tenants.

6.2.4 The following regulations shall apply to camping spaces:

Maximum Density for Spaces	8 per acre
Minimum Area of each Space	3,200 sq. ft
Minimum Width of each Space	40 ft

Attached structures or buildings such as cabanas, breezeways, summer kitchens, and similar built structures shall not be permitted on camping spaces.

PART 7: GENERAL PROVISIONS

7.1 INTENT AND PURPOSE

The general provisions of this PART are intended to apply to all zones within the Town except where otherwise stated.

7.1.1 Existing Uses, Buildings and Structures

- (a) An existing use, building or structure which is classified as a permitted use, building or structure in this By-law shall be allowed to continue to exist, and may be enlarged or expanded, may be changed to another permitted use, or may be replaced if destroyed.
 - (i) All legally erected buildings and structures existing at the effective date of this By-law are deemed to conform to the bulk requirements of the zone in which the buildings or structures are situated; and
 - (ii) The enlargement, expansion, change in use, or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of this By-law.

- (b) An existing use, building or structure which is classified as a conditional use in this By-law or amendments thereto and which legally existed at the date of adoption or amendment of this By-law shall be deemed to be an approved conditional use, building or structure and shall be allowed to continue to exist, may be changed to a permitted use, or may be replaced if destroyed provided that the replacement does not increase the intensity of the previously existing use.
 - (i) In these circumstances, the change in use or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of this By-law; and
 - (ii) Where an enlargement or expansion of such a use is proposed, it shall require the specific approval of Council, in accordance with PART 9.

- (c) An existing use, building or structure which is not classified as a permitted or conditional use, building or structure in this By-law and which legally existed at the date of adoption or amendment of this By-law shall be considered as a non-conforming use, building or structure, and shall be subject to the provisions of *The Planning Act* governing non-conformities.
 - (i) A non-conforming use shall be allowed to continue to exist, and may be changed to a permitted use;
 - (ii) A non-conforming use shall not be intensified, and shall not be changed to a different non-conforming use;

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

7.2 GENERAL SITE PROVISIONS

7.2.1 Development on Zoning Site Only

No development shall take place and no development permit shall be issued by the Development Officer, unless the development occurs on a zoning site as defined in this By-law.

7.2.2 Building Grade

No building or structure shall be erected without first submitting a grading plan to the Development Officer for approval as to grade for the building or structure to be erected, nor shall the average grade of any site be raised or lowered by six (6) inches or more without the approval of the Development Officer in accordance with 9.4 of PART 9 of this By-law. When allowing the raising or lowering of grade by six (6) inches or more, the Development Officer shall take into consideration available flood level information, street elevation, installation of services, elevation of adjacent sites, drainage, appearance and other pertinent factors.

7.2.3 Number of Buildings and Uses Permitted Per Site

There shall be only one main building or one main use on a zoning site, except as provided in 8.2 of PART 8 of this By-law. For example, a residential zoning site shall contain only one (1) single-family dwelling or one (1) two-family dwelling and their accessory buildings, structures and uses.

7.2.4 Subdividing Land

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

7.2.5 Compliance with Bulk Requirements

- (a) Except as otherwise provided herein, the owner shall maintain the minimum site area, site width, site depth, yards and other open spaces required for any use in any zone. Furthermore, the minimum site area, site width, site depth, yard and open space allocated to a use as required by this By-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the minimum site area, site width, site depth, yards or other open space requirements for any other use.
- (b) No building or structure shall be added to, altered, enlarged, or reconstructed, and no site shall be reduced in area or yard requirements if such addition, reconstruction, enlargement, reduction or alteration will cause violation of any provision of this By-law.
- (c) A site area, site width, site depth, or required yard reduced below the minimum requirements of this By-law by virtue of a public works, shall be deemed to conform to the requirements of this By-law.

7.2.6 Connecting to Municipal Services

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

7.2.7 Relocation of Buildings or Structures

No building or structure shall be moved or relocated in whole or in part to any other location unless every portion of the building or structure is made to conform to all the requirements and regulations of this by-law and the Town of Swan River Building By-law and as approved by Council.

7.3 DEVELOPMENT RESTRICTED

7.3.1 Land Unsuitable for Development

Notwithstanding the provisions contained in this By-law and 7.4 of this PART, the Council may prohibit or restrict the development of an area of land for a use permitted in any zone if the area has been identified either by Council or other agencies as a flood risk area or as being subject to erosion, bank instability, landslide, subsidence, marshy or unstable, or otherwise hazardous or unsuitable for the proposed development and use by virtue of its soil or topography.

7.3.2 Noxious or Offensive Uses

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

7.3.3 Dwelling Setback from Waste Disposal Grounds and Lagoons

No dwelling shall be located within one thousand three hundred twelve (1,312) feet of the boundary of any active or inactive waste disposal ground or one thousand five hundred (1,500) feet of a sewage lagoon established by The Town of Swan River, except for development of existing residential sites within The Town of Swan River, unless approval has been obtained from *Manitoba Conservation*.

7.4 SWAN RIVER FLOOD RISK AREA

7.4.1 Introduction

- (a) The provisions of 7.4 herein are intended to implement the policies of The Swan Valley Planning District Development Plan with respect to the Flood Risk Area as shown on the official maps of the Canada-Manitoba Flood Damage Reduction Program; and
- (b) For the purposes of 7.4 herein, the Flood Risk Area is shown as a shaded area on the Zoning Map. The distinction between the floodway and flood fringe area has not been made on the Zoning Map. For this information, reference should be made to the flood risk maps at The Town of Swan River Municipal Office.

7.4.2 General Regulations

In addition to the requirements of PART 9 and the applicable zone requirements, the following regulations shall apply to all lands in the Swan River Flood Risk Area:

- (a) Regulations dealing with flood damage reduction and protection of the flood fringe and floodway:
 - (i) Filling shall not be allowed in the floodway;
 - (ii) Building shall not be allowed in the floodway except for buildings and structures required by all levels of government including but not limited to park structures compatible with the floodway, dykes, dams, public utility lines, pumphouses etc.;
 - (iii) Channel alteration shall not be allowed within the Swan River floodplain without consultation and advice from *Manitoba Water Stewardship*;
 - (iv) Filling and/or building shall not be allowed in the flood fringe area except as authorized by Council; and
- (b) Regulations dealing with bank stability and erosion control:
 - (i) In the flood fringe area, there shall be a minimum building setback of six (6) times the vertical height of the bank measured between the deepest point in the cross-section of the river channel and the top of the escarpment edge; and

- (ii) On the outside of bends or meanders an additional setback distance may be required at the discretion of Council.

7.4.3 Administration and Permits

- (a) All applications for development permits within the Swan River Flood Risk Area shall in the first instance be referred to the Town Engineer who shall determine:
 - (i) The location of the proposed development by reference to the official maps of the Canada-Manitoba Flood Damage Reduction Program; and
 - (ii) The type of flood protection required to comply with the intent of the Flood Reduction Program; and
- (b) Upon examining the application, one of two alternatives will be specified by the Town Engineer:
 - (i) If the proposed development is in accordance with all regulations and other conditions are favourable, the prospective developer may be instructed to proceed with his application in the normal manner after obtaining written approval from the Town Engineer;
 - (ii) If the proposed development is in accord with the intent and purpose of this special provision but is judged to be of some risk or is lacking in data, the prospective developer may be instructed to provide soil tests, survey information, engineering data, etc. before his application can be considered;
 - (iii) In cases where the proposal appears to be high risk, the applicant should be encouraged to modify or abandon his proposal;
 - (iv) The prospective developer shall be required to prove to the Council that his proposal should be approved and at his expense;
 - (v) In alternative (b)(ii), the Town Engineer will receive and analyze the data and pass his recommendations to the Council together with the application and reports submitted;
 - (vi) Given alternative (b)(ii), the Council must then rule on all applications for development based on intent and purpose of The Swan Valley Planning District Development Plan, the data submitted and the recommendations of the Town Engineer; and
 - (vii) In cases where the decision to approve or reject a proposal is contentious or where the proposed project lies within or adjacent to the floodway, *Manitoba Water Stewardship* may be contacted for advice.

7.5 PUBLIC SERVICES

7.5.1 Public Monuments and Statuary

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

7.5.2 Public Works and Services

- (a) Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any public works, as defined by this By-law, or public service such as police and fire protection provided that the requirements of such public works or public services is of a standard compatible with the adjacent area and that any building or structure erected in any zone complies with the yard and area requirements applicable to the zone.
- (b) Notwithstanding 7.5.2 (a) above, waste disposal grounds and sewage lagoons shall comply with setbacks established under Regulations to *The Environment Act*.

7.6 STREETS

7.6.1 Future and Unimproved Road Allowances

- (a) No building or structure shall be erected upon any land designated for a future road allowance by Council. Any development adjacent to said future road allowance shall comply with the requirements of this By-law as if the said future road allowance was already in existence.
- (b) No use shall be established and no building or structure shall be erected or constructed on a site or parcel of land which has frontage on an unimproved street except by Agreement with The Town of Swan River that the street will be improved to serve that use before occupation or commencement of that use.

7.7 UNIQUE SITES

7.7.1 Landlocked Sites

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

7.7.2 Through Sites

In the case of a through site, where two boundaries of the site coincide with two streets which are generally parallel, the required yards shall be determined as follows:

- (a) Where the site depth is less than two hundred (200) feet, one of the site lines shall be deemed to be a rear site line, in the judgment of the Development Officer, for the purposes of establishing a required rear yard on the site, and wherever possible, this designation shall be consistently applied among the adjoining sites; or
- (b) Where the site depth exceeds two hundred (200) feet, both site lines shall be deemed to be front site lines and the site shall have two required front yards.

7.7.3 Unconventional Sites

Where a site is of such a unique configuration that the required yards cannot be ascertained in accordance with the definitions of PART 11, the Development Officer may designate the location of the required yards. The location and required dimensions of such yards shall be consistent with the intent of the yards specified for the zone within which the site is located.

7.8 BUILDING REMOVAL

Upon completion of removal or demolition of a building from a site, the old foundation shall be removed, any excavation shall be filled, the ground shall be leveled and the site shall be put in a safe and sanitary condition to the satisfaction of the Development Officer.

7.9 BASEMENT DWELLING UNIT / SECONDARY SUITE

A basement dwelling unit / secondary suite shall comply with the provisions of this By-law, *The Buildings and Mobile Homes Act*, and any other by-law or act having jurisdiction.

7.10 MOBILE HOMES AND TRAVEL TRAILERS

All mobile homes and travel trailers to be located in The Town of Swan River shall meet all structural standards as determined by *The Buildings and Mobile Homes Act*, regulations thereunder and amendments thereto.

7.11 NUMBERING OF BUILDINGS

All main buildings must have a identifying civic address numbers on display at all times, the signs shall adhere to the following requirements:

- (a) Civic number must be placed on the front of the building or at the front of the premises on which the building stands, or in both locations.
- (b) Civic numbers must be visible from the street, legible, and be at least 10 centimeters in height.
- (c) Civic numbers must be displayed on a background colored to contrast with the color of the house number.
- (d) Civic number must be placed at least 120 centimeters above ground level.

PART 8: SPECIAL USES AND PROVISIONS

8.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

8.1.1 General

Accessory buildings, structures and uses shall be permitted on the same zoning site as the main building, structure or use subject to the provisions of this section and the Use Table and Bulk Table of the zone in which the accessory buildings, structures and uses are to be located.

8.1.2 Location and Use

Accessory buildings and structures, except as otherwise regulated in this By-law, shall be subject to the following regulations:

- (a) Where the accessory building or structure is attached to a main building or structure, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building or structure;
- (b) Detached accessory buildings or structures shall not be located closer than six (6) feet to any main building or structure;
- (c) In no instance shall an accessory building or structure be located within a dedicated easement or right-of-way;
- (d) No accessory building or structure in a residential zone, unless conditional use approved, shall be erected prior to the erection of the main building or structure except where it is necessary for the storage of the tools and materials for use during construction of the main building or structure or is essential to the construction of the main building or structure;
- (e) Accessory buildings or structures shall not be used for human habitation except in the case of a permitted accessory dwelling, mobile home or dwelling unit, or in the case of temporary accommodation for a caretaker, watchman and other workers employed on the same construction site; and
- (f) No accessory building shall be located closer to the front site line than the front wall of a principal dwelling.

8.1.3 Types Permitted

Accessory buildings, structures and uses shall be limited to those listed on TABLE 8-1: Accessory Use Table, except where, in the opinion of Council, a similar accessory building, structure or use would be compatible with the character and use of the subject zone.

TABLE 8-1: ACCESSORY USE TABLE

ACCESSORY USE, BUILDING OR STRUCTURE: P: - Permitted C: - Conditional -: - Not Permitted	ZONES					
	All R	All C	All M	I	OR	AUR
A. WHEN ACCESSORY TO A DWELLING, MOBILE AND MODULAR HOME, OR DWELLING UNIT						
1. Bed and Breakfast	C	C	-	-	-	P
2. Children’s playhouse, private greenhouse, summerhouse or conservatory, private swimming pool, open or enclosed (See 8.1.5)	P	P	-	-	-	P
3. Home-based businesses (See 8.1.6)	P	P	P	P	P	P
4. Permanent Outdoor Barbeques and similar cooking facilities	P	P	-	-	-	P
5. The keeping of domestic animals, in accordance with municipal by-laws, and associated structures	P	P	-	-	-	P
6. Private garage, carport, covered patio, toolhouse, shed or similar building for storage of domestic equipment and supplies	P	P	-	-	-	P
7. Incidental outdoor storage of materials associated with a residential use	P	P	-	-	-	P
8. Miscellaneous domestic structures such as playground and sports equipment, laundry poles and platforms, flagpoles and birdhouses, pads for mechanical or electrical equipment and similar uses	P	P	-	-	-	P
B. WHEN ACCESSORY TO ALL USES EXCEPT AS OTHERWISE NOTED						
1. Shelterbelts, fences, hedges, lighting fixtures and similar landscape architectural features	P	P	P	P	P	P
2. Refuse/Garbage Storage Areas and Structures	P	P	P	P	P	P
3. Refuse/Garbage Dumpster to be located on concrete pad	P ¹	P	P	P	P	-
4. Off-Street Parking and Loading Areas (See 8.1.7)	P	P	P	P	P	P
5. On-Site Signs (See 8.1.8)	P	P	P	P	P	P
6. Private reception equipment such as satellite dishes,						

TABLE 8-1: ACCESSORY USE TABLE

ACCESSORY USE, BUILDING OR STRUCTURE: P: - Permitted C: - Conditional -: - Not Permitted	ZONES					
	All R	All C	All M	I	OR	AUR
(See 8.1.4) television and radio antennae, aerials and the like	P	P	P	P	P	P
7. Storage compounds, storage of goods used in or produced by activities on site unless excluded by other provisions herein	P ²	P	P	P	P	P
8. Open Space, including athletic fields, parks and areas and similar	P	P	P	P	P	P
C. WHEN ACCESSORY TO SPECIFIC USES OR IN CERTAIN ZONES AS NOTED						
1. Where municipal services are not available or feasible, private sewage disposal and water supply systems, subject to the approval of Council	P	-	P	-	P	P
2. Any building or structure, excluding dwellings and mobile homes, necessary for the operation, maintenance and administration of a permitted or conditional use	P	P	P	P	P	P
3. Production, processing, cleaning, servicing, altering, testing, repair or storage of goods normally incidental to an operation conducted by the owners	-	P	P	-	-	P
4. Retail Business/Service and Other Permitted/Conditional Commercial Uses when incidental to the main commercial or industrial use	-	P	P	-	-	-
5. Administrative and Business Offices	-	P	P	P	P	P
6. Fuel Pumps and associated structures when incidental to a Service Station	-	P	P	-	-	-
7. Sales and service areas associated with a Retail Business/Service	-	P	P	P	P	P
8. Off-site Signs (See 8.1.8)	-	C	C	-	-	C
9. Except when a dwelling is the main use, a single-family dwelling, mobile or modular home or dwelling unit for the owner/operator or for an institution/industrial site watchman or caretaker if necessary	-	P ³	P	P	-	P

¹In the “R” Residential Zones, refuse/garbage dumpsters are permitted only in the “RM” Residential Multiple-Family Zone.

²Outdoor storage compounds permitted for residential mobile home parks only.

³An accessory dwelling unit for the owner/operator is permitted only when contained within the same building as the main use provided that:

- i) no more than fifty (50%) of the total building floor area is occupied by the dwelling unit; and
- ii) the dwelling unit is not located in the front half (1/2) of the ground level floor area facing the street.

8.1.4 Parabolic Satellite Dish Antennae

Except as varied herein, satellite dish antennae and related equipment shall be accessory structures in all zones and shall be subject to the following regulations:

- (a) Satellite dish antennae located at ground level shall be located to the rear of the rear wall of the main/principal building and shall not be closer than two (2) feet to any site line. In the case of a corner side yard, no satellite dish shall be located closer than ten (10) feet to the side site line;
- (b) Satellite dish antennae are permitted on the roof of either the main/principal building or the roof of a garage but the base of the dish shall not be higher than one and one half (1.5) feet above the nearest point of the roof;
- (c) Satellite dish antennae may be mounted above ground level on a freestanding structure provided the structure and dish conform to the following:
 - i) the minimum distance from the structure to a site line is two (2) feet;
 - ii) the entire structure shall be located entirely to the rear of the rear wall of the main building; and
 - iii) the top of the dish shall not project more than three (3) feet above the highest point of the main building;
- (d) Except in all commercial and industrial zones, satellite dish antennae and related equipment shall not contain any advertising signs or devices nor shall they be illuminated;
- (e) Where an applicant can demonstrate to the satisfaction of Council that a satellite dish complying with these rules is unable to receive reception, such requirements may be varied in whole or in part by variation order, in accordance with the provisions of *The Act*, and
- (f) Satellite dish antennae with a diameter of two and one half (2.5) feet or less shall not be subject to the above regulations.

8.1.5 Private Swimming Pools and Hot Tubs

This section applies to:

- (a) Private and semi-private swimming pools, hot tubs and similar structures when accessory to a residential use;
- (b) Outdoor pools and hot tubs shall comply with yard requirements for accessory buildings, structures and uses as set forth in the relevant Bulk Table. In no case, however, shall an outdoor pool or hot tub be located closer than five (5) feet to any side or rear site line;
- (c) All outdoor pools and hot tubs shall be completely enclosed with a fence or other suitable barrier constructed or erected in accordance with the following:
 - i) it shall have a minimum height of six (6) feet including gates, which shall be self-closing and equipped with a lockable latch to prevent unauthorized entry;
 - ii) there shall be no openings other than an entry to a building or a gate and it shall be constructed so as to prevent a child from crawling under either the fence or gate;
 - iii) where other than chain link is used, the outside surface of the enclosure shall be relatively smooth so as not to provide foot or toe holds; and
 - iv) the enclosure surrounding an outdoor pool shall be maintained in good repair;
- (d) Notwithstanding the provisions of 8.3.2 of this PART, open decks and open stairways associated with outdoor pools or hot tubs may project into any side or rear yard. No part of the deck may be closer than five (5) feet to any side or rear site line;
- (e) Semi-private pools, when not located on a single-family dwelling site nor used solely by the occupants of the dwelling or their guests, are subject to the regulations governing swimming pools under *The Public Health Act*, and
- (f) Nothing in this subsection shall relieve any such structure from complying with spatial, structural, electrical, plumbing, health and safety or operational requirements contained in regulations under *The Buildings and Mobile Homes Act*, *The Public Health Act* or other applicable statutes.

8.1.6 Home-based Businesses

(a) **Location**

Subject to the issuance of a development permit, a home-based business is a *Permitted Use* or may be approved as a *Conditional Use*, as herein provided within a residential dwelling unit or mobile home or building accessory thereto in any zone subject to compliance with the following limitations and the provisions of any applicable Conditional Use Order.

(b) **Limitations**

A home-based business shall be subject to the following limitations:

- (i) Is incidental to, or secondary to, the use of the dwelling unit, dwelling, modular or mobile home;
- (ii) Any work or activity conducted on the premises in connection with the home-based business shall be carried on entirely within the residential dwelling unit or entirely within a building accessory to that dwelling unit;
- (iii) The home-based business shall be conducted solely by one or more of the residents living in the residential dwelling unit on the premises without the employment of any other person;
- (iv) No more than three hundred (300) square feet or twenty-five (25%) percent of the gross floor area, whichever is greater shall be devoted to home-based businesses in any dwelling unit, mobile home or accessory building;
- (v) In the case of retail sales or distribution, articles for sale are limited to those produced therein or articles that are produced elsewhere but are prepackaged and held on a temporary basis for distribution to customers;
- (vi) There is no exterior display, no exterior storage of materials, containers, or finished or unfinished products and no interior display visible from the outside that the principal or accessory building is being used for any other purpose than that normally associated with a dwelling, except for an identification sign as permitted under 8.1.8 (c)(v) of this PART;
- (vii) Does not by reason of emission of odour, dust, smoke, noise, gas fumes, cinders, vibrations, refuse matter or water-carried waste be allowed to become offensive or obnoxious or create a nuisance at or beyond any site line; and
- (viii) Does not cause the generation of undue traffic and congestion in the neighbourhood.

(c) **Permitted Home-Based Businesses**

The following home-based businesses are permitted provided all of the limitations contained herein are complied with:

- (i) Office or studio of an artist, musician, photographer, clergyman, salesman, professional, agent, tradesman or contractor, or person engaged in home crafts and hobbies;
- (ii) Private tutoring or lessons;
- (iii) Home day care;
- (iv) Public stenographer;

- (v) Telephone mail order or answering service;
- (vi) Hairdressers and stylists; and
- (vii) Office limited to providing a personal service and the handling of paperwork by a person authorized to practice medicine or healing such as a physician, dentist, wholistic health practitioner, massage therapist, physiotherapist, chiropractor, and the like.

(d) **Conditional Home-Based Business**

Any use not listed as a *Permitted Home-Based Business* in 8.1.6 (c) above may be approved as a Conditional Use pursuant to the provisions of *The Act*.

(e) **Bed and Breakfast**

A “Bed and Breakfast” may be approved as a Conditional Use pursuant to the provisions of *The Act* in single-family dwellings usually, but not exclusively, in a character dwelling. This business is not subject to the maximum floor area limitations set out in 8.1.6 (b)(iv) herein.

(f) **Home-Based Business Contraventions**

If a home-based business creates a situation where, in the opinion of Council:

- (i) Materials and commodities are delivered to or from the residence which are of such bulk or quantity as to require regular or frequent delivery by commercial vehicle or trailer; or
- (ii) Customers’ or clients’ vehicles are parked in such a manner or of such frequency as may be considered incompatible in the subject zone; or
- (iii) It contravenes any of the other requirements outlined in 8.1.6 herein;

it shall be considered evidence that the home-based business has become a primary business and such business shall cease in the subject zone.

8.1.7 Parking and Loading

(a) **Intent**

The parking, loading and entrance requirements are intended to promote traffic safety, avoid improper entrance ways and prevent traffic congestion caused by parking and loading on the streets.

(b) **General Provisions for Off-Street Parking**

Off-street parking spaces shall be provided and maintained in accordance with the specific requirements of the particular zone where the use is located and the following provisions:

- (i) All accessory off-street parking spaces shall be located on the same

zoning site as the use served, unless permitted by a variation order to locate elsewhere. When located on a different site, the parking lot site shall be located no further than three hundred (300) feet from the zoning site it serves. As a condition of variation, an agreement shall be entered into ensuring that the subject sites remain together for the purpose of satisfying parking requirements;

- (ii) The off-street parking spaces may be open to the sky or enclosed within a structure;
- (iii) The surface of an accessory off-street parking area and its access driveways shall be surfaced and designed in such a manner that there will be no free flow of water onto either adjacent properties or along public sidewalks. They may be paved with either asphalt, concrete or paving bricks, or suitably surfaced with gravel, crushed rock or other aggregate material in all zones except the "RM" Zone which shall be surfaced with asphalt, concrete or paving brick;
- (iv) Lighting used to illuminate an accessory off-street parking area shall be arranged so that it does not illuminate directly onto the adjoining sites, streets or lanes;
- (v) When a building is enlarged or a use is extended or changed, the accessory off-street parking spaces shall be provided for the enlargement, extension, or new use in accordance with the specific requirements of the particular zone in which the use is located;
- (vi) The accessory off-street parking spaces provided for a use shall be solely for the parking of automobiles of employees, occupants, patrons or visitors of such use, and shall not be used for major motor vehicle repair work; and
- (vii) Where a common parking area other than a driveway, abuts the "**RS**" **Residential – Single-Family Zones**, the owner or developer of the parking area shall construct and maintain a solid fence or hedge four (4) feet in height in a front yard and up to six (6) feet in height in all other yards or along any portion of the parking area boundary which abuts the said "RS" Zones.

(c) **Number of Parking Spaces Required**

Accessory off-street parking for all uses shall be provided according to TABLE 8-2: PARKING GROUP TABLE. The parking group for each use shall be identified on the Use Tables in each zone. For the purpose of computing the off-street spaces, the following shall apply:

- (i) In cases where floor area is used for determining the required number of accessory off-street parking spaces, the total floor area shall not include any area used for parking or loading within the principal building or structure and/or any area used for incidental service storage, mechanical equipment, heating systems and similar uses;

- (ii) In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating, each twenty (20) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining the accessory off-street parking;
- (iii) In cases where a place of public assembly has both fixed seats and open assembly area, the requirements shall be computed separately for each type and added together;
- (iv) In cases where movable seats or chairs are used in a place of public assembly, and a determination of seating capacity is required, said seating capacity shall be determined on a basis of one (1) seat for every six (6) square feet of assembly area;
- (v) In the “**CC**” **Commercial Central Zone**, the accessory off-street parking requirements, as provided for herein, for new or expanding permitted or conditional uses may be waived by Council where adequate public parking is available. This waiver shall not apply to multiple-family dwellings and high traffic generators such as, but not limited to, hotels, concert halls, auditoriums, large retail stores including malls and any commercial use containing fifteen thousand (15,000) square feet of floor area;
- (vi) When the computation of the number of accessory off-street parking spaces required by this By-law results in a requirement of a fractional parking space, any fraction less than one-half (1/2) of a parking space may be disregarded, whereas a fraction of one-half (1/2) or more of a parking space shall be counted as one (1) parking space;
- (vii) Where the symbol “+” appears under the Parking Group No. in the Use Tables, it shall be interpreted to mean that both listed requirements shall be added together to arrive at the number of spaces required; and
- (viii) Where the symbol “/” appears, as in “8/12”, under the Parking Group No. in the Use Tables, it shall be interpreted to mean that, after calculation of each requirement, the greater of the requirements listed shall apply, except where it is indicated that one such number only applies to a specified use.

TABLE 8-2: PARKING GROUP TABLE

Parking Group as per Use Table	Number of Parking Spaces Required
1	1 space per dwelling unit
2	1.5 space per dwelling unit
3	1 space per 4 dwelling units
4	1 space per bed
5	1 space per 3 beds
6	1 space per one thousand (1,000) square feet of retail floor area
7	1 space per one hundred (100) square feet of gross floor area
8	1 space per two hundred (200) square feet of gross floor area
9	1 space per five hundred (500) square feet of gross floor area
10	1 space per eight hundred (800) square feet of gross floor area
11	1 space per 4 seats for public use
12	1 space per 3 washing machines
13	4 spaces per dentist, doctor or veterinarian
14	3 spaces per service bay
15	5 spaces per sheet of ice or alley
16	1 space per employee
17	2 spaces per classroom
18	5 spaces per classroom
19	10 spaces per classroom
20	to be determined by Council

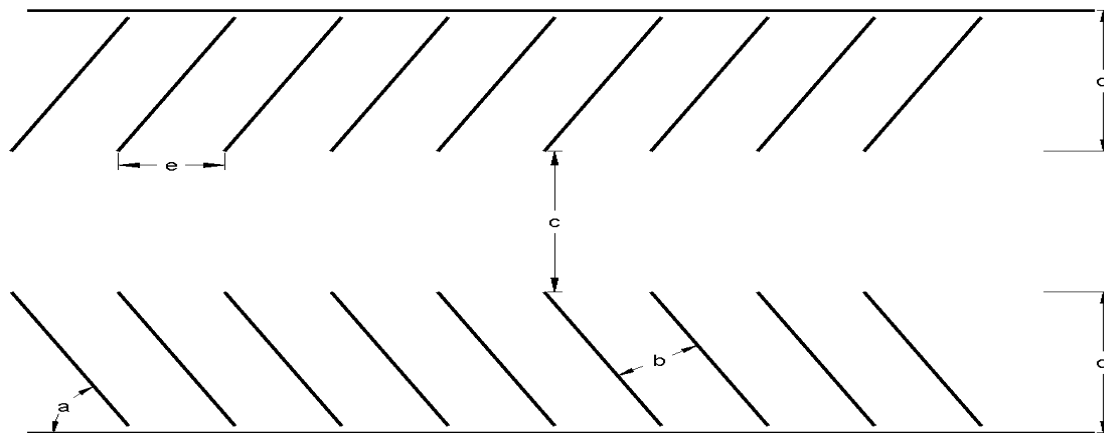
(d) **Parking Area Design**

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

- (i) The minimum dimensions for off-street accessory parking areas shall be in accordance with TABLE 8-3: PARKING AREA DIMENSIONS;
- (ii) Where access to a parking space is directly from a lane, the width of the lane adjacent to said parking space may be computed as part of the aisle width required for said parking space;
- (iii) Each parking area shall have a vertical clearance of at least seven (7) feet from floor to grade; and
- (iv) The angle of parking shall be measured between the centerline of the parking space and the centerline of the aisle. Where the angle of parking varies from that set forth in TABLE 8-3, the Development Officer shall determine which set of requirements shall apply.

TABLE 8-3: PARKING AREA DIMENSIONS

Angle of Parking (degrees)	MINIMUM REQUIREMENTS				
	Width of Stall ((ft)	Width of Aisle ((ft)	Depth Perpendicular to Aisle ((ft)	Width Parallel to Aisle ((ft)	Area Per Car (ft ²)
a	b	c	d	e	
30	9	12	15	17	363
45	9	12	18	12	292
60	9	20	20	10	292
90	9	24	20	9	274



(e) **General Provisions for Off-Street Loading**

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

- (i) Each off-street loading space shall have access to a public street or lane;
- (ii) The accessory off-street loading spaces provided for a use shall be solely for the loading and unloading of vehicles; and, except as provided in 8.1.7 (f) below, shall not be used to satisfy any accessory off-street parking requirements or portion thereof;
- (iii) When a building or structure is enlarged, or a use is extended or changed, the accessory off-street loading spaces shall be provided for the enlargement, extension or new use; and
- (iv) When the computation of the number of accessory off-street loading spaces required by this By-law results in a requirement of a fractional loading space, any fraction less than one-half (1/2) of a loading space may be disregarded, whereas a fraction of one-half (1/2) or more of a loading space shall be counted as one (1) loading space.

(f) **Loading Requirements**

Accessory off-street loading spaces shall be provided as follows:

- (i) No separate off-street loading space is required for any building having a gross floor area of less than ten thousand (10,000) square feet; however, one of the required off-street parking spaces shall also serve as an off-street loading space;
- (ii) Commercial and industrial uses which occupy a floor area larger than ten thousand (10,000) square feet shall provide for one (1) loading space; and
- (iii) Institutional and public uses including hospitals, assembly halls, clubs, lodges, government, schools and office buildings which occupy a floor area larger than ten thousand (10,000) square feet shall provide for one (1) loading space.

Where required, accessory off-street loading spaces, open or enclosed, shall conform to TABLE 8-4: MINIMUM LOADING SPACE REQUIREMENTS as follows:

TABLE 8-4: MINIMUM LOADING SPACE REQUIREMENTS

USE	Minimum Length (Feet)	Minimum Width (Feet)	Minimum Vertical Clearance from Floor or Grade (Feet)
Commercial uses, industrial uses	33	12	14
Wholesale, manufacturing or storage uses:			
a) with less than 10,000 ft ² of floor area	33	12	14
b) with 10,000 ft ² of floor area or more	50	12	14
Other permitted uses	25	10	14

NOTE: The dimensions of the accessory off-street loading spaces shall not include driveways, entrances, or exits from such accessory off-street loading spaces.

(g) Entrances and Exits

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

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

Minimum width of an entrance or exit	15 feet
Minimum width of a combined entrance and exit	25 feet
Maximum width of an entrance or exit	25 feet
Maximum width of a combined entrance and exit	35 feet

Minimum distance between any part of an entrance, exit or combined entrance and exit, and the intersection of street site lines or the intersection of a street site line and a side site line on a public lane
15 feet; and

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

8.1.8 Signs

The regulations herein are designed to establish a minimum control of signs as accessory structures. Such control is deemed essential to promote the health, safety, and general welfare by reducing hazards to pedestrian and vehicular traffic, and by preventing unsightly and detrimental development having a blighting influence upon residential, commercial, industrial and other uses.

(a) Sign Types

For the purpose of this By-law, signs are further categorized and defined as follows:

- (i) **“Facia or Wall Sign”** means any sign attached against the surface of, or against or within a recess in the wall, a column or other perpendicular portion of a building in a position essentially parallel to said wall, column or other perpendicular portion. A facia sign shall also mean any sign attached to the walls of two or more buildings and spanning the space between said buildings;
- (ii) **“Flashing Sign”** means an illuminated sign on which artificial light is not maintained constant in intensity and colour at all times when such sign is in use;
- (iii) **“Free-standing Sign”** means a sign supported by a vertical column or columns placed in the ground with the sign surface area above ground level;
- (iv) **“Illuminated Sign”** means a sign designed to give forth an artificial light or reflect light from an artificial source;
- (v) **“Off-Site Sign”** means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zoning site where the sign is maintained, including a billboard sign;
- (vi) **“On-Site Sign”** means a sign that identifies the business owner, resident or the street address or directs attention to a business, commodity, service or entertainment conducted, sold or offered upon the same zoning site where the sign is maintained; and
- (vii) **“Mobile Sign”** means any structure designed for transport, which is placed or maintained at one (1) particular location for the express purpose and intent of promoting or conveying an advertising message. The removal of the wheels from such a sign does not change the inherent portability which was part of the design.

(b) Sign Regulations

The following provisions shall apply to all signs erected or maintained within the Town except wherein otherwise stated:

- (i) No sign or sign structure shall be erected at any location where it may interfere with or obstruct the view of any street, intersection or railroad grade crossing, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign display;
- (ii) No sign or sign structure shall be erected or maintained on, over or above any land or right-of-way belonging to the Town unless such right is established by agreement with the Town;
- (iii) In areas adjacent to residential zones, freestanding signs shall not obstruct the light to or view from a window of a habitable room;
- (iv) The placing of signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from Manitoba Transportation and Government Services; and
- (v) All signs and sign structures shall be kept in good repair and in a proper state of preservation. Signs which have become obsolete because of discontinuance of the operation or activity or are not maintained in good condition or repair shall be repaired, removed or relocated within thirty (30) days following notice by the Development Officer.

(c) **Permit Not Required**

The following types of non-illuminated signs may be constructed without a permit; however, this shall not relieve the owner or person in control of such signs from erecting and maintaining the signs in a safe condition.

- (i) Signs posted by duly constituted public authorities in the performance of their public duties;
- (ii) Flags or emblems of a political, civic, educational or religious organization;
- (iii) Commemorative or memorial signs or tablets;
- (iv) Signs required by law, governmental order or regulation;
- (v) A residential on-site sign for advertising a home-based business not exceeding six (6) square feet and/or for identification of the resident and his address not exceeding three (3) square feet in sign surface area;
- (vi) Temporary signs including real estate signs, construction signs, election signs, and garage sale signs and the like;

- (vii) Mobile signs not exceeding thirty-five (35) square feet in sign surface area per side for the purpose of advertising a social, community, family related event or directing attention to a business provided the sign is located on the same site as the event, is set back a minimum of four (4) feet from site lines, is located a minimum of fifteen (15) feet from corner site lines of intersecting streets, is separated a minimum of sixty (60) feet from a residential area if directing attention to a business and is permitted for a period of thirty days which time may be extended by Council;
- (viii) Private signs required for direction and convenience of the public, including signs identifying restrooms or parking entrances or exits, not exceeding one and one half (1.5) square feet in sign surface area; and
- (ix) “No Trespassing” or “Private Property” and similar warning signs not exceeding three (3) square feet in sign surface area.

(d) **Signs Permitted**

Except for freestanding signs and those signs listed in 8.1.8 (c) above, all signs as accessory structures, unless otherwise noted, shall comply with the minimum yard requirements for accessory buildings, structures and uses in the zone in which they are to be located or erected.

(e) **Sign Table**

Signs and sign structures shall be permitted in accordance with TABLE 8-5: SIGN TABLE

TABLE 8-5: SIGN TABLE

Zones	Type of Signs		Style of Sign Permitted	On-Site Signs		Freestanding Signs	
	Off-Site	On-Site		Max. Sign Surface Area (ft) ²	Max. No. of Signs	Max. Height Requirements (ft)	Min. Distance to All Site Lines (ft)
All residential uses in “RS” and “RMH”	-	P	Non-illuminated, non-flashing, Facia/Wall	3	1 ¹	6	5
All uses in “RM” and Assembly Uses, and Day Care in “RS”	-	P	Non-illuminated, or illuminated, non-flashing, Facia/Wall	32	1 ²	15	5
All “C” Zones	C	P	Non-illuminated or illuminated, all types, non-flashing or flashing ³	4	4	30	5
All “M” Zones	C	P	Same as all “C” Zones	4	4	30	5
I ⁵	-	P	Non-illuminated or illuminated,	25	1 ²	15	5

TABLE 8-5: SIGN TABLE

Zones	Type of Signs		Style of Sign Permitted	On-Site Signs		Freestanding Signs	
	Off-Site	On-Site		Max. Sign Surface Area (ft) ²	Max. No. of Signs	Max. Height Requirements (ft)	Min. Distance to All Site Lines (ft)
			non-flashing, freestanding or Facia/Wall				
OR	-	P	Same as "I" Zone	25	1 ²	35	5
AUR	C	P	Same as "RS" Zone	25	1 ^{1,2}	15	5

¹One additional sign is permitted for an approved home-based business to a maximum six (6) square feet in sign surface area.

²In the case of a corner site, two (2) such signs, one facing each street, may be permitted.

³Flashing signs are not permitted within one hundred (100) feet of a residential zone boundary and flashing signs facing a residential zone boundary are not permitted within three hundred (300) feet of a residential zone boundary.

⁴No requirements in all "C" and "M" Zones.

⁵Hospitals may have such signs as are necessary to properly identify emergency entrances.

8.2 ALTERNATE FORMS OF DEVELOPMENT

8.2.1 Intent

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

8.2.2 Condominiums

Condominium developments are characterized by individual ownership of dwelling or land units and common ownership of all other property including buildings and structures or parts thereof, open space, roadways, pathways and equipment held by the condominium corporation. Such development shall be conditional uses and shall be regulated by the following provisions.

NEW CONDOMINIUM DEVELOPMENTS

- (a) In bare land unit condominium developments:
- i) Each “bare land unit” as defined in *The Condominium Act* which is delineated by horizontal land boundaries, shall be considered a “site” as defined herein for the purposes of determining site area and width, yards and other requirements;
 - ii) Those “common elements” as defined in the said *Act*, which will be ordinarily used for the passage of vehicles or pedestrians including roads, road allowances, streets and lanes but not including pedestrian walkways or off-street vehicle parking areas, shall be considered:
 - a “street” as defined herein where such thoroughfare is over thirty-three (33) feet in width;
 - a “lane” as defined herein where such thoroughfare is not over thirty-three (33) feet in width; and
 - iii) The provisions of the Use Table and Bulk Table for the zone in which the development is to be located and all other regulations and requirements of this By-law shall apply.
- (b) In condominium developments where the individual dwelling units within a building form the condominium units, the development shall be considered as a multiple-family dwelling. That is, the individual condominium units within the building shall be considered as dwelling units within a multiple-family dwelling (apartment block or townhouse) for the purposes of this By-law, and the building containing the condominium units shall be considered as a multiple-family dwelling for the purposes of site, yard, height, etc. requirements.

CONDOMINIUMS AS PLANNED UNIT DEVELOPMENTS

- (c) Condominium Development which propose a mixture of different land uses, or which do not conform to the requirements of this By-law may be deemed by Council, a Planned Unit Development and shall be subject to 8.2.3 below.

8.2.3 Planned Unit Developments

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

- comprehensive redevelopment – mixed use projects in downtown areas;

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

Planned Unit Developments are listed as conditional uses in appropriate zones and shall be subject to the following requirements:

- (a) The Use Table and Bulk Table of each specific zone shall not directly apply to Planned Unit Developments. The design, however, shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards of amenity, open spaces, building separation, parking and other requirements and provisions of this By-law;
- (b) An application for the establishment of a Planned Unit Development shall be accompanied by the following information:
 - (i) those requirements for conditional use application and approval as outlined in 9.8 of PART 9; and
 - (ii) those requirements normally required for the issuance of a development permit as outlined in 9.6 of PART 9; and
- (c) A residential Planned Unit Development may contain two or more principal buildings subject to the following criteria:
 - (i) the minimum site area for a Planned Unit Development shall be one (1) acre;
 - (ii) side, front and rear yards equal to the requirements of the zone in which the Planned Unit Development is located, shall be maintained;
 - (iii) in no case shall buildings be closer to each other than the sum of the required yards for adjoining walls; and
 - (iv) the density of development shall not be increased by greater than ten (10%) percent of the normal density permitted in that zone.

8.2.4 Multiple Uses

This subsection provides for more than one main use, building or structure on a single site where it is reasonable to conduct such additional uses on the same site without requiring subdivision of the subject parcel. The multiple use provisions herein shall be applied to situations where, in the opinion of Council, the development is not of a magnitude to necessitate a Planned Unit Development. (see 8.2.3).

There may be more than one main use, building or structure on a single site, except in the “RS” Zones provided that:

- (a) The second or subsequent use, building or structure is a permitted or conditional use listed in the Use Table of the subject zone;
- (b) Where the second or subsequent use, building or structure:
 - i) is listed as a conditional use in the subject zone; or
 - ii) involves construction or erection of an additional main building;the conditional use provisions under 9.8 of PART 9 of this By-law shall apply; and
- (c) All provisions of this By-law relating to each main use are met.

Where a proposed second or subsequent use on a zoning site is accessory or incidental to the main use, such as an incidental commercial use contained within the same building, it shall be regulated under 8.1 of PART 8, Accessory Buildings, Structures and Uses.

8.2.5 Subdivision of Existing Attached Dwellings

A site with a two-family attached dwelling or row type dwelling located thereon may be subdivided into two or more sites provided that:

- (a) Any new side site line shall, where possible, be a straight line between the front and rear site lines, located in such a manner that the party wall of two adjacent units shall form part of the new site line;
- (b) Each site created shall have frontage on a street other than a lane;
- (c) Each site created shall provide not less than one (1) on-site parking space having access directly to either a public lane or street;
- (d) The permitted use for each site created shall be for one attached single-family dwelling unit only;
- (e) All applicable provisions of the Town of Swan River Building By-law shall be complied with; and
- (f) Notwithstanding the minimum requirements of TABLE 3-2, any new site created pursuant to this subsection shall have a minimum site area of three thousand two hundred fifty (3,250) square feet and a minimum frontage of thirty-two and one half (32.5) feet in the “RS” Zones and a minimum site area of two thousand (2,000) square feet and a minimum frontage of twenty (20) feet in the “RM” Zone. No side yard is required along a party wall.

8.3 YARDS

8.3.1 General Requirements

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

- (a) The yard requirements shall be as set forth in the Bulk Table of each zone;
- (b) Yards provided for a building or structure, existing on the effective date of this By-law or amendments thereto, shall not be further reduced if already less than the minimum requirements of the zone;
- (c) All yards and other open space required for any use shall be located on the same site as the use;
- (d) Where a site is occupied for a use and has no buildings or structures thereon, the required yards for the zone shall be provided and maintained;
- (e) Where permitted in this By-law, a building containing more than one unit with common party walls, such as a semi-detached two-family dwelling, row housing or businesses shall be considered as one (1) building occupying one (1) site for the purpose of side yard regulations; and
- (f) Minimum required yards contained in this By-law do not relieve the owner from compliance with Manitoba Transportation and Government Services or Manitoba Building Code requirements where said requirements demand greater setbacks.

8.3.2 Yard Exceptions

Where sites comprising fifty (50%) percent or more of the entire frontage of the block (excluding reversed corner sites) are developed with buildings, the average front yard depths established by such buildings shall establish the minimum front yard depths for the entire frontage of the block.

The following features and accessory buildings, structures and uses may be permitted to project into or locate in required yards:

- (a) horticultural and agricultural crops including haying and grazing fields - may project into any required yard
- (b) architectural features such as eaves, gutters, chimneys, bay windows, alcoves, awnings and canopies, fire escapes, balconies - may project five (5) feet into any yard provided said features project no closer than two (2) feet to any site line or one (1) foot for overhanging eaves and gutters for a detached accessory building located in a rear yard of a residential site

- (c) decks, porches and verandas (see 8.1.5 (d) for decks associated with pools) - may project five (5) feet into any side or rear yard minimum setback provided the structure is no closer than two (2) feet to any site line. Decks, porches or verandas in the front yard are a conditional use. The conditional approval requires the property owner to be responsible for removing and replacing any part of the structure that must be removed for a water or sewer service repair.
- (d) architectural features of an accessory building or structure located to the rear of the main building - may project no closer than two (2) feet to the side or rear site line
- (e) fences and hedges - except as provided in 8.1.7 (b)(vii) and 8.3.4 (e) of this PART may be located in any front yard to a maximum height of four (4) feet, in any side or rear yard to a maximum height of six (6) feet. The foregoing height restrictions do not apply in all "M" zones, and in the "OR" and "AUR" Zones
- (f) incidental storage of materials - shall be permitted in any required rear or side yard
- (g) landscape features such as trees, shrubs, flowers or plants - shall be permitted in any required yard provided they do not produce a hedge effect contrary to 8.3.2 (d) above
- (h) open, unenclosed and uncovered stairways attached to the main building - with a maximum three and one half (3.5) feet high railings may project ten (10) feet into any required yard but no closer than two (2) feet to any side site line
- (i) parking spaces and off-street parking and loading areas - as regulated in 8.1.7 of this PART may be located in any required yard, except as provided in 8.3.4 (c) of this PART
- (j) public recreation areas - may be located in any required yard, where a permitted use
- (k) public works equipment, cables and lines necessary for the provision of services - may be located in any required yard

- (l) compost bins, refuse garbage storage bins and similar structures - may be located in any required rear or side yard
- (m) signs - as regulated in 8.1.8 of this PART
- (n) uncovered walks, driveways, lighting fixtures and other landscape architectural features, guardrails for safety purposes around ramps and ramps for the handicapped - may be located in any required yard
- (o) unenclosed outdoor display of commodities and products normally sold on the site (i.e., vehicles, machinery, etc.) - may be located in any required yard in all "C" and "M" zones

8.3.3 Corner Alignments

Notwithstanding any provision contained in this PART, on corner sites within all "R" Zones and the "CN" and "CH" Zones and "M" Industrial Zones the following shall apply:

- (a) Corner vision triangles shall be maintained at the street corners of all sites located adjacent to street intersections. The corner vision triangle shall be a triangular area measured ten (10) feet from the street corner of the site along each site line adjacent to the street. No structure, hedge, shrub or other landscaping feature which would substantially diminish the visibility of motorists shall be allowed to exceed a height of four (4) feet within these corner vision triangles.

8.3.4 Yards Abutting Residential Zone Limits

Notwithstanding any provision of this By-law, the following special yard requirements shall apply along all Residential Zone limits;

- (a) Where a side site line in a Commercial or Industrial Zone abuts a side site line in an adjacent Residential Zone, the required front yard setback in the Residential Zone shall extend for a distance of fifty (50) feet from the zone limit into the Commercial or Industrial Zone;
- (b) A side yard of ten (10) feet in the case of a Commercial Zone and twenty-five (25) feet in the case of an Industrial Zone shall be provided along the side site line which abuts the Residential Zone.
- (c) Parking spaces within the required front yard shall not be permitted within ten (10) feet of the Residential Zone boundaries;

- (d) Where a rear site line in a Commercial or Industrial Zone abuts a side or rear site line in an adjacent Residential Zone, a rear yard of twenty-five (25) feet shall be provided along the rear site line; and
- (e) Where a yard as described in 8.3.4 (a), (b) or (d) above is provided in a Commercial or Industrial Zone, a compact hedge, row of shrubbery or a solid fence six (6) feet in height shall be provided and maintained along the site line abutting the Residential Zone limit.

8.4 TEMPORARY BUILDINGS, STRUCTURES AND USES

8.4.1 Permit Required

- (a) Buildings, structures and uses may be permitted on a temporary basis;
- (b) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by the Town of Swan River; and
- (c) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than six (6) months and may not be renewed for more than two (2) successive periods at the same location.

8.4.2 Exceptions

Notwithstanding the above provisions a development permit shall not be required for:

- (a) The use, erection or construction of temporary buildings or structures associated with a development authorized by a separate development permit for the period of construction;
- (b) Temporary signs located for a period not exceeding two (2) months unless otherwise approved by Council;
- (c) Temporary buildings, structures and uses associated with fairs, events, games, exhibitions, public markets, sales in public places, transient traders and the like provided the necessary licenses under *The Municipal Act* are obtained as required;
- (d) The placement of temporary structures accessory to a dwelling or mobile home, such as a playground and sports equipment; and
- (e) Temporary use of a residential site for purposes of a garage or yard sale.

8.4.3 Construction

Temporary buildings, structures and uses to be used in conjunction with a construction site:

- (a) Shall not exceed one thousand (1,000) square feet in floor area nor fifteen (15) feet in height;
- (b) May be used for storage of construction materials and equipment incidental to and necessary for construction;
- (c) May be used for office space for contractor or developer;
- (d) Shall not be used for human habitation, except as temporary accommodation for a caretaker, watchman or other staff; and
- (e) Shall not be detrimental to the public health, safety, convenience and general welfare.

8.5 HEIGHT EXCEPTIONS

The maximum height requirements contained in the Bulk Tables of this By-law shall not apply to limit the height of:

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

PART 9: ADMINISTRATION

9.1 ADMINISTRATION AND ENFORCEMENT

In the administration and enforcement of this By-law The Town of Swan River authorizes and directs the Board of The Swan Valley Planning District to proceed under PART 10.

9.2 RESPONSIBILITIES OF COUNCIL

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

- (a) Considering the adoption or rejection of proposed amendments to this By-law;
- (b) Considering the approval or rejection of applications for conditional use and variations;
- (c) Considering the revocation of any approved conditional use as a result of any violation by the owner of any conditions specified by Council on the conditional use order; and
- (d) Establishing a schedule of fees as provided for in 9.11 of this PART.

9.3 RESPONSIBILITIES OF THE BOARD

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

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

9.4 RESPONSIBILITIES OF THE DEVELOPMENT OFFICER

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

- (a) Receive and review applications for development permits;
- (b) Issue development permits, and otherwise administer and enforce the provisions of this By-law and *The Planning Act*, where the proposed development of land, buildings or structures conforms with this By-law, other by-laws of The Town of Swan River, and any applicable regulations of the provincial and federal governments;
- (c) Receive and process applications for amendments to this By-law, conditional use orders and variation orders;
- (d) Issue zoning memoranda and any other documents as may be necessary for the administration and enforcement of this By-law;
- (e) Allow or refuse minor variations (up to 10% of stated setback requirements) of this By-law as authorized by and in accordance with the provisions of *The Planning Act*, and
- (f) Exercise the powers of remedy and enforcement set out in PART 10 of this By-law.

9.4.2 At the direction of Council or the Board, the Development Officer shall withhold approval of an application for a development permit:

- (a) As provided for in *The Planning Act*, or
- (b) Which would result in a violation of this By-law, or any other By-law of The Town of Swan River or The Swan Valley Planning District Development Plan; or
- (c) To any person who has failed to pay any fees due and owing to The Town of Swan River or the Board under this By-law.

9.5 RESPONSIBILITIES OF THE OWNER

- (a) The owner shall be responsible for the preparation of all application forms and drawings which are required to be submitted to the Development Officer in accordance with the provisions of this By-law and *The Planning Act*;

- (b) The owner shall obtain all necessary permits and approvals which may be required by The Town of Swan River, the Board or any agencies or departments of the provincial government, prior to the commencement of construction, or the change of use of any land, building or structure;
- (c) The owner shall ensure that all work is completed in accordance with the approved application and development permit;
- (d) The owner shall obtain the written approval of the Development Officer before doing any work at variance with the approved development permit; and
- (e) The owner shall permit the Development Officer to enter any premises at any reasonable time for the purpose of administering or enforcing this By-law, and shall not molest, obstruct or interfere with the Development Officer in the discharge of his duties under this By-law.

9.6 DEVELOPMENT PERMITS

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

- (a) Subject to 9.6.2 of this PART, the erection, construction, enlargement, structural alteration or placing of a building or structure;
- (b) The establishment of a use of land or a building or structure;
- (c) The change of a use of land or a building or structure from the existing use to a use which is not a permitted use; and
- (d) The alteration or enlargement of an approved conditional use.
- (e) The installation of water wells, private sewage disposal systems and geothermal loop systems.

9.6.2 Every owner shall be required to obtain a development permit prior to the commencement of development, including the commencement of construction or relocation of any building or structure, except as provided for in 9.6.3 of this PART. The issuance of a development permit in respect of a building or structure does not affect the obligation to obtain a building permit or other permit where they are required under the building by-law for such a building or structure, nor does it relieve the owner from the responsibility of obtaining any other permit or approval that may be required by any other administrative body, including business licenses, environmental approvals, highway access and structure location approval where necessary.

9.6.3 A development permit is not required for the following:

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

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

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

9.6.4 Notwithstanding the development permit exemptions listed in 9.6.3 of this PART, all such exempted activities shall be subject to all other requirements of this By-law.

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

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

- (a) The shape and dimensions of the site to be used and built on;
- (b) The location and dimensions of existing buildings and structures and their distances from property lines;
- (c) The location and dimensions of the proposed building, structure, enlargement or alteration, including separation distances from property boundaries;
- (d) The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;
- (e) Vehicular access and utility connections;

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

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

- 9.6.8 Despite apparent compliance with this By-law, the Development Officer may refuse to issue a development permit where the proposed building, structure or use does not, to the Development Officer's knowledge, comply with The Swan Valley Planning District Development Plan, the municipal building by-law or with any other by-law.
- 9.6.9 No person shall use or occupy any land, building or structure, or erect, construct, enlarge, alter or place any building or structure, except in accordance with an approved development permit (where required), and with this By-law.
- 9.6.10 All proposed development shall be in accordance with the application and drawings submitted to and approved by the Development Officer. No work shall vary from the approved application and drawings without the prior written authorization of the Development Officer, and the owner shall ensure that all development is completed in accordance with the approved development permit.
- 9.6.11 The Development Officer may revoke a development permit
- (a) Where any information accompanying the development application is incorrect or incomplete and an existing or proposed building, structure or use is thereafter found to be in contravention of this By-law, the building by-law, or any other by-law; or
 - (b) Where the development permit was issued in error.

9.7 APPLICATION FOR AMENDMENT

- 9.7.1 An application for an amendment to this By-law, including a change to the maps, shall be made to the Development Officer by the owner or owners of the land in question, or by a person authorized in writing by them.
- 9.7.2 An application for amendment shall be accompanied by plans drawn to scale showing the following:
- (a) The shape and dimensions of the land affected;
 - (b) The location and dimensions of existing buildings and structures;
 - (c) The location and dimensions of any proposed building, structure, enlargement or alteration;
 - (d) The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;
- and shall include any other information required by the Development Officer to determine compliance with, and to provide for enforcement of, this By-law.
- 9.7.3 An application for an amendment shall be accompanied by the fee prescribed by the Board or Council.

- 9.7.4 Following such consultation, review and report (if any) as the Council deems necessary, the application shall be submitted to Council, which shall decide whether or not to start the procedures for enactment of an amendment.
- 9.7.5 On receipt of an application for amendment, Council may, prior to the hearing date prescribed under *The Planning Act*, refer the application to Manitoba Intergovernmental Affairs or any other department or agency for its review and comment.

9.8 APPLICATIONS FOR VARIANCES AND CONDITIONAL USES

- 9.8.1 An application for a variation or approval of a conditional use shall be made to the Development Officer by the owner or owners of the site, or by a person authorized in writing by them.
- 9.8.2 An application for a variation or approval of a conditional use shall be accompanied by the plans and information described in 9.6.6 of this PART.
- 9.8.3 An application for a variation or approval of a conditional use shall be accompanied by the fee prescribed by the Board or Council.
- 9.8.4 Where an application for a variation or conditional use has been submitted, a public hearing shall be held by the Council, to receive representations from any person with respect to the proposal, and notice of the public hearing shall be given as required by *The Planning Act*.
- 9.8.5 On receipt of an application for a variation or approval of a conditional use in proper form, the Town may, prior to the hearing date prescribed under *The Planning Act*, refer the application to Manitoba Intergovernmental Affairs or any other department or authority for its review and comment.
- 9.8.6 Council shall either approve or deny the variation or conditional use, and may establish conditions of approval appropriate to the circumstances, in accordance with the provisions of *The Planning Act*.
- 9.8.7 Council may subsequently revoke any approved conditional use as a consequence of any violation of conditions specified at the time of approval.
- 9.8.8 The validity of a conditional use or variation shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the approval by Council unless the approval is renewed prior to the expiry, at the discretion of Council, for an additional period not exceeding twelve (12) months.
- 9.8.9 Except as provided in 7.1.1 (b), any change in the circumstances of a conditional use shall be subject to the provisions of 9.8.1 through 9.8.8 of this PART and the provisions of *The Planning Act*.

9.9 DEVELOPMENT AGREEMENTS

- 9.9.1 In accordance with the provisions of *The Planning Act*, where an application is made for the amendment of this Zoning By-law, Council may require the owner or the person entitled to be registered as owner of the land, building, or structure to which the amendment will apply, as a condition to its enactment, to enter into a development agreement with The Town of Swan River in respect of that land as well as contiguous land owned or leased by the applicant.
- 9.9.2 Where an application is made for the subdivision of land, Council may require the owner or the person entitled to be registered as owner of the land to enter into a development agreement with The Town of Swan River, in accordance with the provisions of *The Planning Act*.
- 9.9.3 A development agreement may contain provisions with respect to the responsibilities for the provision of various services and other improvements, such as water and sewer piping, lot grading and drainage, street construction, and other matters as provided for in *The Planning Act*.

9.10 RELATION TO OTHER BY-LAWS

Whenever provisions of any by-law of The Town of Swan River or any other regulation of the Provincial or Federal Government imposes overlapping or contradictory regulations over the use of land or buildings or bulk requirements or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest regulation shall govern.

9.11 FEE SCHEDULE

- (a) The fees shall be as established by Council for any amendment, conditional use order, variation order, zoning memorandum or non-conforming use certificate to this By-law.
- (b) The Board shall by by-law establish a fee schedule for development permits and other charges to be paid by any person for services rendered by any employee of the Board.

PART 10: ENFORCEMENT

10.1 GENERAL ENFORCEMENT PROVISIONS

The provisions of *The Planning Act* shall govern any administrative proceedings related to the enforcement of this By-law.

10.2 ENTRY FOR INSPECTION AND OTHER PURPOSES

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

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

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

In an emergency or in extraordinary circumstances, the Development Officer need not give reasonable notice or enter at a reasonable time and may do the things referred to in 10.2(a) and (c) without the consent of the owner or occupant.

10.3 ORDER TO REMEDY CONTRAVENTION

If the Development Officer finds that a person is contravening this By-law or *The Planning Act*, excluding section 7.11-Numbering of buildings, the Development Officer may by written order require the person responsible for the contravention to remedy it if, in the opinion of the Development Officer, the circumstances so require.

The order may:

- (a) Direct a person to stop doing something, or to change the way in which the person is doing it;
- (b) Direct a person to take any action necessary to remedy the contravention, including the removal or demolition of a building or structure or portion thereof that has been constructed, erected or placed in contravention and, if necessary to prevent a reoccurrence of the contravention;

- (c) State a time within which the person must comply with the directions; and
- (d) State that if the person does not comply with the directions within the time stated, the Town will take the action or measure at the expense of the person.

10.4 REVIEW BY THE BOARD

- (a) A person who receives an order under 10.3 of this PART may request the Board of The Swan Valley Planning District to review the order, by written notice given within fourteen (14) days after the date the order is received.
- (b) After giving the person a reasonable opportunity to be heard, the Board may confirm, vary, substitute or cancel the order or decision.

PART 11: DEFINITIONS

11.1 RULES OF CONSTRUCTION

The following rules of construction apply to the text of this By-law.

- (a) Words, phrases and terms defined herein shall be given the defined meaning.
- (b) Words, phrases and terms not defined herein but defined in *The Act* and the building, electrical or plumbing by-laws of The Town of Swan River shall be construed as defined in such *Act* and by-laws.
- (c) Words, phrases and terms neither defined herein nor in the building, electrical or plumbing by-laws of The Town of Swan River shall be given their usual and customary meaning, except where, in the opinion of Council, the context clearly indicates a different meaning.

11.2 DEFINITIONS

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 site, 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.

“Agricultural Cropping” means the use of land for farming agricultural crops including grain, specialty and berry crops, haying and grazing fields.

Agricultural Implement Sales and Service” 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.

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

“Alteration” means a change or modification of an existing building, structure or use which does not materially 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) the addition of 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;
- (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.

“Automotive Body Shop” means a building wherein the repair and painting of vehicles takes place.

“Automobile Service Station” means a building or portion thereof and land used for supplying fuel, oil and minor accessories for automotive vehicles at retail direct to the customer, and for making minor repairs and maintenance.

“Automotive” includes any automobile, truck, motorcycle, marine vehicle, snowmobile, all terrain and other recreational vehicles.

“Automotive or Trailer Sales Area” means an open area, used for the display, sale or rental of new or used automotive vehicles or trailers, and where repairs are made they shall be done within a completely enclosed building.

“Basement” means that portion of a building which is partly underground.

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

“Board” means the Board of The Swan Valley Planning District as established under *The Planning Act*.

“Building” for the purpose of this by-law, means any structure having a roof supported by columns or walls used or intended for supporting or sheltering any use or occupancy, and includes any addition thereto or extension thereof.

“Building, Main or Principal” means a building in which is conducted the principal use of the site on which it is situated.

“Building Permit” means a document authorizing erection, placement, alteration, addition to or enlargement of a building issued pursuant to the Building By-law of the Town. A development permit issued pursuant to this By-law may include a building permit.

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

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

“Camping and Tenting Grounds” means a parcel of land planned and improved to accommodate travel trailers, tents, or other camping accommodations used for travel, recreational and vacation uses.

“Camping Space” means a space in a camping and tenting grounds for the placement of a travel trailer, tent, or other camping accommodation.

“Carport” means an attached building open on two (2) sides for the shelter of privately owned automobiles.

“Child Care Services” means the provision of care for remuneration or reward to a child apart from his or her parents or guardians for a period in any day exceeding three (3) hours but not exceeding fourteen (14) hours and includes the following:

- (a) **“Home Day Care”** means the provision of child care services in a dwelling unit to children, including the children of the owner or tenant, not over twelve (12) years of age. The number of children shall not exceed six (6) and the facility shall have access to an outdoor recreation area;
- (b) **“Group Day Care”** means the provision of child care services for more than six (6) but not more than twelve (12) children not over twelve (12) years of age in a provincially licensed facility with access to an outdoor recreation area; and
- (c) **“Community Day Care”** means the provision of child care services for more than twelve (12) children in a provincially licensed facility with access to an outdoor recreation area.

“Club, Private” means a building or portion thereof, use of which is restricted to members and the guests of members of an association incorporated under the laws of Canada or Manitoba.

“Club, Recreational” means a non-profit corporation or an association consisting of persons who are bona fide members paying annual dues, which owns or leases land or buildings or portion thereof, the use of such premises being restricted to a principal leisure or recreational activity.

“Community Hall” means a meeting place for community activities, public organizations, or recreation clubs.

“Conditional Use” means the use of land or building which may be permitted in any particular zone as provided for in this Zoning By-law.

“Convenience Food Store” means a food store intended to serve the day to day needs of the residents of the neighbourhood in which it is located.

“Council” means the Council of The Town of Swan River.

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

“Development” means:

- (a) the carrying out of the construction, erection or placing of any building, structure or excavation or other operation on, over or under land, or;
- (b) the making of any change in the use or intensity of use of any land or buildings or premises.

“Development Officer” means the officer appointed by the Council to perform the duties identified in **9.4** of **PART 9**.

“Development Permit” means a permit issued under this Zoning By-law authorizing development, and may include a building permit.

“Development Plan” means The Swan Valley Planning District Development Plan adopted by by-law and amendments thereto.

“Drive-in Establishment” means an establishment with facilities for attracting and servicing prospective customers in automotive vehicles, which are driven onto the site where the customer may or may not receive service in the vehicle, but does not include drive-in theatres.

“Drive-through Establishment” means an establishment designed or used to provide drop-off or pick-up goods or services to customers in motor vehicles on the site.

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

“Dwelling, Multiple-Family” means a building containing three (3) or more dwelling units, each unit designed for and used by one (1) family.

“Dwelling, Secondary Suite, Attached” means a self-contained accessory dwelling unit located within a permanent single-family detached dwelling (principal dwelling). The secondary suite dwelling includes cooking, eating, living, sleeping and sanitary facilities separate from the principal dwelling.

“Dwelling, Secondary Suite, Detached” means a self-contained dwelling unit that is accessory to, but not attached to a permanent single-family detached dwelling (principal dwelling). The secondary suite dwelling includes cooking, eating, living, sleeping and sanitary facilities separate from the principal dwelling.

“Dwelling, Single-Family” means a detached building designed for and used by one (1) family.

“Dwelling, Two-Family” means a detached or semi-detached building designed for and used by two (2) families.

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

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

“Family” means one or more persons occupying a dwelling unit, living together and maintaining a common household. A common household referred to above, shall be deemed to exist if all members thereof have access to all parts of the dwelling.

“Farmstead Dwelling” means a residence which, in the opinion of Council, is accessory to a farming operation.

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

“Garage” means an accessory building or portion of a principal building designed and used for the shelter or storage of one or more motor vehicles and includes a carport.

“Grade” means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Development Officer from grades established by development agreements.

“Group Home” means a residence that is licensed for the accommodation of less than nine (9) 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. Homeless shelters are classified as Residential Care Facilities.

“Home-based Business” means any occupation, trade, profession or craft carried on, in or from a dwelling unit or its accessory building for remuneration and which is clearly incidental or accessory to the principal residential use.

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

“House, Boarding, Lodging or Rooming” means a building or portion thereof, other than a hotel or motel, without cooking facilities, where lodging, or lodging and meals are provided for compensation exclusive of the proprietor and his family.

“Kennel” means any premises on which more than two (2) dogs and cats are boarded, bred, trained or cared for, in return for remuneration or are kept for the purpose of sale. A kennel shall not include a veterinary clinic, animal hospital or animal pound.

“Lane” means a thoroughfare not over thirty-three (33) feet in width in public ownership which affords only a secondary means of access to abutting sites and which is not intended for general traffic circulation.

“Light Industry” means processing and manufacturing uses, provided that they do not create unusual fire, explosion or safety hazards, noise in excess of average intensity of street and traffic noise in the area in question; they do not emit smoke, dust, dirt, toxic or offensive odours or gas and there is no production of heat or glare perceptible from any site line of the site on which the use is located.

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

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

“Mobile Home Park” means an area of land with required improvements and utilities upon which three or more mobile home spaces are provided and have been approved by the Council.

“Mobile Home Space” means a space in a mobile home park for the placement of a mobile home.

“Mobile Home Subdivision” means an area of land subdivided in accordance with **PART VI** of the *Act* to provide sites for mobile homes.

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

“Non-Conformity” means one, or a combination of two, or more of the following:

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

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

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

“Open Space” means that required portion of a zoning site at ground level, unless otherwise stated, unoccupied by principal or accessory buildings and structures and available to all the occupants of the premises and shall be useable for landscaping, recreational space and other leisure activities normally carried on outdoors.

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

“Parcel of Land” means the aggregate of all land described in any manner in a Certificate of Title.

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

“Parking Space” means a space on a parking area or zoning site for the temporary parking or storage of a vehicle.

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

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

“Planned Unit Development” means a land development project planned as an entity in accordance with a unitary site plan which permits flexibility in siting of buildings, mixture of housing types and/or land uses, useable open spaces, and the preservation of significant natural features.

“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.

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

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

“Residential Care Facility” means the use of any building or structure or part thereof, however named, which is advertised, announced or maintained for the express or implied purpose of providing lodging, meals, care and supervision or transitional services to persons not related by blood, marriage or adoption to the operator nor to each other.

“Retail Business/Service” means the use of a building, structure or site in which goods and/or personal services are sold directly to the public as opposed to the wholesale storage and disposal of such commodities and which does not have any potentially offensive or hazardous effects beyond its site lines. For the purpose of this By-law, a junk yard shall not be considered a retail business or service.

“Senior Citizen Home” means a multiple-family dwelling or a building containing individual rooms where elderly people live independent of personal care.

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

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

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

“Site” means a zoning site as defined herein unless the context indicates otherwise.

“Site Area” means the computed area contained within the site lines.

“Site, Corner” means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

“Site Coverage” means the area, measured as a percentage of the total site area, which is occupied by a principal or accessory building, or structure.

“Site Depth” means the horizontal distance between the centre points in the front and rear site lines.

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

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

“Site Lines” means as follows:

- (a) **“Front Site Line”** means that boundary of a site which is along an existing or designated street. For a corner site, the front site line shall be that which has the shortest boundary along a street, unless determined otherwise by the Development Officer;
- (b) **“Rear Site Line”** means that boundary of a site which is most nearly parallel to the front site line; and in the case of a site in which the side site lines intersect, such as a triangular site, a line ten (10) feet in length within the site, parallel to and at the maximum distance from the front site line;
- (c) **“Side Site Line”** means any boundary of a site which is not a front or rear site line;
- (d) Where the front site line is a curve, as in a cul-de-sac or curved street, the front site line shall be deemed to be formed by a straight line joining the two points where the side site lines meet the edge of the road allowance; and
- (e) Where an irregular shaped site cannot have its site lines defined by the foregoing definitions, the front, rear and side site lines shall be determined by the Development Officer.

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

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

“Site, Zoning” means a parcel of land with frontage on a street or has any lawful means of public access satisfactory to the Council and is of at least sufficient size to provide the minimum requirements of this By-law for a permitted or conditional use in a zone where it is located.

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

“Structure” means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on or below the ground and includes buildings, walls, fences, signs, wells, pipelines, transmission lines, light standards and similar items.

“Travel Trailer” (including motorized homes, tent or camping trailers and similar recreational vehicles) means a vehicle used or intended to be used as a transient living

accommodation facility for travel, recreation, business, trade, vacation and construction work which is designed for frequent moves but not for long-term residential occupancy and which:

- (a) is capable of being transported on its own chassis and running gear by towing or other means;
- (b) is placed on the chassis or body of a motor vehicle, or
- (c) forms part of a motor vehicle.

“Use” means:

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

“Use, Main or Principal” means the major or principal use conducted on a zoning site or within a building or structure.

“Wholesale” means a business establishment which sells more than fifty (50) percent of its goods and merchandise to retail and other businesses and not primarily to the public at large.

“Yard” means a part of a zoning site not occupied by the main building, structure or use.

- (a) **“Yard, required”** – means a yard extending along a site line to a depth or width (measured from the site line or wall) specified in the yard requirements for the zone in which such zoning site is located. Said yard shall not have any buildings or structures placed or uses conducted thereon except as otherwise provided for herein;
- (b) **“Yard, required front”** means a required yard extending along the full length of the front site line between the side site lines;
- (c) **“Yard, required rear”** means a required yard extending along the side site line from the required front yard to the required rear yard.
- (d) **“Yard, required side”** means a yard extending along the side site line from the required front yard to the required rear yard.
- (e) **“Yard, required corner side”** means a required side yard which adjoins a street; and
- (f) **“Yard, required interior side”** means a required 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 another building in a planned unit development;

“Zoning Memorandum” means a notice issued by the Town certifying that a building, structure, use or parcel of land complies with the provisions of this By-law.

APPENDIX "A"

ZONING MAP

Attached to

BY-LAW NO. 9/2004

Of

THE TOWN OF SWAN
RIVER

APPENDIX "B"

METRIC CONVERSION TABLE

APPENDIX "B"
METRIC CONVERSION TABLE

FEET	METRES	SQ. FEET	SQ. METRES
1.0	0.30	1.5	0.14
1.5	0.46	3	0.28
2.0	0.61	6	0.56
2.5	0.76	25	2.32
3.0	0.91	32	2.97
4.0	1.22	35	3.25
5.0	1.52	100	9.29
6.0	1.83	200	18.58
7.0	2.13	274	25.45
8.0	2.44	292	27.13
9.0	2.74	300	27.87
10.0	3.05	350	32.52
12.0	3.66	363	33.72
14.0	4.27	400	37.16
15.0	4.57	500	46.45
17.0	5.18	600	55.74
18.0	5.49	800	74.32
20.0	6.10	1000	92.90
24.0	7.32	1200	111.48
25.0	7.62	1500	139.35
30.0	9.14	2000	184.80
32.5	9.91	2400	222.96
33.0	10.06	2500	232.85
35.0	10.67	3200	297.28
40.0	12.19	3250	301.93
45.0	13.72	4000	371.60
50.0	15.24	5000	464.50
60.0	18.29	6000	557.40
65.0	19.81	6500	603.85
70.0	21.34	8000	743.20
75.0	22.86	9000	836.10
90.0	27.43	10000	929.00
100.0	30.48	15000	1393.50
125.0	38.10	20000	1858.00
150.0	45.72	30000	2787.00
200.0	60.96	40000	3716.00
300.0	91.44		
500.0	152.40		
600.0	182.88	ACRES	HECTARES
1312.0	399.90		
1500.0	457.20	1	0.40
		5	2.02
INCHES	CM	20	8.00
6	15.24		
20	50.80		