

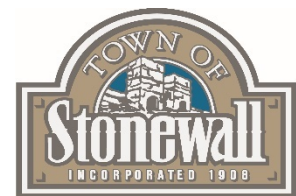


TOWN OF STONEWALL

# ZONING BY-LAW

Schedule "A" to By-law No. 06-16

January 2017  
Draft for Third Reading



*A Great Place to Call Home*

# Town of Stonewall Zoning By-law No. 06-16

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# ZONING BY-LAW GUIDE

## GENERAL

This section is intended to explain the purpose of the Zoning By-law and how it should be used. These pages do not form part of the Zoning By-law adopted by Council and are intended for convenience only.

## PURPOSE OF THIS BY-LAW

The purpose of the Zoning By-law is to regulate the use of land and buildings as well as the size, location, and character of buildings and structures in the Town of Stonewall. This By-law is prepared in accordance with Section 68 of the *Manitoba Planning Act*, which requires a Zoning By-law be generally consistent with its development plan.

The Zoning By-law must divide the municipality into zones, prescribe permitted and conditional uses of land and buildings in each zone, prescribe general development standards applicable to each zone, and establish a system of permits and procedures for the local approval of such development. Any change in the use of a property or buildings, any new buildings or structures, and any alterations to buildings and structures must be in compliance with this By-law before a development permit or building permit may be issued by the South Interlake Planning District.

An essential feature for each Zone is the list of permitted and conditional uses. A *permitted use* is a use of land or buildings that is allowed provided the proposed development meets the requirements set out in the by-law. A *conditional use* is a use of land that may be allowed under a zoning by-law. The decision whether or not to allow the use is at the discretion of the Town of Stonewall Council. In addition to the requirements set out in the by-law, a board or council can impose additional conditions on the approval of a conditional use and can require the owner to enter a *development agreement*.

## COMPONENTS OF THIS BY-LAW

This By-law (Schedule “A” of By-law No. 06-16) is divided into eight main Parts. Together they provide the land uses and standards applicable to all lands in the Town of Stonewall. Parts are as follows:

### **PART ONE – ADMINISTRATION**

Part One outlines the By-law’s scope, the identified authorities including the Designated Officer, Council and the Planning District Board, as well as provisions concerning non-conforming uses, amendments, conditional uses and variance orders. Lastly, Part One outlines provisions for permits and the enforcement of this By-law.

## **PART TWO – INTERPRETATION AND DEFINITIONS**

Part Two includes explanations regarding language and syntax, rules of measurement and various calculations such as site width. It also contains the definitions required to assist in interpreting and understanding the terms used in the By-law.

## **PART THREE – ZONES**

Part Three establishes the zones and provides descriptions of each.

## **PART FOUR – USE REGULATIONS**

Part Four outlines the various regulations and requirements set out for specific uses as they appear in all zones in Stonewall and includes the Principal, Accessory and Temporary Use Tables which indicate whether uses are permitted in specific zones.

## **PART FIVE – DESIGN AND DEVELOPMENT STANDARDS**

Part Five contains dimensional standards and general development provisions. These include area and yard requirements, yard projections, fences, screening, and landscaping standards among others. All general regulations should be reviewed in order to determine those that apply to any specific property within the Town of Stonewall.

## **PART SIX – ACCESSORY SIGNS**

Part Six outlines the regulations for all accessory signage within the Town of Stonewall.

## **PART SEVEN – PARKING AND LOADING**

Part Seven outlines the requirements for parking and loading of motor vehicles and bicycles. Spaces required, dimensional standards, and provisions for accessible parking are all included in this Part.

## **PART EIGHT – ZONING MAP**

Part Eight contains the zoning map.

# **HOW TO USE THIS BY-LAW**

In order to reference this By-law most easily, the points listed below outline how to use this By-law:

### **1. ORGANIZATION**

The provisions of this By-law have been categorized using a decimal system of numbering and have been divided into *Parts*, *Sections*, and *Clauses*. The largest categories are parts, for example Part One, or Part Two. Parts are then divided into *Sections*, and *Sub-sections*, for example Section 4.1, or Sub-section 4.1.2. Some *Sub-sections* are divided into *Clauses*, while others are further divided into *Sub-clauses*, for example *Clause 4.1.2 b.* or *Sub-clause 4.1.2 b. iv.*

### **2. THE ZONE MAP**

The map in this By-law is located in **Part Eight** toward the back. In order to determine what zone a property is located in, the map must first be referenced. Each zone is classified by a specific colour and symbol. For example, a property in a bright shade of yellow with the symbol “RS” indicates that property lies within the “Residential Single-Family Zone”.

### 3. USE REGULATIONS

**Part Four** identifies the permitted and conditional uses and their associated standards for each zone in Stonewall. All uses are listed in one of three *Use Tables* which include *Principal, Accessory and Temporary Uses*. The definitions in **Part Two** can provide assistance as to the nature of a use and how it has been defined for the purposes of this By-law.

### 4. DEVELOPMENT AND DESIGN STANDARDS

Once specific uses have been identified, **Part Five** identifies the standards for each of the zone categories in the municipality including the maximum and minimum site, yard and building areas, heights, and sizes.

**Section 3** contains a set of standards known as “General Development Regulations” that apply to all properties in all zones throughout the municipality. For example, the general regulations contain standards that regulate accessory buildings and structures, temporary structures, and yard exceptions that apply to all properties regardless of where said property is located.

### 5. ADDITIONAL STANDARDS

**Part SIX** and **SEVEN** detail the additional requirements for signs and parking, respectively that should be consulted when considering all applicable standards.

## NON-CONFORMITIES

*The Planning Act* protects existing lawful land uses that contravene a zoning by-law. The provisions on non-conformities deal with buildings, parcels and uses that do not meet the requirements of a newly enacted zoning by-law. In general, the enactment of a zoning by-law does not affect a non-conformity that was in existence when the zoning by-law was enacted, and such non-conformities are allowed to continue unchanged from their original state.

If a non-conforming building is significantly damaged, it may only be repaired or rebuilt in conformity with the zoning by-law. Under *the Act*, should the cost of repairing or rebuilding be more than 50% of the cost of constructing an equivalent new building, the existing building must be repaired or rebuilt according to the standards of the zoning by-law.

A non-conforming use is considered to be “existing” if, on the date the zoning by-law is enacted, a permit or approval has been issued by the Planning District authorizing the use of land or the intensity of the use of land. However, a non-conforming use may not be intensified or changed to another non-conforming use. Once a non-conforming use ceases for twelve (12) months, it may be considered discontinued, and must not be used except in conformity with the zoning by-law.

## VARIANCES

A zoning by-law may not always be able to adequately deal with the unusual or unique conditions of specific properties or developments. A variance allows a board or council to vary the application of the zoning by-law as it affects a property.

*The Act* stipulates that a variance for a change of use of land can only be approved if it is a use that is substantially similar to a use that is permitted under the zoning by-law, or a temporary change of land use for a period of not more than five (5) years. A variance will not be approved if it would allow a use or structure that would not be in keeping with the types of uses or structures in the area. Variances will not be approved for anything more than is necessary to deal with the adverse effects of the by-law.

A board or council may place additional conditions on a variance in order to meet the requirements as laid out in *the Act*. As well, a board or council may require the property owner to enter into a *development agreement*.

The Designated Officer may approve *minor variances* to vary any height, distance, area, size, intensity of use, or parking space requirement in the zoning by-law by no more than ten percent (10%). No notice or hearing is required on an application for a minor variance.

## CONDITIONAL USES

A *conditional use* is a use of land or buildings that may be allowed under a zoning by-law. Such uses may or may not be acceptable in a zone depending on the particular circumstances of the proposed development. A board or council may consider it appropriate to impose conditions on the proposed use in order to ensure that it will be acceptable at the proposed location in the zone.

In order for a *conditional use* to be approved, a board or council must use its discretion in applying the zoning by-law as it affects a specific property. A *conditional use* can also affect neighbouring properties, as such, public notice of the application and a public hearing must be created to receive representations on the proposed use as per section 169 of the *Planning Act*.

## BY-LAW AMENDMENTS

Either a board, council or a property owner can initiate an amendment to a zoning by-law at any time. The process for such an amendment can be found within the *Planning Act*. As per the *Act*, a board or council may require the owner of an effected property to enter into a *development agreement*, as a condition of amending the zoning by-law.

## PERMITS

Developments that require a permit and those that do not are both regulated by this By-law. An application for a development permit must be made to the *South Interlake Planning District*. Development permits must be accompanied by the necessary documentation, plans, drawings, or other relevant information and all appropriate fees must be paid.

# TOWN OF STONEWALL ZONING BY-LAW NO. 06-16

A By-law of the Town of Stonewall, in the Province of Manitoba, to regulate the use and development of the land within the limits of the Town of Stonewall.

**WHEREAS**, *The Planning Act* provides that a Zoning By-law must be enacted by the Council of a municipality upon the adoption of a Development Plan;

**AND WHEREAS**, pursuant to the provisions of the *Act*, the Board of the South Interlake Planning District has, by By-law, adopted the *South Interlake Planning District Development Plan*;

**AND WHEREAS**, it is deemed desirable and expedient to repeal By-law No. 35/91, and all amendments thereto and substitute therewith a new Zoning By-law;

**NOW THEREFORE**, the Council of the Town of Stonewall, in a meeting duly assembled, enacts as follows:

1. The Zoning By-law, attached hereto and marked as Schedule "A", is hereby adopted.
2. This By-law shall be known as the *Town of Stonewall Zoning By-law*.
3. The *Town of Stonewall Zoning By-law* shall come into full force on, from, and after the date on which it received third reading by the Council.

**DONE AND PASSED** in council duly assembled at the Town of Stonewall, Manitoba this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

**READ A FIRST TIME** this 7<sup>th</sup> day of September, 2016

**READ A SECOND TIME** this 15<sup>th</sup> day of February, 2017

**READ A THIRD TIME** this \_\_\_\_\_ day of \_\_\_\_\_, 2017

**RATIFIED** a true and correct copy of By-law No. \_\_\_\_\_ of The Town of Stonewall.

\_\_\_\_\_  
Chief Administrative Officer

Town of Stonewall





**The Town of Stonewall Zoning By-law  
Being *Schedule "A"*  
Attached to By-law No. 06-16  
of  
The Town of Stonewall**

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# PART ONE

## ADMINISTRATION

### 1.1 TITLE

This By-law shall be known as “The Town of Stonewall Zoning By-law.”

### 1.2 INTENT AND PURPOSE

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

- a. Implement the objectives and policies of the South Interlake Planning District Development Plan as it applies to the Town of Stonewall;
- b. Regulate the following:
  - i. All buildings and structures erected hereafter;
  - ii. All uses of buildings, structures, and land established hereafter;
  - iii. All structural alterations or relocations of existing buildings and structures occurring hereafter;
  - iv. All enlargements or additions to existing buildings, structures, or uses; and
  - v. The change of use of land, buildings, or structures.

### 1.3 SCOPE

This Zoning By-law shall apply to all lands within the limits of the Town of Stonewall.

### 1.4 EFFECTIVE DATE

This by-law comes into force on XXXXX XX,2017.

### 1.5 RESPONSIBLE AUTHORITY

The authority responsible for the enactment of this By-law shall be the Town of Stonewall Council (*Council*), in accordance with the provisions of *The Planning Act (The Act)*. Subject to the provisions of *The Act*, the regulations, restrictions and boundaries set forth in this By-law may, from time to time, be amended, supplemented, changed or repealed.

### 1.6 AUTHORITY AND RESPONSIBILITY OF THE DESIGNATED OFFICER

A Designated Officer shall be appointed to occupy the position according to the organizational By-law of the South Interlake Planning District Board (Board) on behalf of the Town of Stonewall.

#### 1.6.1 POWERS

The Designated Officer may:

- a. Issue a development permit where the proposed development generally conforms to the applicable provisions of the Development Plan and this By-law;
- b. Give notice of application approval or refusal in writing;
- c. Issue zoning memoranda or such other documents necessary for the administration and enforcement of this By-law; and
- d. Allow or refuse such minor variance to the requirements of this By-law as authorized by this By-law and in accordance with the provisions of *The Act*.

### **1.6.2 ENTRY FOR INSPECTION**

- a. The Designated Officer may, after giving reasonable notice to the owner or occupier of the land or building, enter at any reasonable time for the purpose of administering or enforcing this By-law in accordance with *The Act*.
- b. The Designated Officer must display or produce on request identification showing official capacity.
- c. In an emergency, or in extraordinary circumstances, the Designated Officer need not give reasonable notice or enter at a reasonable time and may undertake inspection, remedy, or enforcement activities referred to in Section 1.6.2 of this By-law without the consent of the owner or occupant.

## **1.7 RESPONSIBILITIES OF COUNCIL**

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

- a. Enactment of this By-law;
- b. Considering the adoption or rejection of proposed amendments or the repeal of this By-law;
- c. Acting as a Variance Board; and
- d. Approving or rejecting conditional use applications, and may revoke authorized conditional uses for violation of any conditions imposed by it.

## **1.8 RESPONSIBILITIES OF THE PLANNING DISTRICT BOARD**

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

- a. Administering and enforcing the provisions of the By-law;
- b. Administering and enforcing relevant provisions of *The Act*, where applicable;
- c. Establishing a schedule of fees and charges for development and building permits;
- d. Processing applications to be submitted to Council for amendments, variance orders and conditional uses, and the collection of fees.

## **1.9 DUTIES OF THE PROPERTY OWNER**

Neither the granting of a development permit nor the approval of the drawings and specifications or the inspections made by the Designated Officer shall in any way relieve the owner of the responsibility of complying with the regulations of this By-law or of any other relevant By-laws of the Town of Stonewall. Until all applicable fees and charges have been paid in full, no action need be taken by the Board or Designated Officer on any application.

## 1.10 CONFORMANCE AND PERMITS REQUIRED

- a. No person shall use any land, building, or structure within the Town of Stonewall and no person shall erect, enlarge, place or alter, in whole or in part, any building or structure within the Town of Stonewall except in conformity with the provisions of this By-law and with any development agreements, variance, conditional use approval, condition or permit issued under this By-law.
- b. Except by decision of Council, or as otherwise provided for in this By-law, no person shall change the purpose for which any site, building, or structure is used, or sever any lands from an existing site if the effect of such action is to cause the original, adjoining, remaining or new building or structure or site to be in contravention of the By-law, or increase any existing non-conformity.
- c. No person shall be deemed to have contravened any provision of this By-law by reason of the fact that any part or parts of any site has or have been conveyed to or acquired by any Public Authority.
- d. Upon request, the Designated Officer will issue a zoning memorandum that states whether or not a building, site or use appears to conform to the Zoning By-law. Application for a zoning memorandum must be in the form of and accompanied by any supporting material and fees, as required by the Planning District Board.

## 1.11 NON-CONFORMING BUILDINGS, STRUCTURES, AND USES

- a. Any lawful building, structure or use which does not conform to one or more of the applicable regulations of the zone in which it is located, either on the effective date of this By-law or amendments thereto, shall be deemed to be a lawfully existing building, structure, or use.
- b. When on or before the day on which this By-law or any By-law for the amendment of it comes into force, a development permit has been issued, and the enactment of the By-law would render the development in respect of which the permit was issued a non-conforming building, structure, site, or use, the development permit continues in effect despite the enactment of the By-law.
- c. Despite the provisions in this Section, as per *The Act*, a non-conformity may be altered by way of variance order by Council.
- d. Notwithstanding the provisions of this Section, a variance shall not be required where a non-conforming building, structure or site is being altered or changed so as not to increase the degree of non-conformity.

### 1.11.1 STRUCTURAL ALTERATIONS OR EXPANSIONS

A non-conforming building may continue to be used, but the building shall not be enlarged, added to, rebuilt or structurally altered except:

- a. As may be necessary to make building conform to this Zoning By-law; or
- b. Construction that does not increase the non-conformity or as the Designated Officer considers necessary for the routine maintenance of the building; or
- c. As may be necessary to allow the building to conform to building standards or the Manitoba Building Code.

### **1.11.2 STRUCTURAL ALTERATIONS**

Pursuant to Section 89(2) of *The Act*, where Council determines that a non-conforming building or structure is damaged or destroyed more than fifty percent (50%) of its replacement value above its foundation, the said building or structure shall not be repaired or rebuilt except in conformance with this By-law or its amendments.

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

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

- a. To the exterior of the building; and
- b. To those portions of the interior of the building occupied by the non-conforming use, or in connection with an expansion of the non-conforming use.

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

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

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

### **1.11.5 DISCONTINUED NON-CONFORMING USE**

A non-conforming use of land or a non-conforming use of a building may be continued, but if that use becomes abandoned, vacant, or unoccupied, and remains vacant and unoccupied for twelve (12) consecutive months, it must not be used after that time except in conformity with the Zoning By-law.

### **1.11.6 TRANSFERENCE OF NON-CONFORMITY**

- a. A non-conforming use of part of a site shall not be extended or transferred in whole or in part to any other part of the site and no additional buildings shall be erected upon the site while the non-conforming use continues.
- b. A non-conforming use of a building shall not be extended throughout the building and the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations shall be made thereto or therein.

### **1.11.7 CHANGE OF OWNERSHIP, TENANCY OR OCCUPANCY**

The use of land or the use of a building is not affected by change of ownership, tenancy or occupancy of the land or building.

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

A non-conforming sign shall be subject to all the provisions in this Section relating to non-conformities, except as provided hereafter:

- a. A change in the subject matter represented on a sign shall not be considered a change of use; and



- b. A non-conforming sign may be structurally altered provided that such structural alteration does not result in:
  - i. The creation of a new non-conformity or an increase in the degree of non-conformity; or
  - ii. An increase in the sign surface area; or
  - iii. An increase in the degree of illumination.

### **1.11.9 CERTIFICATES**

Any owner may apply to the Designated Officer for a non-conforming Certificate in accordance with the provisions of *The Act*.

## **1.12 ZONING BY-LAW AMENDMENTS**

Subject to procedures as outlined in *The Act*, and amendment to the Zoning By-law may be initiated by a resolution of intention by the Council, or by application of one or more owners of the property or their agents within the area proposed to be changed.

### **1.12.1 DECISION BY COUNCIL**

If Council approves the application, it shall proceed with the adoption of the amendment in accordance with the provision of *The Act*.

### **1.12.2 OBJECTIONS**

Anyone objecting to any amendment which has been given second reading by Council may file a further objection with the Planning District Board as required in *The Act*.

## **1.13 CONDITIONAL USES**

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

### **1.13.1 APPLICATION PROCESS AND DECISION**

An application for a conditional use shall be processed and approved or rejected in accordance with *The Act*. If warranted, Council may consider imposing conditions to ensure that the proposed development will not significantly impact the Municipality.

### **1.13.2 PUBLIC NOTICE**

Prior to consideration by Council of a conditional use application, the Designated Officer shall place a public notice in compliance with *The Act*.

### **1.13.3 EXPIRATION**

The approval of Council shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the decision, unless it is renewed at the discretion of Council for one additional period not exceeding twelve (12) months.

#### **1.13.4 EXISTING CONDITIONAL USE**

- a. Where an existing use was listed as a permitted or conditional use and is listed as a conditional use under this By-law, it shall be considered as a legally existing conditional use.
- b. Any change in a legally existing conditional use shall be subject to the provisions of this Section and the appropriate provisions of *The Act*.

#### **1.13.5 CHANGES TO ANY CONDITIONAL USE**

- a. Any change to a conditional use shall be subject to the appropriate provisions of this Section and of *The Act*.

### **1.14 VARIANCE ORDERS**

- a. An application for a variance order shall be made to the South Interlake Planning District Board and filed with the Designated Officer, and shall be in such form and accompanied by such information and fees as determined by the Designated Officer or Council.
- b. Prior to consideration by Council of a proposed variance order, the Designated Officer shall place a public notice in compliance with *The Act*.
- c. An application for a variance order shall be processed and approved or rejected in accordance with the provisions of *The Act*. As a condition of approval, Council may require that the owner/applicant enter into a development agreement with the Municipality.
- d. The approval of Council shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the decision, unless it is renewed at the discretion of Council for one additional period not exceeding twelve (12) months.

#### **1.14.1 MINOR VARIANCES**

- a. The Designated Officer may approve, with or without conditions, and in accordance with *The Act*, a minor variance not to exceed ten percent (10%) of the regulations of this By-law governing height, distance, area, size or intensity of use regulations, or the number of required parking spaces.
- b. An application for a Minor Variance does not need a public hearing as per the provisions of *The Act*.

### **1.15 SUBDIVISION**

- a. No zoning site shall hereafter be divided into sites, unless each site conforms to the regulations and standards of the Zone in which the site is located.
- b. The Town of Stonewall may, as provided in *The Act*, vary the regulations as they apply to an individual site, subject to complying with the objectives and the policies of the South Interlake Planning District Development Plan.
- c. As a condition of approval, Council may require that the owner/applicant enter into a development agreement with the Municipality.
- d. In addition to the requirements contained herein, all subdivisions shall conform to the provisions of the South Interlake Planning District Development Plan, and the provisions of *The Act*, where applicable.

## **1.16 DEVELOPMENT AGREEMENTS**

Where an application is made for the amendment of this By-law, a subdivision, a variance, or conditional use order, Council may require the applicant, as a condition to its enactment, to enter into a development agreement in respect of that land as well as contiguous land owned or leased by the applicant. The provisions of said agreement shall be in accordance with *The Act*.

## **1.17 DEVELOPMENT PERMITS**

- a. An application for a development permit shall not be reviewed until all required information has been submitted and deemed to be correct, and the appropriate fees have been paid.
- b. The Designated Officer may require an applicant to submit such additional information as is considered necessary to verify the compliance of the proposed use or development with the regulations of this By-law, such as permits from Provincial Authorities or offices.
- c. A development permit for an accessory or temporary use, building or structure cannot be issued unless a development permit for the principal use, building or structure has also been issued.
- d. The owner or agent shall obtain all necessary permits as required by the Board, Council or other government agencies.

### **1.17.1 WHEN REQUIRED**

An application for a development permit is required for the following:

- a. The erection, construction, or placement of any building, structure or sign, accessory or principal, unless otherwise stated in this By-law, including the addition, extension, alteration or conversion of any building or structure;
- b. The relocation, removal or demolition of any building or structure;
- c. The use of vacant land, buildings or structures;
- d. Temporary buildings or structures; and
- e. The change of use of land, buildings or structures.

### **1.17.2 DEVELOPMENT PERMIT NOT REQUIRED**

The following developments shall not require a development permit, however, such developments must comply with all provisions of this By-law, any other applicable By-laws of the Town, and all required provincial setbacks and/or permits:

- a. The carrying out of work or maintenance or repair to any building or structure, provided that such works do not include any form of construction.
- b. The erection, construction or the placement of gates, fences, walls, ornamental lighting or other outdoor enclosures less than 1.8 m (6 ft.) in height.
- c. The construction or maintenance of that part of a public utility placed in or upon a public utility easement;
- d. The carrying out by the Town of Stonewall of any operation for the maintenance or improvement of a public utility, including the inspection, repair or renewal thereof;

- e. The erection, placement, enlargement, non-structural alteration, relocation or use of any accessory or temporary building or structure not exceeding 11.15 m<sup>2</sup> (120 ft.<sup>2</sup>) that is normally incidental or accessory to a principal building or use;
- f. An unenclosed deck or a deck enclosed by a rail or parapet wall and an accessible ramp, all of which having a floor less than 0.61m (2 ft.) above grade unless it is attached to a principal building.
- g. Temporary tent structures less than 83.61 m<sup>2</sup> (900 ft.<sup>2</sup>) in covered area; and
- h. General landscaping and the planting or removal of trees and hedges, except where said landscaping results in a change in the average grade of the site by 0.15 m (.5 ft.) or more in height;
- i. Signs listed in Section 6.2.4, but this shall not relieve the owner or person in control of such signs from erecting and maintaining the signs in a safe and good condition.

### 1.17.3 ADDITIONAL REQUIREMENTS

In addition to the requirements of any By-law of the Town of Stonewall or any other provincial regulations, all applications for a development permit shall:

- a. Be accompanied by a plan, drawn to scale, showing the actual dimensions and shape of the site to be built upon; the exact size and location on the site of the buildings already existing, if any, and the location and dimensions of the proposed building, enlargement or structural alterations;
- b. Include such other information as may be required by the Council or Board, including existing or proposed building or structural alterations; existing or proposed use of the building and land; the number and location of vehicle parking spaces and loading spaces; the number of families, dwelling units or rental units the building is designed to accommodate; conditions existing on the site; copies of relevant land titles, easements, caveats; a surveyor's certificate prepared by a Manitoba Land Surveyor or such other matters as may be necessary to determine conformance with and provide for the enforcement of this By-law; and
- c. No person shall erect, locate, repair, use, or occupy any building, land, or structure contrary to any development permit or the material furnished in support of the application.

## 1.18 BUILDING PERMITS

- a. Unless otherwise provided for herein, building permits issued prior to the effective date of this By-law shall be considered valid for the purpose of this By-law provided all the conditions under which the permit was issued are complied with.
- b. No building or structure shall be moved in whole or in part to any location unless every portion of the building or structure is made to conform to the regulations of this By-law applying to the zone in which it is located or where a variance order has been issued pursuant to the provisions of *The Act*.

## 1.19 SITE USAGE

Except where otherwise provided for in this By-law (e.g. planned unit development, multiple-family units, additional dwelling allowed as an accessory use), there shall be only one (1) main building or one (1) main use on a zoning site. Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is conflict such as

in the case of a site area and frontage, the higher or more stringent standard shall prevail, except where otherwise approved by Council.

## **1.20 CHANGE OF USE, ALTERATION AND ADDITIONS TO BUILDINGS**

The purpose for which any land or building is used shall not be changed, no new building shall be erected, and no existing building shall be added to or altered, if the effect of such change, erection, addition, or alteration is to create a situation contrary to the requirement of this By-law, unless permitted by a variation order in accordance with the provisions of *The Act*.

## **1.21 BUILDING LOT GRADES**

No building or structure shall be erected without first obtaining from the Designated Officer written instructions as to the grade for the building or structures to be erected, which shall be in accordance with the Town of Stonewall Lot Grade By-law. It shall be the continuing obligation of the property owner to maintain building grades for adequate site drainage and to ensure that the level of the surrounding fill at the building line shall not be less than any flood protection levels.

## **1.22 DEMOLITION, REMOVAL OR RELOCATION OF BUILDINGS**

- a. Where a development permit has been obtained for the demolition or removal of a building or structure, all demolition, removal of debris, filling of excavations or basements and re-grading of the site shall be undertaken within ninety (90) days from the date of issuance of said permit. This period may be extended for a further ninety (90) days, at the discretion of the Designated Officer, due to unusual circumstances such as inclement weather or road restrictions.
- b. No building, structure, or part thereof shall be moved to any other location unless that building, structure or part thereof is made to conform to the regulations of this By-law applicable to the Zone to which it is to be moved
- c. Before moving a building or portion of a building to a new location, the owner shall enter into an agreement with the Town of Stonewall containing a deposit and an undertaking of the owner to pay all damages arising out of the move and such other terms and conditions as a Designated Officer deems necessary.

## **1.23 PUBLIC MONUMENTS**

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

## **1.24 PUBLIC UTILITY SERVICES**

Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any public utility service, as defined by this By-law, or protective and emergency service such as police and fire protection, provided that the requirements of such public utility or protective and emergency service is of a standard compatible with the adjacent area as determined by Council or the Designated Officer. Any building or structure erected in any zone for this purpose shall comply with the yard and area requirements applicable to the affected zone.

## **1.25 SITE REDUCED BY PUBLIC UTILITY, SERVICE OR STREET**

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

## **1.26 CONNECTION TO MUNICIPAL SERVICES**

All principal buildings requiring the use of sewer, water, or hydro services located on a site that is serviced by a municipal service system shall be connected to such a system as it becomes available. If a wastewater collection system is installed in an area not previously serviced by a wastewater collection system, an owner of land in that area must:

- i. Connect wastewater sources to the wastewater collection system; and
- ii. Take any onsite wastewater management system or privy located on the land out of service and decommission it;

Before the earlier of:

- i. The passing of a period of five years from the day that the wastewater collection system was installed; or
- ii. The transfer or subdivision of the land.

## **1.27 PROVINCIAL TRUNK HIGHWAYS AND PROVINCIAL ROADS**

All development proposed adjacent to Provincial Trunk Highways and Provincial Roads shall comply with the regulations, controls and setbacks stipulated in the relevant legislation and/or regulations and other policies established by the appropriate Provincial authorities.

## **1.28 NOXIOUS OR OFFENSIVE USES**

Except wherein otherwise provided in this By-law 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, gas, smoke, vibration, or noise. This shall not be interpreted as to prohibit those Conditional Uses specifically permitted in a zone. Where the potential for noxious or offensive land use impacts related to a development proposal is unclear, the Designated Officer may require the applicant to submit additional information and/or studies assessing said impacts on adjacent land uses, to the satisfaction of Council, prior to the issuance of a Development Permit.

## **1.29 ENFORCEMENT**

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

## **1.30 APPLICATION OF FEES**

- a. The Planning District Board shall, by By-law, establish a fee schedule for zoning memorandum, development permits, and other appropriate documents and shall establish a fee schedule for zoning amendments, conditional use orders, and variance orders.

# PART TWO

## INTERPRETATION AND DEFINITIONS

### 2.1 RULES OF INTERPRETATION

The following rules apply to the text in this By-law:

- a. Words, phrases, and terms defined in this By-law shall be given the defined meaning;
- b. Words, phrases, and terms not defined in this By-law but defined in *The Act* and the Building Code, or other By-laws of the Town of Stonewall shall be given their usual and customary meaning except where, as determined by Council or the Designated Officer, the context clearly indicates a different meaning;
- c. For the purpose of this By-law, words used in the present tense include the future tense; words in the singular include the plural and words in the plural include the singular;
- d. The phrase *used for* includes *arranged for*, *designed for*, or *occupied for*;
- e. Unless the context clearly indicates the contrary, a regulation involving two or more items, conditions, provisions or events connected by the conjunction *and*, *or*, or *either-or*, the conjunction shall be interpreted as follows:
  - i. *and* indicates that all the connected items, conditions, provisions or events shall apply in any combination;
  - ii. *or* indicates that the connected items, conditions, provisions or events may apply singly or in combination; and
  - iii. *either-or* indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- f. The word *includes* shall not limit a term to the specified examples, but is intended to extend the meaning of all instances or circumstances of like kind or character;
- g. The words *must* or *shall* are mandatory; and
- h. The provisions of this By-law shall be held to be the minimum requirements, except where the word "maximum" is used, in which case the maximum requirement shall apply.

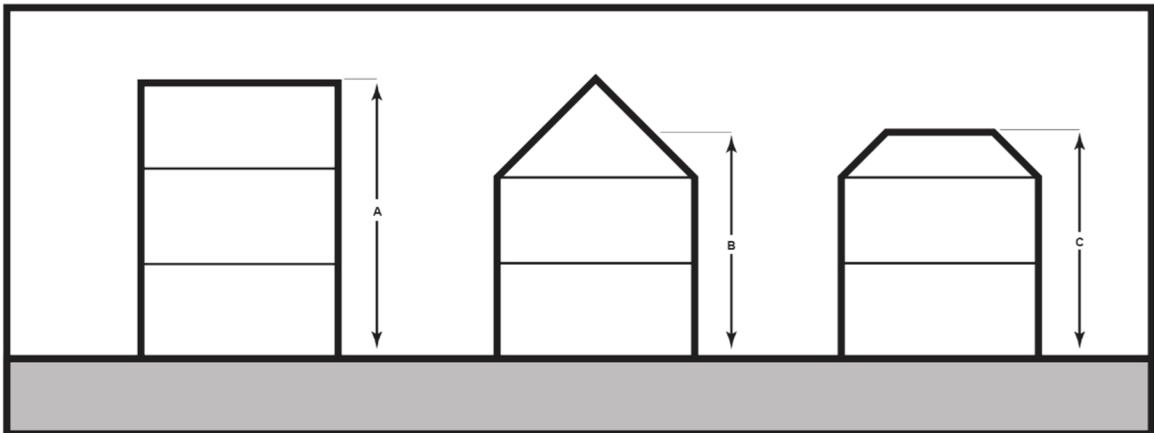
### 2.2 UNITS OF MEASUREMENT

- a. For convenience, this By-law contains both metric and imperial measurements. In cases where a discrepancy occurs between the metric and imperial standards, the metric shall prevail.
- b. All linear measurements shall be measured on the horizontal plane, unless the measurement refers to height or this By-law states otherwise.
- c. The short form "m" when used in combination with a number shall mean "metres" and the short form "m<sup>2</sup>" shall mean "square metres". The short form "ft." when used in combination with a number shall mean "feet" and the short form "ft.<sup>2</sup>" shall mean "square feet".

## 2.3 BUILDING HEIGHT

- a. Building height is measured as the vertical distance from grade to:
  - i. The highest point of the roof surface of a flat roof or shed roof; or
  - ii. To the mean height level between the eaves and ridge of a gable, hip or gambrel roof; or
  - iii. The deck of a mansard roof;
- b. Where the slope of a gable, hip, gambrel, or any portion of such roof is less than 1:3 (rise:run), the building height is measured as though the roof were flat;
- c. Where a roof contains multiple gables, ridgelines or flat surfaces, or a combination of such features, the measurement made pursuant to clause (a) above resulting in the highest measurement shall apply;
- d. In determining whether a development conforms to the maximum height permissible in any zone, the following features shall not be considered for the purpose of height determination: chimney stacks, steeples, domes or spires, monuments, elevator housings, roof stairwell entrances, water tanks, ventilating equipment, receiving or transmitting structures, flag poles, or other erections which are considered to be similar.

### BUILDING HEIGHT ILLUSTRATION



Height (A) indicates the measurement used for flat or shed roofs; height (B) indicates the measurement used for gable, hip or gambrel roofs; and height (C) indicates the measurement used for mansard roofs.

## 2.4 FLOOR AREA RATIO

Floor area ratio (FAR) is measured as the gross floor area of all buildings on a site, divided by the site area on which the building is located. The gross floor area of the building does not include:

- a. Basement areas;
- b. Parking areas below grade; and
- c. Floor areas devoted exclusively to mechanical or electrical equipment servicing the development.



## **2.5 ZONING MAP**

The Zoning Map is located in Part Eight of this By-law, which divides the Town of Stonewall into Zones and specifies the regulations applying to particular lands.

### **2.5.1 ZONE MAP BOUNDARIES**

The following rules apply in the interpretation and application of the Zoning Map:

- a. Boundaries indicated as approximately following the centre lines of streets, public lanes, paths and rights-of-way are construed to follow such centre lines.
- b. Boundaries indicated as approximately following site lines on a registered plan are construed as following such site lines.
- c. Boundaries indicated as approximately following town limits are construed as following town limits.
- d. Boundaries indicated as following a rail right-of-way or public utility right-of-way are construed as following the centre line of such rights-of-way unless clearly designated otherwise.
- e. If a street, public lane, footpath or public walk shown on the Zoning Map is lawfully closed, the land formerly comprising it shall be included within the Zone within which it is located. If the centre line of said closed right-of-way was a zoning district boundary between two or more different Zones, the Zone boundary shall continue to be the former centre line.
- f. Where features on the ground are at variance with those shown on the Zoning Map or in other circumstances not mentioned above, the Development Officer shall interpret the Zone Boundaries. Any such decision may be appealed to Council.

## **2.6 REGISTERED PLANS**

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

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

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

### **2.7.1 PREVIOUS VIOLATIONS**

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

## 2.8 OTHER LEGISLATION

- a. A person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with:
  - i. the regulations of the National Building Code and Manitoba Amendments;
  - ii. the South Interlake Planning District Development Plan;
  - iii. any other appropriate Federal or Provincial legislation; and
  - iv. the conditions of any caveat, covenant, site plan, development agreement, variation order or conditional use order, easement or other instrument affecting a building, structure or land.
- b. Whenever provisions contained in any appropriate Federal or Provincial legislation impose overlapping regulations, laws or policies over the use of land, buildings or structures, or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest standard shall apply.
- c. Whenever the provisions of a special agreement or development agreement entered into between the Town of Stonewall and a developer impose overlapping regulations over the use of land, buildings or structures, or contain any restrictions covering any of the same subject matter contained in this By-law, the most restrictive or highest standard shall govern
- d. The Province of Manitoba and the Government of Canada are not bound or restricted by any regulation of this By-law. The said governments are encouraged, however, to permit only those developments that are consistent with the regulations of this By-law.

### 2.8.1 PUBLIC WORKS AND SERVICES

Nothing in this By-law shall be interpreted as to interfere with the construction, maintenance and operation of the facilities of any Public Utility Service or Protective Emergency Service, as defined in this By-law.

## 2.9 INTERPRETATION OF DEFINITIONS

For the purposes of this By-law, all definitions shall carry their usual and customary meaning, except for those defined hereinafter. In the event of conflict, Council, in consultation with the Designated Officer, shall have sole discretion for interpreting the meaning of words.

### 2.10 GENERAL DEFINITIONS

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

**“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*, Chapter P80 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.

**“agricultural activities”** means a use of land for agricultural purposes including farming, husbandry and the necessary accessory uses; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

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

**“alterations, incidental”** means

- a. Changes, modifications or replacements to the non-structural parts of a building or structure, including but not limited to, the following:
  - i. an addition on the exterior of a building, such as an open porch;
  - ii. the alteration of interior partitions of buildings; or
  - iii. the replacement of, or changes in, the capacity of utility pipes, ducts or conduits.
  - iv. adding or expanding windows or doors in exterior walls;
  - v. replacement of building facades; or

**“alteration, structural”** means the construction, modification or reconstruction of supporting elements of a building or other structure.

**“basement or cellar”** means that portion of a building or structure which is all or partly underground.

**“Board”** means the Board of the South Interlake Planning District as established under *The Act*.

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

**“building code”** means the National Building Code of Canada including Manitoba Amendments.

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

**“building, principal”** means a building in which is conducted the principal use of the site on which it is situated.

**“conditional use”** means the conditional use of land and/or buildings as defined in *The Act*.

**“construction”** means the following:

- a. Excavating, removing, filling, backfilling for the purpose of preparing or maintaining a site in respect of a building or a proposed building;
- b. Erecting, extending, enlarging, placing, removing, locating and demolishing a building;
- c. Altering, renovating, or reconstructing a building;
- d. Moving a building from one site to another;
- e. Underpinning the foundation of a building.

**“council”** means the Council of the Town of Stonewall.

**“designated officer”** means the officer appointed by the South Interlake Planning District Board on behalf of the Town of Stonewall in accordance with the provisions of *The Act*.

**“development”** means:

- a. the construction of a building on, over or under land;

- b. a change in the use or intensity of use of a building or land;
- c. the removal of soil or vegetation from land; and
- d. the deposit or stockpiling of soil or material on land and the excavation of land.

**“development permit”** means a permit issued by the South Interlake Planning District on behalf of the Town of Stonewall authorizing development of various type, and may include a building permit.

**“development plan”** means the South Interlake Planning District Development Plan adopted by By-law and as amended.

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

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

**“dwelling unit”** means a building or portion of a building designed for and intended to be used for residential occupancy that contains cooking, eating, living, sleeping and sanitary facilities. A dwelling unit does not include establishments for commercial accommodations.

**“enlargement”** means an addition to the floor area of an existing building or structure, or an increase in that portion of a site occupied by an existing use.

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

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

**“floor area ratio”** see section 2.4 of this Part.

**“garage”** means a building or portion thereof in which a motor vehicle is, or motor vehicles are, stored, repaired, washed or serviced, excluding auto body shops.

**“grade”** means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Designated Officer.

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

**“lane”** means a street not over 10.05 m (33 ft.) in width which affords only a secondary means of vehicular access to abutting property.

**“lot”** see **“site, zoning”**.

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

**“non-conforming building or structure”** means any lawful building or structure which does not comply with one or more of the applicable dimensional regulations in the zone in which it is located on the effective date of this By-law or amendments thereto (also referred to as non-conformity);

**“non-conforming sign”** means any lawful sign which does not comply with one or more of the applicable bulk regulations in the zone in which it is located.

**“non-conforming site”** means any lawful site which does not comply with the site area, site width, or site depth regulations of the zone in which it is located and was on record in the Land Titles Office and in separate ownership prior to the effective date of this By-law, or amendments thereto, and did not form part of a larger contiguous holding in the same ownership;

**“non-conforming use”** means any lawful use of a building, structure or land, or portion thereof, which does not conform to any one or more of the applicable use regulations of the zone in which it is located, either on the effective date of this By-law, or amendments thereto (also referred to as non-conformity);

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

**“open space”** means that portion of a zoning site at ground level, unless otherwise stated, unoccupied by principal or accessory buildings and available to all the occupants of the building. The open space shall be unobstructed from ground level to the sky and shall not be used for service driveways or accessory on-site parking space or loading space, unless otherwise provided for herein, but shall be useable for landscaping, recreation space and other leisure activities normally carried on outdoors. Balconies, roof and other like above grade level areas may also be considered as open space.

**“owner”** means an owner as defined in *The Act*.

**“parcel of land”** See **“site, zoning”**

**“parking area”** means an open area of land other than a street or lane, or an area with a structure used for the parking of vehicles.

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

**“parking space”** means a space in a parking area, public parking area, or zoning site for the temporary parking or storage of a vehicle.

**“partition”** means an interior, non-load bearing wall, one storey or part-storey in height.

**“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.

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

**“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 building, mixture of housing types and land uses, usable open spaces, and can include the preservation of significant natural features appropriate to the Zone where such use is located.

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

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

**“public building”** means a building owned and operated by a public entity, including Provincial, Federal and Municipal governments, for recreational, cultural and administrative purposes.

**“public facility”** means facilities that are open to, and serve the general public, including medical and health-related offices, parks, recreation complexes, community centres, and like public spaces.

**“public utility”** means any system, works, plant, pipeline, equipment, or services which furnishes services and facilities available at approved rates to or for the use of the inhabitants of the Town of Stonewall, including but not limited to:

- a. Communication by way of telephone, internet or television;
- b. Public transportation by bus or other motor vehicle;
- c. Production, transmission and delivery or furnishing of water, gas, or electricity to the public at large; or
- d. Collection or sewage, refuse, or other waste products.

**“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 or structure but shall not include windows as such.

Notwithstanding anything else in this By-law, the following terms are defined for the purposes of Part Six, *Sign Regulations*:

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

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

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

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

**“business sign”** means a sign directing attention to a business, commodity, service or entertainment conducted, sold, or offered upon the same zoning site where the sign is maintained.

**“canopy sign”** means a canopy or free-standing canopy which utilizes or incorporates a sign.

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

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

**“copy area”** means that area of a sign covered by a single rectangle drawn around the extremities of the message contained on the sign.

**“directional sign”** means:

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

**“electronic sign”** means a sign or a component of a sign that can be changed by electrical or electronic means. Electronic signs include those with digital or animated copy, or signs that use light-emitting diodes, liquid crystal displays, video monitors, or any other electronic technology where the sign copy is not static.

**“fascia or wall sign”** means any sign attached against the surface of, against, or within a recess of a wall, a column, or other perpendicular portion of a building or structure in a position essentially parallel to said wall, column, or other perpendicular portion. A fascia sign shall also mean any sign attached to the walls of two or more buildings and spanning the spaces between said buildings.

**“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.

**“freestanding sign”** means a sign supported by a vertical column or columns placed in the ground with the sign surface area above ground level independent from any building or structure, including signs attached to a fence, or temporary signs.

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

**“illuminated sign”** means a sign designed to give forth any artificial light or reflect light from an artificial source.

**“mobile sign”** means a temporary sign which is mounted on a wheeled trailer, vehicle, stand, or similar support structure which is designed in such a manner that the sign can be readily relocated to another location, and which may be readily changed using removable characters, panels, or by electronic means.

**“projecting sign”** means any sign other than a fascia sign, which is attached to a building and extends beyond the exterior wall of the said building or beyond the surface of that portion of the building to which it is attached.

**“real estate sign”** means a freestanding temporary sign advertising the sale, rental, or lease of the premises on which it is maintained.

**“roof sign”** means any sign erected, constructed, and maintained wholly upon or over the roof of any building with the principal support of the roof structure.

**“sandwich board sign”** means a freestanding temporary sign in the shape of the letter ‘A’ used for advertising purposes, also referred to as a folding sign.

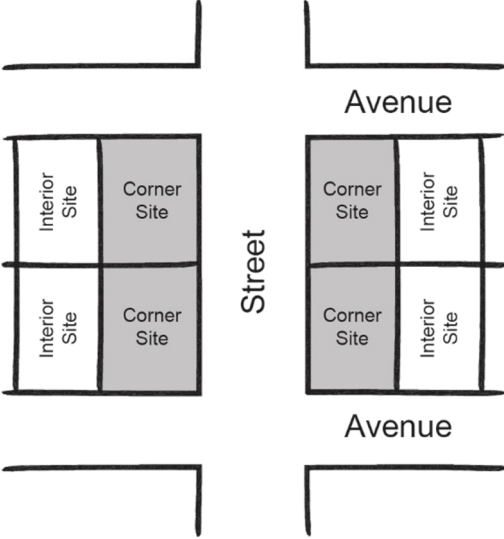
“**sign surface area**” means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, including any frame of other material or colour forming an integral part of the display or used to differentiate such sign from the background against which it is placed.

“**temporary sign**” means a sign not permanently anchored to a footing below grade or permanently affixed to, or painted on a building, structure, or mobile apparatus, with or without a structural frame, and on which the sign expresses relation to an activity, use, or event and is intended for a limited period of display. Temporary signs shall include garage sale signs, construction identification signs, open house real estate signs, event signs, sandwich board signs, and mobile signs.

“**window sign**” means a sign which is painted on, attached to, or installed upon a window for the purposes of being viewed from outside the premises.

“**site area**” means the computed area contained within the site lines.

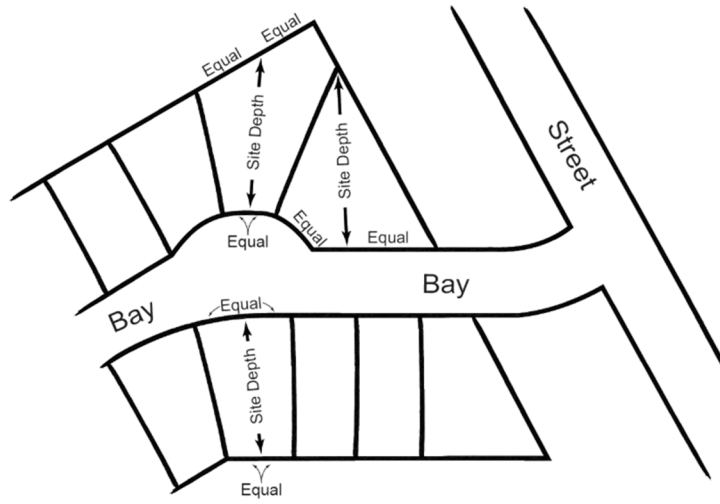
“**site, corner**” means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.



“**site coverage**” means that part of the site area expressed as a percent that is covered by the maximum horizontal cross-section of a building or buildings. Structures which are below the finished site grade, including sewage lagoons, water reservoirs, parking structure below grade and similar structures, shall not be included in site coverage.



**“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 a through site.

**“site, key”** means the first site to the rear of a reverse corner site.

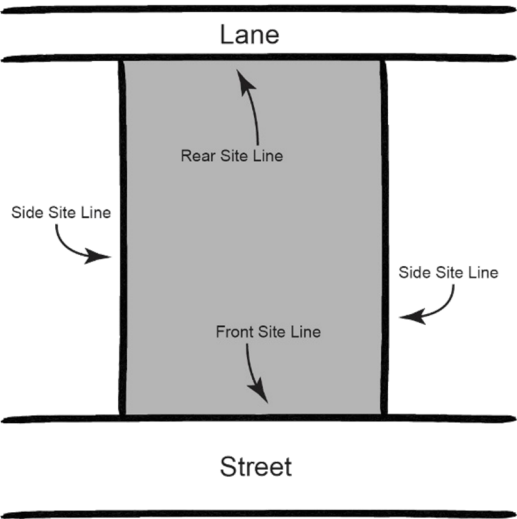
**“site lines”** means as follows:

**“front site line”** means that boundary of a site which is along an existing or designated street. For a corner site, the Designated Officer may select the front site lines except where an interior site abuts the corner site, then the front site line shall be that line which is the continuation of the front site line of the interior site;

**“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 3.05 m (10 ft.) in length within the site, parallel to and at the maximum distance from the front site line;

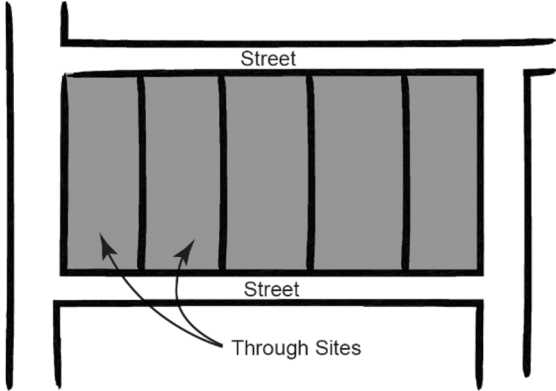
**“side site line”** means any boundary of a site which is not a front or rear site line; and

Where an irregularly shaped site cannot have its site lines defined by the foregoing definitions, the front, rear, and side site lines shall be determined by the Designated Officer.



**“site, reverse corner”** means a corner site where its rear site line abuts the side site line of an adjacent site.

**“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 site lines adjacent to each street 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 12.2 m (40 ft.) from the front site line, whichever is the lesser.

**“site, zoning”** means an area of land which:

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

**“storey”** means that portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and ceiling above it. A basement shall be counted as a storey for the purpose of height measurement if the vertical distance between the ceiling and the average finished level of the adjoining ground is more than 1.82 m (6 ft.).

**“storey, first”** means the storey with its floor closest to grade and having its ceiling more than 1.83 m (6 ft.) above grade.

**“storey, second”** means the storey located immediately above the first storey.

**“street”** means a public roadway having a right-of-way greater than thirty-three (33) feet in width that affords the principal means of access to abutting land.

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

**“use”** means:

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

**“variance”** means a modification of a provision of the Zoning By-law.

**“vehicle”** means a device in, upon, or by which a person or thing is or may be transported or drawn upon a highway but does not include:

- a. A device designed to be moved solely by human muscular power or used exclusively upon stationary rails or tracks; or
- b. A motorized mobility aid.

**“vehicle, new or used”** means a vehicle which, but for the lack of registration, is capable of being legally driven upon a highway.

**“vehicle, derelict”** means a derelict vehicle as defined in the Town of Stonewall Parking & Derelict Vehicles By-Law as amended from time to time or a vehicle which is not any of the following:

- a. Registered under the Highway Traffic Act, such that same can be legally operated; or
- b. Capable of being registered under The Highway Traffic Act and having obtained the necessary Safety Certificate which would permit such vehicle to be registered under The Highway Traffic Act for legal operation.

**“yard”** means an open area, on the same zoning site with a building or structure which yard is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein. A yard may mean as follows:

**“yard, required”** means a yard extending along a site line or wall to a depth or width (measured from the site line or wall) specified in the yard requirement for the zone in which such zoning site is located;

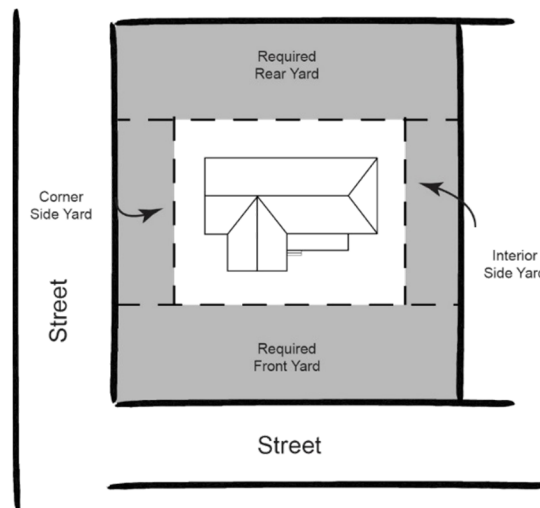
**“yard, corner side”** means a side yard which adjoins a street;

**“yard, front”** means a yard extending along the full length of the front site line between the side site lines;

“**yard, interior side**” means a side yard which is adjacent to another zoning site, or to a lane separating such side yard from another zoning site, or to the wall of a building adjacent to the wall or another building in a planned unit development;

“**yard, rear**” means a yard extending along the full length of the rear site line between the side site lines;

“**yard, side**” means a yard extending along the side site line from the front yard to the rear yard.



## 2.11 USE CLASS DEFINITIONS

The following definitions group a series of individual land uses with common functional or physical impact characteristics. The definitions of this Section are used to define the range of uses which are permitted or conditional within the various zones of this By-law and can be seen in the permitted and conditional use tables in Part Four of this By-law.

### 2.11.1 RESIDENTIAL AND RESIDENTIAL RELATED USE CLASSES

“**bed and breakfast**” means a principal dwelling where sleeping accommodation with or without light meals is provided to members of the travelling public for remuneration.

“**group home**” means a residential dwelling in which individuals, exclusive of supervisory staff, live as a residential unit under the responsible supervision consistent with the particular requirements of its residents. Each home must meet applicable Provincial licenses and requirements.

“**institutional facility**” means a premise which is intended for the training, treatment, rehabilitation, housing, care and/or supervision of persons requiring medical assistance. Uses include nursing homes, personal care homes, retirement homes, assisted living centres, and similar.

“**mobile home dwelling**” means a dwelling unit designed for transportation after fabrication, whether on its own wheels or on a flatbed trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy and bearing a CSA seal attesting the house complies with the Z-240 standards. The removal of the wheels, permanent or semi-permanent attachment of a foundation shall not change the classification.

**“multiple-family dwelling”** means a building containing three (3) or more dwelling units served by common corridors and entrance. Each dwelling unit shall be designed for and used by one family. Examples of multiple-family dwellings also include:

- a. **“garden apartment”** means an apartment building not exceeding three (3) storeys in height, and includes design features such as balconies, courts and considerable common lawn or garden space, including roof gardens;
- b. **“maisonette”** means a vertical apartment unit, two storeys in height; or
- c. **“townhouse dwelling”** means a dwelling unit divided vertically into three or more attached dwelling units by fire separations, each of which has an independent entrance.

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

**“ready-to-move (RTM) home”** means a dwelling unit which is constructed from conventional home construction materials, according to current National Building Code of Canada. RTM homes are constructed at an off-site facility, delivered to a site and affixed to a permanent foundation.

**“single-family dwelling”** means a dwelling consisting of one (1) building containing one (1) dwelling unit, which is separate from any other dwelling or building.

**“two-family dwelling”** means a dwelling consisting of one (1) building containing two (2) separate dwelling units, separate from any other dwelling or building.

## **2.11.2 COMMERCIAL USE CLASS**

**“building materials, sales and service”** means the use of the premises for the storage, sale and service of household building materials.

**“contractor’s establishment”** means a building or part of a building or land area for the construction or storage of materials, equipment, tools, products, and vehicles.

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

**“financial institution”** means any use related to all forms of financial services including banks, credit unions, trust companies, insurance and mortgage companies.

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

**“garden centre or greenhouse”** means an establishment used primarily for the raising, storage and sale of bedding, household and ornamental plants.

**“hotels and motels”** means a building or portion of a building providing temporary accommodation in individual guest rooms or suites with or without provisions for cooking in any individual guest room or suite.

**“kennel or animal shelter”** means an establishment in which dogs or cats are housed, groomed, boarded, trained, bred, or sold, on a daily or overnight basis, for commercial purposes.

**“landscape or garden supply”** means an establishment, including a building, part of a building or open space, used for the outdoor storage and display or sale of plants, trees, and other materials used in indoor or outdoor planting or landscaping.

**“laundromat”** means an establishment used for dry cleaning and laundry services.

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

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

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

**“retail store, convenience”** means a development used for the retail sale of those goods required by area residents or employees on a day-to-day basis. Typical uses include small food stores, drug stores, and variety stores, selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed materials.

**“retail store, general”** means a development used for the retail sale of beverages, household goods, furniture and appliances, hardware, printed matter confectionary, pharmaceutical, personal care items, automotive parts and accessories, office equipment, stationary, and similar goods from within an enclosed building.

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

**“supermarket”** means a large retail store that sells primarily groceries, produce, and packaged food products, but in which up to forty percent (40%) of the gross floor area may be used for the sale of non-food related products.

**“veterinary service”** means a development used for the care and treatment of animals where veterinary services primarily involve outpatient care and minor medical procedures. This Use includes pet clinics and veterinary offices.

### **2.11.3 PRIVATE MOTOR VEHICLE USE CLASS**

**“car wash”** means a facility for the cleaning of automobiles or other motor vehicles, whether operated by the public or by on-site employees, whether or not in conjunction with other goods or services provided to customers.

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

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

**“motor vehicle repair, service or maintenance”** means an establishment involved in the repair and maintenance of motor vehicles. Services include engine repair, body work, interior work, painting, oil changes, tire storage, and other associated repairs. Vehicle parts incidental to repair services may also be sold.

**“motor vehicle sales or rental”** means the display and sale, lease, or rental of new or used vehicles and may include repair or service. Accessory vehicle inventory may be stored outside on the same site. This use does not include junk, salvage or derelict vehicle operations.

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

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

**“towing and storage facilities”** means a commercial establishment engaged in towing of vehicles or equipment from one location to another. Such facilities may also include an indoor storage component for such vehicles or equipment, but may not include junked, salvage, derelict or permanently inoperable vehicles or equipment.

**“trailer or recreational vehicle sales and service”** means the display and sale, lease, or rental of new or used travel trailers or recreational vehicles and may include repair or service.

#### **2.11.4 INDUSTRIAL USE CLASS**

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

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

**“heavy equipment sales, rental and service”** means a facility that is engaged in the sales and repair of heavy equipment typically used in agricultural, commercial or industrial operations, as well as sales of parts, whether new or used for heavy equipment.

**“incinerator”** means a premises where waste material is reduced or destroyed by combustion through the application of heat.

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

**“manufacturing”** means the assembly, fabrication, and/or processing of goods and materials, where such processes are housed either entirely within or outside a building,

and may include outside storage or storage of goods and materials used in the assembly, fabrication, or processing.

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

**“warehouse”** means a permanent facility for the storage of products, supplies, and equipment within an enclosed building.

**“wholesale establishments”** means a facility where goods are distributed or sold to retailers, industrial, commercial, or institutional users, or to other wholesalers, for resale or redistribution, but where goods are not sold to the public or to individuals or households based on their membership in an association or club.

**“wrecking and/or salvage yard”** means any site upon which 2 or more vehicles of any kind, which are incapable of being operated due to condition or lack of license or registration, have been placed for the purpose of obtaining parts for recycling or resale. Building materials, scrap metal, or any other kind of salvage are also to be included in this definition.

### **2.11.5 AGRICULTURAL USE CLASS**

**“agri-business”** means a commercial establishment that provides goods or services to the agricultural sector. Typical uses include farm equipment and machinery repair shops, bulk fuel stations, feed and fertilizer supply operations.

**“agricultural activities”** means a use of land for agricultural purposes. Typical uses include farming, pasturage, agriculture, apiculture, floriculture and horticulture. This use does not include livestock operations or natural resource development.

**“commercial composting”** means a designed and managed system to facilitate the process of aerobic decomposition of organic matter by biological action, operated as a commercial enterprise. This use does not include composting considered incidental or accessory to other uses such as a dwelling or institution.

### **2.11.6 BASIC SERVICE AND UTILITY USE CLASS**

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

**“government service”** means a development providing Municipal, Provincial or Federal government services directly to the public. Typical uses include government offices, taxation offices, courthouses, jails, postal distribution offices, manpower and employment offices, and social service offices.

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

**“medical treatment service”** means a development providing room, board, or other medical treatment for the sick, injured or infirm including outpatient services. Typical uses include nursing homes, convalescent homes, and auxiliary hospitals.

**“protective and emergency service”** means a development which is required for the public protection of persons and property from injury, harm or damage together with the



incidental storage of emergency equipment which is necessary for the local distribution of services. Typical uses in this class include police stations, fire stations, emergency medical service stations, and ancillary training facilities.

**“public utility”** means any system, works, plant, pipeline, equipment or services and facilities available at approved rates to the public, and includes all such carried on by or for the owner of a public utility or a Municipality or the Province of Manitoba. Typical uses include sanitary landfill sites, sewage treatment plants, sewage lagoons, water treatment plants, lift stations, garbage transfer and compacting stations and waste recycling plants.

## **2.11.7 COMMUNITY, EDUCATIONAL, RECREATIONAL AND INSTITUTIONAL USE CLASS**

**“assisted living facility”** means a facility where meals, lodging, and continuing nursing care may be provided for compensation, including assisted living facilities, retirement homes, and medical receiving homes.

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

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

**“childcare facility”** means provision of child care, in a provincially licensed facility, where the use is the principal use of the property (not an accessory use). This category does not include public or private schools or facilities operated in connection with an employment use, shopping centre, or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity.

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

**“community hall or cultural centre”** means a development for recreational, social or multiple purpose use without fixed seats and primarily intended for local community purposes. Typical uses include community halls and cultural centres.

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

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

**“indoor recreation facility”** means a development providing facilities within an enclosed building for sports and active recreation where patrons are predominately participants. Typical uses include athletic clubs; health and fitness clubs; curling and hockey rinks; swimming pools; rifle and pistol ranges; bowling alleys; paintball games; laser tag; and racquet sport clubs, and similar uses.

**“library/museum/gallery”** means a development for the collection of literary, artistic, musical and similar reference materials in the form of books, recordings and films for public use; or a development for the collection, preservation and public exhibition of works or objects of historical, scientific or artistic value. Typical uses include libraries, museums and art galleries.

**“outdoor recreation facility”** means a development providing facilities which are available at the public at large for sports and active recreation conducted outdoors. Typical uses include miniature golf, driving ranges, sports fields, outdoor tennis courts, outdoor rinks,

athletic fields or tracks, outdoor swimming areas, bowling greens, paintball games, and fitness trails.

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

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

**“religious assembly”** means a place of worship and related activities. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.

### 2.11.8 ACCESSORY USE CLASS

**“private pool or hot tub”** means a body of water outdoors that holds water for recreational purposes, contained wholly or partly by artificial means and shall include hot tubs or similar uses.

**“hobby beekeeping”** means the keeping, owning, or maintaining of up to two (2) bee hives on a property.

**“home occupation”** means an occupation, trade, profession or craft carried on, in or from a dwelling unit or its accessory building and which is clearly incidental or accessory to the residential use of the dwelling unit.

**“secondary suite”** means a self-contained accessory dwelling unit located within, or as an addition to, a principal single-family detached dwelling, on a single zoning site. Secondary suites include a separate entrance with cooking, sanitary, living and sleeping areas which are separate and not shared with those of the principal dwelling. Secondary suites are not permitted in detached accessory buildings including garden suites or garages.

**“storage compound”** means a development used exclusively for outdoor storage of goods and materials where such storage of goods and materials does not involve the erection of a permanent structure. Typical uses include vehicle storage, material storage, or personal storage purposes.

**“portable storage unit”** means outdoor storage contained within a portable container, but not for the display or sale of goods and/or materials. Typical uses include shipping containers, semi-trailers, or “sea-cans”.

### 2.11.9 TEMPORARY USE CLASS

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

**“real estate offices and model sales homes”** means a dwelling unit temporarily used for display purposes as an example of a dwelling unit to be available for sale or rental in

particular residential development and located within that development. Model homes may also incorporate sales or rental offices for dwellings within the development.

**“seasonal sales area”** means an outside sale of seasonal merchandise, other than those sold at a farmers’ market.

**“construction trailer or building”** means a movable, portable, or modular structure or trailer used for the storage of construction materials and/or the offices or work spaces for construction managers or workers during the time a principal or accessory building is being constructed.

# PART THREE

## ZONE CLASSIFICATION

### 3.1 ESTABLISHMENT OF ZONES

- a. In order to carry out the intent and purpose set forth in this By-law, Zone names and abbreviations are hereby established in Table 3-1. Zone boundaries, colours and locations are shown on the Zoning Map set out in Part Eight.
- b. Zones may be referred to by their name or their corresponding symbol as indicated in Table 3-1.
- c. Whenever the word “Zone” is used in this By-law, and is preceded by any of the symbols, such Zones shall mean any area within the Town of Stonewall delineated on the Zoning Map in Part Eight, and designated by such symbol.

**Table 3-1: Zones Established**

MAP COLOUR	ZONE SYMBOL	ZONE NAME
<b>RESIDENTIAL ZONES</b>		
	RS	Residential Single-Family Zone
	RG	Residential General Zone
	RA	Residential Suburban Zone
	RM	Residential Multiple Family Zone
	RMH	Residential Mobile Home Zone
<b>COMMERCIAL ZONES</b>		
	CG	Commercial General Zone
	CH	Commercial Highway Zone
<b>INDUSTRIAL ZONES</b>		
	MH	Industrial Heavy Zone
	ML	Industrial Light Zone
<b>COMMUNITY SERVICE ZONES</b>		
	P	Parks, Institutions and Open Space Zone
	DR	Development Reserve Zone

## **3.2 ZONE DESCRIPTIONS**

The descriptions of zones contained in this Part are intended to assist in selecting the appropriate zone for different types of land, and to assist in identifying the intended character of each district. Whenever there is a conflict between any zone description and a substantive requirement in other Sections of this By-law, the substantive requirements in other Sections shall apply.

### **3.2.1 RESIDENTIAL ZONES**

- a. Residential Single-Family (RS) is intended to accommodate low density single-family residential development or other compatible uses.
- b. Residential General (RG) is intended to accommodate predominantly single-family residential development or other compatible uses.
- c. Residential Suburban (RA) is intended to accommodate residential development on sites utilizing on-site sewer and water systems.
- d. Residential Multiple-Family (RM) is intended to accommodate multiple-family residential development at various densities.
- e. Residential Mobile Home (RMH) is intended to accommodate single-family mobile home developments which may be individually owned or within a mobile home park where spaces are leased.

### **3.2.2 COMMERCIAL ZONES**

- a. Commercial General (CG) is intended to accommodate commercial developments including service, business, retail and administration uses in central business areas.
- b. Commercial Highway (CH) is intended to accommodate commercial developments that require larger sites, or sites that serve the motoring public and require direct access to a highway.

### **3.2.3 INDUSTRIAL ZONES**

- a. Industrial Heavy (MH) is intended to accommodate a wide range of industrial uses where a certain level of nuisance factor may be accepted as characteristic of the use. Wherever possible, these industrial zoned lands should be located as far as possible from residential areas and in such a way as to mitigate any detrimental effect on other uses of land.
- b. Industrial Light (ML) is intended to accommodate low impact industrial development that is compatible with nearby residential or commercial uses.

### **3.2.4 COMMUNITY SERVICE ZONES**

- a. Parks, Institutions and Open Space Zone (P) is intended to accommodate governmental, educational, institutional and recreational uses that may be accessed by a mix of pedestrian, cyclist or vehicular traffic.
- b. Development Reserve (DR) is intended to accommodate a holding zone function which provides limited usage in order to preserve such areas where urban expansion is proposed to take place in accordance with the South Interlake Planning District Development Plan.

# PART FOUR

## USE REGULATIONS

### 4.1 APPLICATION

The uses outlined in Table 4-1 Principal Uses, Table 4-2 Accessory Uses, and Table 4-3 Temporary Uses, outline the specific permitted and conditional uses for each Zone within the Town of Stonewall. All uses, whether listed as permitted or conditional, must meet any relevant use specific regulations as outlined in this Part, and the dimensional requirements found in Part 5 – Development and Design Standards.

### 4.2 TABLE ORGANIZATION

Land uses and activities within the Use Tables in this Part are categorized into “Use Classes” based on common functional or physical impact characteristics. This categorization is used to define the range of uses that are permitted or conditional within the differing Zones of the By-law. The categorized use classes are not exhaustive and do not represent every use or activity that may exist within the category. The Use Classes are intended as an indexing tool and do not form part of the By-law.

#### 4.2.1 RESIDENTIAL USE CLASS

The Residential Use Class consists of predominantly living accommodations including single-, two- and multiple-family dwellings and their associated uses.

#### 4.2.2 RESIDENTIAL RELATED USE CLASS

The Residential Related Use class consists of other associated lodgings or residential uses including boarding houses, care homes, group homes and bed and breakfasts.

#### 4.2.3 COMMERCIAL USE CLASS

The Commercial Use Class consists of business oriented uses primarily focused on the sale, lease or rent of new or used goods and the sale or provision of services including personal services, retail, offices, restaurants and drinking establishments.

#### 4.2.4 PRIVATE MOTOR VEHICLE USE CLASS

The Private Motor Vehicle Use Class consists of uses associated with the sale, lease, rent, repair, storage and movement of motor vehicles, as well as fuel sales and drive-through facilities.

#### **4.2.5 INDUSTRIAL USE CLASS**

The Industrial Use Class consist of uses and activities of industrial nature including manufacturing and production, warehouses and freight, waste and salvage, and other industrial related services.

#### **4.2.6 AGRICULTURAL USE CLASS**

The Agricultural Use Class consists of uses that include the use of land for agricultural purposes including farming, horticulture, apiculture, and animal husbandry, as well as storage, residences, and wholesale services.

#### **4.2.7 BASIC SERVICE AND UTILITY USE CLASS**

The Basic Service and Utility Use Class consists of public and private utility uses including protective and emergency services, water, sewage, waste disposal, electrical and gas facilities, and may include monitoring, data or transmission equipment.

#### **4.2.8 COMMUNITY, EDUCATIONAL, RECREATIONAL AND INSTITUTIONAL USE CLASS**

The Community, Educational, Recreational and Institutional Use Class consists of uses including schools, healthcare facilities, cultural and entertainment services and recreational uses.

### **4.3 TABLE SYMBOLS AND ABBREVIATIONS**

The following symbols and abbreviations apply to Tables 4-1 Principal Use Table, 4-2 Accessory Use Table and 4-3 Temporary Use Table below:

- a. "P" in a cell indicates that the use identified in the left hand column is permitted within the Zone indicated at the top of that column. Such permitted uses are subject to all other applicable regulations of this By-law;
- b. "C" in a cell indicates that the use identified in the left hand column is a conditional use and must seek approval as a conditional use, subject to the provisions of this By-law;
- c. A blank cell indicates that the use in the left column is not considered a permitted or conditional use within the Zone indicated at the top of that column;
- d. An asterisk symbol (\*) following the "P" or "C" symbol indicates that a Use Specific Standard applies to the specific use in the left hand column. The Section number located within the right hand column in the same row indicates where the Use Specific Standard may be found; and
- e. The second left hand column titles "PG REF." indicates the page in the By-law where the use in the far left hand column is defined.

### **4.4 CLASSIFICATION OF USES**

New types of land use will develop and forms of land use not anticipated may seek to locate within the Town of Stonewall.

#### **4.4.1 INTERPRETATION**

Any person may apply to the Designated Officer for an interpretation as to whether a proposed use falls within any of the use categories or use types shown in Tables 4-1, 4-2

or 4-3 and, if so, which one. The authority to provide an interpretation does not include the authority to add new permitted or conditional use to Tables 4-1, 4-2, or 4-3.

#### **4.4.2 APPEAL**

An appeal of the Designated Officer's interpretation under subsection 4.4.1 may be made to the Town of Stonewall Council.

#### **4.5 USE TABLES**

Table 4-1, Table 4-2, and Table 4-3 identify the land uses allowed within all Zones in the Town of Stonewall. No site shall be used and no building or structure shall be erected, altered, relocated, used or occupied hereinafter for any use in any Zone other than a use, building or structure listed in Table 4-1 Principal Use, Table 4-2 Accessory Use, or Table 4-3 Temporary Use, with the exception of uses lawfully established prior to the effective date of this By-law.



## Table 4-1: Principal Use Table

P = Permitted C = Conditional * = Use Specific Standards Apply		RESIDENTIAL ZONES					COMMERCIAL ZONES		INDUSTRIAL ZONES		COMMUNITY SERVICE ZONES		USE SPECIFIC STANDARDS
USE CLASS / TYPE	PG REF.	RS	RG	RA	RM	RMH	CG	CH	MH	ML	P	DR	
<b>Residential</b>													
Mobile Home Dwelling	24					P							
Multiple-family Dwelling	25	C*	C*		P*		C*				C*		4.6.1 and 4.6.2
Planned Unit Development	17	C*	C*	C*	C*		C*	C*	C*	C*			4.6.3
Ready-to-Move (RTM) Dwelling	25	P	P	P	C								
Single-family Dwelling	25	P	P	P	C							P	
Two-family Dwelling	25	C	C		P								
<b>Residential Related</b>													
Bed and Breakfast	24	C*	C*	C*			C*	C*					4.6.4
Group Home	24	P	P	P	P		P	P					
Institutional Facility	24	C	C		C		C	C			P		
Neighbourhood Rehabilitation Home	25	C*	C*		C*								4.6.5
<b>Commercial</b>													
Building Material, Sales and Service	25						P	P	P	P			
Contractor's Establishment	25						P*	P*	P*	P*			4.6.6
Drinking Establishment	25						P	P					
Financial Institution	25						P	P					
Funeral Chapel or Mortuary	25						P	P			C		
Garden Centre or Greenhouse	25						C	P		P	C		
Hotels and Motels	26						P	P					
Kennel or Animal Shelter	26						P*	P*	P*	P*			4.6.7
Landscape or Garden Supplies	26						P	P	P	P	P		
Laundromat	26				P		P	P	P	P			

P = Permitted C = Conditional * = Use Specific Standards Apply		RESIDENTIAL ZONES					COMMERCIAL ZONES		INDUSTRIAL ZONES		COMMUNITY SERVICE ZONES		USE SPECIFIC STANDARDS
USE CLASS / TYPE	PG REF.	RS	RG	RA	RM	RMH	CG	CH	MH	ML	P	DR	
Mini-warehouse or Self Storage	26							C	P	P			
Offices	26						P	P	P	P			
Restaurant	26						P	P					
Retail Store, Convenience	26	C	C		P		P	P		C			
Retail Store, General	26						P	C					
Sign, Advertising Billboard	26							C*	C*	C*			4.6.8
Supermarket	26						P	P					
Veterinary Services	26						C*	P*		P*			4.6.9
<b>Private Motor Vehicle</b>													
Car Wash	27						C	P	P	P			
Drive-Through Establishment	27						P*	P*					4.6.10
Fuel Sales	27						C*	P*	P*	P*			4.6.11
Motor Vehicle Repair, Service or Maintenance	27						P*	P*	P*	P*			4.6.12
Motor Vehicle Sales or Rental	27						C	P	P	P			
Parking, Structured	27						P	P	P	P			
Parking, Surface (Non-Accessory)	27						P	P	P	P			
Towing and Storage Facilities	27							C	P	P			
Trailer or Recreational Vehicle Sales and Service	27							P	P	P			
<b>Industrial</b>													
Auction Yard or House	27								P	P			
Crematorium	27								C	C			
Heavy Equipment Sales, Rental and Service	27							C	P	P			
Incinerator	27								C				
Landscape Contractor	28							P	P	P			
Manufacturing	28								P	P			
Outdoor Storage	28							P*	P*	P*			4.8.4
Warehouse	28							P	P	P			

P = Permitted C = Conditional * = Use Specific Standards Apply		RESIDENTIAL ZONES					COMMERCIAL ZONES		INDUSTRIAL ZONES		COMMUNITY SERVICE ZONES		USE SPECIFIC STANDARDS
USE CLASS / TYPE	PG REF.	RS	RG	RA	RM	RMH	CG	CH	MH	ML	P	DR	
Wholesale Establishments	28							P	P	p			
Wrecking and/or Salvage Yard	28								p*				4.6.13
<b>Agricultural</b>													
Agri-business	28							P		P			
Agricultural Activities	28											C	
Commercial Composting	28								p*				4.6.14
<b>Basic Service and Utility</b>													
Cemetery	28											C	
Government Service	28						P	C			P	P	
Hospital	28										P		
Medical Treatment Service	29				C		C	C			C		
Protective Emergency Service	29	P	P	P	P	P	P	P	P	P	P	P	
Public Utility	29	P	P	P	P	P	P	P	P	P	P	P	
<b>Community, Educational, Recreational, Institutional</b>													
Assisted Living Facility	29				C		C				P		
Auditorium/Concert Venue/Theatre/Cinema	29						C	C			C		
Campground	29										P		
Childcare Service	29	C	C	C	C	C	P	C			P		
Community Garden	29	P	P	P	P	P	P	P		P	P	P	
Community Hall or Cultural Centre	29	C	C	C	C		P	C			P		
Golf Course	29										C		
Home Childcare Service	29	p*	p*	p*	p*	p*	p*				p*	p*	4.6.15
Indoor Recreation Facility	29						C	C			P		
Library/Museum/Gallery	29	C	C	C	C	C	C	C			P		
Outdoor Recreation Facility	30						C	C			C		
Parks or Playgrounds	30	P	P	P	P	P	P	P			P		
Public/Private School	30	C	C				C	C			P		
Religious Assembly	30	C	C	C	C		C	C			C		

**Table 4-2: Accessory Use Table**

P = Permitted C = Conditional * = Use Specific Standards Apply		RESIDENTIAL ZONES					COMMERCIAL ZONES		INDUSTRIAL ZONES		COMMUNITY SERVICE ZONES		USE SPECIFIC STANDARDS
USE CLASS	PG REF.	RS	RG	RA	RM	RMH	CG	CH	MH	ML	P	DR	
<b>WHEN INCIDENTAL OR ACCESSORY TO A DWELLING, MOBILE HOME, OR OTHER DWELLING UNIT</b>													
Children’s Playhouse or Private Greenhouse		P	P	P	P	P					P	P	
Private Pool or Hot Tub	30	p*	p*	p*	p*	p*							4.8.1
Decks (unenclosed)		P	P	P	P	P						P	
Home Occupations	30	p*	p*	p*	p*	p*	p*	p*				p*	4.8.2
Secondary Suites	30	C*	C*	C*								C*	4.8.3
Permanent Outdoor Cooking Facilities		P	P	P	P	P					P	P	
Dog Houses or other similar and associated buildings or structures (for the purposes of keeping domestic animals)		P	P	P	P	P						P	
Private Garage, Covered Carport, Patio, Shed or similar private storage		P	P	P	P	P	P	P		P	P	P	
Gardens and storage of garden materials		P	P	P	P	P	P	P		P	P	P	
Other miscellaneous household structures such as laundry poles or lines, flagpoles, and similar.		P	P	P	P	P	P	P			P	P	
<b>WHEN INCIDENTAL OR ACCESSORY TO ALL USES, UNLESS OTHERWISE NOTED</b>													
Fences, hedges and other landscape design features		P	P	P	P	P	P	P	P	P	P	P	
Garbage and Recycling storage areas		P	P	P	P	P	P	P	P	P	P	P	
Accessory Signs		p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	See Part SIX
Off-street parking and loading areas		p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	See Part SEVEN
Private reception equipment such as satellites, antennae, aerials and similar		P	P	P	P	P	P	P	P	P	P	P	
Storage compounds	30						p*	p*	p*	p*	p*	p*	4.8.4
Hobby Beekeeping	30			C*			C*	C*	C*	C*	C*	C*	4.8.6
Flag Poles		P	P	P	P	P	P	P	P	P	P	P	
<b>WHEN INCIDENTAL OR ACCESSORY TO SPECIFIC USES</b>													
Private sewage disposal and water supply, subject to all necessary approvals				P									

P = Permitted C = Conditional * = Use Specific Standards Apply		RESIDENTIAL ZONES					COMMERCIAL ZONES		INDUSTRIAL ZONES		COMMUNITY SERVICE ZONES		USE SPECIFIC STANDARDS
USE CLASS	PG REF.	RS	RG	RA	RM	RMH	CG	CH	MH	ML	P	DR	
Any building or structure, excluding dwellings or mobile homes, necessary for the operation, maintenance and administration or a permitted or conditional use		P	P	P	P	P	P	P	P	P	P	P	
Production, processing, cleaning, servicing, altering, testing, repair or storage of goods normally incidental to a permitted or conditional operation							P	P	P	P		P	
Retail or service when incidental to principal commercial or industrial uses							P	P	P	P			
Administrative and business offices							P	P	P	P	P	P	
Portable Storage Units	30							p*	p*	p*			4.8.4
Canvas Structures		P	P	P	P	P	P	P	P	P	P	P	
Dwelling Unit							p*						4.8.5
Fuel Pumps							C	P	P	P			4.6.11

**Table 4-3: Temporary Use Table**

P = Permitted C = Conditional * = Use Specific Standards Apply		RESIDENTIAL ZONES					COMMERCIAL ZONES		INDUSTRIAL ZONES		COMMUNITY SERVICE ZONES		USE SPECIFIC STANDARDS
USE CLASS	PG REF.	RS	RG	RA	RM	RMH	CG	CH	MH	ML	P	DR	
Farmers' Markets	31				C*		p*	p*		p*	p*	p*	4.10.1
Real Estate Offices and Model Homes	31	p*	p*	p*	p*	p*	p*	p*			p*		4.10.2
Seasonal Sales Areas	31						p*	p*		p*	p*	p*	4.10.3
Construction Trailers	31	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	4.10.4
Special Events (carnivals, fairs, street party, concert, fundraising, or similar)		P	P	P	P	P	P	P	P	P	P	C	
Garage or Yard Sale		P	P	P	P	P	P	P	P	P	P	P	
Portable Storage Units	30	C*	C*	C*	C*	C*		p*	p*	p*			4.8.4
Temporary Signs	20	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	See Part Six

## **4.6 PRINCIPAL USE STANDARDS**

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

### **4.6.1 MULTIPLE-FAMILY DWELLINGS**

Multiple-family dwellings in the RS Residential Single-Family and the RG Residential General Zones shall have a maximum of 12 dwelling units.

### **4.6.2 CONDOMINIUM DEVELOPMENT (MULTIPLE-FAMILY)**

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. Condominium developments shall be regulated by the following provisions:

- a. In bare land unit condominium developments, each bare land unit, as defined in the *Condominium Act*, which is delineated by horizontal land boundaries, shall be considered a zoning site as defined by this By-law, for the purposes of determining site area and width, yards and other requirements;
- b. In bare land unit condominium developments, common elements, as defined in the *Condominium 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 streets, where such thoroughfares are over 10 m (33 ft.) in width; and
- c. 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.

### **4.6.3 PLANNED UNIT DEVELOPMENT**

A planned unit development is primarily a major land development project that, 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 that can occur within a Planned Unit Development, including, but not limited to the following:

- a. Comprehensive redevelopment, including mixed use projects;
- b. Condominium developments that propose a mixture of different land uses and dwelling types;
- c. Townhouse and apartment projects containing two or more principal buildings and characterized by diverse designs;
- d. Alternative subdivision layouts; and
- e. Shopping centres, commercial and industrial developments utilizing common elements to address common needs including parking, access, etc.

An application for the establishment of a Planned Unit Development shall be accompanied by the following information:

- a. Those requirements normally required for the issuance of a development or building permit as outlined in Section 1.17 and 1.18 in Part One;
- b. An impact assessment statement or study, engineering study, or such other information as Council may consider necessary for the review of the proposal;
- c. An overall landscaping plan shall be prepared; and
- d. Any public park areas to be dedicated to the Town of Stonewall.

#### **4.6.4 BED AND BREAKFASTS**

In the case a home based business is a bed and breakfast, the following provisions shall apply:

- a. The operator of the business must reside on the premises and must use it as their principal residential dwelling;
- b. The maximum number of guest rooms is the number of bedrooms existing in the structure, minus one for occupancy by the owners/operator of the facility;
- c. No cooking facilities are permitted in guest rooms;
- d. Guests may reside at the Bed and Breakfast for a maximum of two weeks;
- e. A Bed and Breakfast shall not change the aesthetic character of the neighbourhood in which it is located, nor shall it generate an excess of vehicular traffic that is otherwise uncharacteristic of the neighbourhood; and
- f. A minimum of two parking spaces must be provided per three guest rooms.

#### **4.6.5 NEIGHBOURHOOD REHABILITATION HOMES**

Neighbourhood rehabilitation homes shall comply with the following provisions:

- a. A Neighbourhood rehabilitation homes shall not be located within 110.58m (330 ft.) of another neighbourhood rehabilitation home, care facility or care home;
- b. A neighbourhood rehabilitation home shall not generate pedestrian or vehicular traffic or parking in excess of that which is characteristic of the Zone in which it is located;
- c. A neighbourhood rehabilitation home shall be recognized, authorized, licenced or certified by the Province of Manitoba; and
- d. A neighbourhood rehabilitation home shall meet or exceed all applicable building and fire safety regulations.

#### **4.6.6 CONTRACTOR'S ESTABLISHMENT**

A contractor's establishment, including decorating, dry walling, heating, electrical, painting, plumbing, or similar establishments and the incidental storage of materials and equipment is only permitted when both the sales and incidental building materials and equipment is located within a completely enclosed building or structure.

#### **4.6.7 KENNELS OR ANIMAL SHELTERS**

In the CG Commercial General and the CH Commercial Highway Zones, a kennel is permitted only if all operations are conducted within an enclosed building.

#### **4.6.8 BILLBOARD ADVERTISING SIGNS**

All advertising billboard signs must comply with the following provisions:

- a. No sign may be erected, re-erected, or altered, such that it may interfere with, obstruct the view, or be confused with any authorized traffic signal, warning signal, or other regulatory or information device;
- b. Advertising billboard sign surface areas include the entire area of the smallest rectangle that encloses the extreme limits of any writing, representation, logo or emblem forming part of the display;
- c. The maximum permitted surface area per advertising billboard sign shall be 18.5 m<sup>2</sup> (200 ft.<sup>2</sup>);
- d. When freestanding, the maximum height shall be 7.62 m (25 ft.) from grade;
- e. When attached to a building, the maximum height shall be the height of the wall where it is attached;
- f. No advertising billboard sign may contain an electronic message board, video screen, or any other means of electronic copy;

#### **4.6.9 ANIMAL HOSPITAL AND VETERINARY CLINICS**

The use of a crematorium is not permitted in the CG Commercial General or the CH Commercial Highway Zones.

#### **4.6.10 DRIVE-THROUGH ESTABLISHMENTS**

Drive-through establishments must comply with the following provisions:

- a. Existing parking or loading stalls must not be utilized as part of a drive-through lane;
- b. No drive-through establishment may be located on a site adjacent to a residential use unless the drive-through establishment is separated from the residential use by an intervening building, public lane, or public street;
- c. All drive-through establishments shall require a minimum site depth of 30.48m (100 ft.); and
- d. Stacking space shall be provided as follows:
  - i. For drive-through food services, a minimum of six (6) in-bound stacking spaces shall be provided for vehicles approaching the establishment service window. One (1) out-bound stacking space shall be provided on the exit side of each service position and shall be located so as not to interfere with service to the next vehicle;
  - ii. For Automated Teller Machines, a minimum of three (3) in-bound stacking spaces shall be provided;
  - iii. Stacking spaces shall be a minimum of 5.49m (18 ft.) long and 3.04m (10 ft.) wide; and
  - iv. Stacking spaces shall be located so as not to interfere with the regular flow of traffic from required off-street entrances and exits, or parking lanes and spaces.



#### **4.6.11 FUEL SALES**

Establishments for the sale of fuel must comply with the following provisions:

- a. Refueling areas are not permitted in required parking areas;
- b. A canopy over a pump island may extend to within 3.04m (10 ft.) of the boundary of the site. The canopy area shall not constitute part of the site coverage total;
- c. No fuel sale establishment may be located on a site adjacent to a residential use unless the site is separated from the residential use by an intervening building, public lane, or public street; and
- d. Fuel pumps associated with fuel sales shall be considered a permitted accessory use and shall observe a 20 ft. setback in front and side yards.

#### **4.6.12 MOTOR VEHICLE REPAIR, SERVICE OR MAINTENANCE**

The following provisions shall apply to motor vehicle repair, service or maintenance establishments:

- a. All work on vehicles or equipment, including estimates, inspections, and repairs, washing, and vehicle preparation, must be conducted within an enclosed building meeting the requirements of this By-law;
- b. Any overhead service doors visible from an adjacent site containing a residential use must remain closed when not being used for entry or exit of vehicles;
- c. An accessory outdoor sales area must be paved with concrete, asphalt, paving stones, or other impervious surface approved by the Designated Officer, and must be graded and drained to dispose of all water accumulated within the area;

#### **4.6.13 WRECKING AND/OR SALVAGE YARDS**

Wrecking and/or salvage yards or scrap yards, must comply with the following standards:

- a. The site must be screened according to provisions in Section 5.10.4 – Screening of Outside Storage;
- b. No materials or supplies shall be stored above the level of the screening or fence.

#### **4.6.14 COMMERCIAL COMPOSTING**

For the composting of materials or composting as a large scale commercial operation, Council may require a detailed engineering study from the applicant certifying that the proposed composting operation meets or exceeds all applicable Provincial standards.

#### **4.6.15 HOME CHILDCARE SERVICE**

All home childcare services must comply with the following standards:

- a. Hours of operation must be limited between 6:00AM and 7:00PM;
- b. No other home based businesses may be conducted within the premises;
- c. All home childcare services are limited to less than 8 children;
- d. All home childcare services are limited to a single-family dwelling;

- e. All home childcare services must provide a pick-up/drop-off area, which may be a driveway, to ensure the safety of children when entering and exiting the premises; and
- f. All home childcare services must attain a Provincial License.

## **4.7 ACCESSORY USE STANDARDS**

This Section authorizes the establishment of Accessory Uses and Structures.

### **4.7.1 GENERAL**

All accessory uses and structures must comply with the following standards:

- a. All principal uses allowed in a zone are deemed to include the accessory uses, structures and activities allowed for that district, as outlined in Table 4-2 Accessory Uses;
- b. All accessory uses and structures must comply with all other applicable provisions of this By-law (including the additional specific provisions Part Four and dimensional standards in Part Five);
- c. Accessory uses and structures must comply with all other provisions of this By-law applicable to the principal use to which they are associated. Parking requirements (Part Seven) must also be met for the principal use;
- d. The accessory use or structure shall be located on the same site and in the same zone as the principal building, structure or use;
- e. Where any building or structure on a site is attached to a principal building on the site by a roof, an open or enclosed structure above grade, a floor or a foundation which is above grade, or any structure below grade allowing access between the buildings such as a parking garage, breezeway or corridor, it is part of the principal building and is not considered an accessory building or structure;
- f. No accessory building or structure shall be constructed on any site prior to the time of construction of the principal building to which it is accessory;

### **4.7.2 LOCATION**

- a. No accessory structure shall be placed or erected in any required front yard;
- b. No accessory structure shall be located within a dedicated easement or right-of-way.
- c. No detached accessory building or structure shall be located closer than 1.83 m (6 ft.) to any principal building measured from any projection, nor shall it be located closer than 0.61 m (2 ft.), measured from any projection, to any site line with the exception of corner sites where a detached accessory building or structure shall not be located closer than 3.05 m (10 ft.), measured from any projection, to any site line located adjacent to a street.

### **4.7.3 HEIGHT**

- a. Notwithstanding zone specific regulations for accessory buildings and structures, the maximum height of accessory buildings or structures on a site which abuts or is located in the RS – Residential Single-family, RG – Residential General or the

RM – Residential Multiple-family zones shall not be greater than the height of the principal building permitted in the said abutting Zone.

## **4.8 STANDARDS FOR SPECIFIC ACCESSORY USES**

The accessory uses listed in the following Sections must comply with the standards outlined in Section 4.7, as well as the specific standards listed below.

### **4.8.1 PRIVATE POOLS OR HOT TUBS**

A swimming pool or hot tub shall:

- a. Comply with yard requirements for accessory buildings, structures and uses as set forth in the Residential Zone found in Section 5.4. Notwithstanding the dimensional standards found in Section 5.4, in no case shall an outdoor pool or hot tub be located closer than 1.5 m (5 ft.) to any side or rear site line;
- b. Be considered as being accessory to a permitted use and shall be developed in accordance with Section 4.7 of this Part;

### **4.8.2 HOME OCCUPATIONS**

A Home Occupation shall comply with the following provisions:

- a. The operators and/or employees of a home occupation must be residents of the dwelling unit;
- b. No more than three hundred (300) square feet of floor area is devoted to home occupations in any dwelling unit or mobile home or building accessory thereto, or twenty percent (25%) of the floor area, whichever is the lesser;
- c. Any work or activity conducted on the premises in connection with the home occupation shall be carried on entirely within the residential dwelling unit or entirely within a building accessory to that dwelling unit, with no outside storage or display;
- d. There shall be no visible indication that home occupations are being carried on within the dwelling unit;
- e. No home occupation shall be permitted that:
  - i. Generates traffic, parking, sewage or water use in excess of what is normal in the residential neighbourhood; and
  - ii. Creates a hazard to person or property, results in electrical interference, or becomes a nuisance;
- f. A home occupation shall not include social escort services, personal motor vehicle services, tow-truck operations, or any general or convenience retail operation;

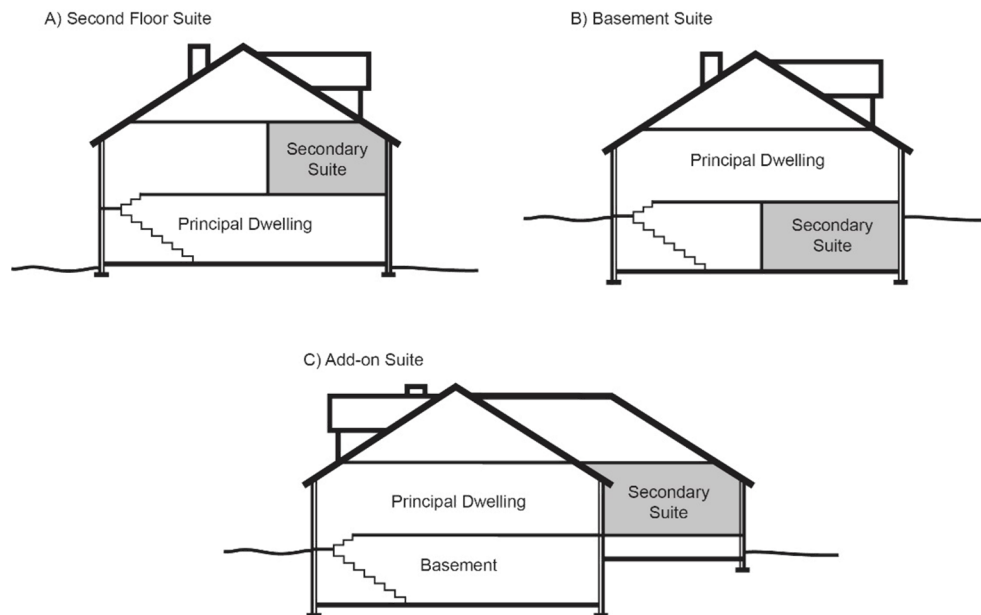
### **4.8.3 SECONDARY SUITES**

Secondary suites may be permitted as a conditional accessory use to single-family dwellings and are subject to the following:

- a. Secondary suites must comply with the requirements of the National Building Code and Manitoba amendments;

- b. Not more than one (1) secondary suite may be permitted on a single-family residential zoning site, either within the principal dwelling, or as an addition to a principal dwelling. Detached secondary suites (garden suites) or secondary suites above an already existing or new accessory building, such as a garage, are not permitted;
- c. Secondary suites are not permitted within or as an addition to a mobile home, two-family dwellings, or multiple-family dwellings;
- d. For dwellings that contain a secondary suite, only one (1) street-facing entrance is permitted, unless the dwelling contained an additional street-facing entrance prior to the creation of the secondary suite;
- e. Parking for secondary suites must adhere to the Parking Table in Part Seven of this By-law, and must be in addition to the parking requirements of the principal building.
- f. Secondary suites located within or in addition to the principal dwelling shall be no larger than forty (40) percent of the total gross floor area of the dwelling unit prior to construction of the secondary suite or 65 m<sup>2</sup> (700 ft.<sup>2</sup>), whichever is less;
- g. No secondary suite shall have a floor area less than 32.5 m<sup>2</sup> (350 ft.<sup>2</sup>);

### SECONDARY SUITE ILLUSTRATIONS



#### 4.8.4 PORTABLE STORAGE UNITS

Portable storage units including “sea-cans”, rail cars, semi-trailers or similar containers as determined by the Designated Officer, either for accessory or temporary use, shall comply with the following regulations:

- a. Portable storage units are only permitted in Industrial (ML – Industrial Light and MH – Industrial Heavy) and CH – Commercial Highway Zones;
- b. A maximum of four (4) portable storage units shall be allowed on any zoning site where such use is permitted;

- c. No portable storage unit shall be stacked on top of another;
- d. If intended to be used for less than 6 months, a portable storage unit:
  - i. shall be classified as a Temporary Use and shall comply with Section 4.9 of this Part;
  - ii. shall not be permitted in any required front yard; and
- e. A portable storage unit that has been approved as a Temporary Use as per Section 4.9 of this part may seek a permit renewal for no more than two (2) successive periods at the same location;
- f. If used for longer than a 6 month period, a portable storage unit:
  - i. shall be classified as an Accessory Use and shall comply with this Section;
  - ii. shall not be permitted in any required front yard;
  - iii. shall be placed on a secure and level foundation as determined by the Designated Officer;
  - iv. shall be painted to match the colour of the principal building with no business identification signs as determined by the Designated Officer; and
  - v. Shall require an opaque fence around the containers that adheres to Section 5.10 – Fences and Screening located in Part Five.
- g. Notwithstanding clause a. of this subsection, portable storage units may be used in a Residential Zone for the express purposes of storage in which case such portable storage unit shall be considered a Temporary Use and shall comply with Section 4.9 of this Part. The temporary use of a portable storage unit in a Residential Zone shall only be valid for a period of 60 days and may not be renewed for more than two (2) successive periods at the same location.

#### **4.8.5 DWELLING UNITS**

Dwelling units in the CG Commercial General Zone are restricted to buildings that contain a principal commercial use. Dwelling units shall only be permitted above the first storey of a CG Commercial General Zone building. Those dwelling units on the main floor shall be restricted to the rear half or above the first storey of the building.

#### **4.8.6 HOBBY BEEKEEPING**

Where permitted within a Zone, every person keeping bees and the owner of any site on which bees are kept must comply with the following regulations:

- a. Adequate water must be provided to prevent bees from seeking water from other sources such as neighbouring swimming pools, birdbaths, or other bodies of water;
- b. All reasonable measures to prevent bees from swarming or other aggressive behaviour must be taken;
- c. If bees swarm or show signs of aggression, the owner must ensure the bees are re-queened;

- d. Any hive located within a Commercial Zone (CG or CH) must be located on the roof of a building. All other hives must:
  - i. Be located in a rear yard;
  - ii. Be raised a minimum of 2.5 m above grade; or
  - iii. Be behind a solid fence or hedge a minimum of 2 m in height and extending at least 6 m in either direction of the hive(s); and
  - iv. Be oriented with the hive entrance facing toward the centre of the property.

## **4.9 TEMPORARY USE STANDARDS**

- a. This Section allows for the establishment of specifically enumerated uses for a temporary period of time provided that the proposed temporary use complies with the requirements of this Section and all other provisions of this By-law.
- b. Subject to this Section, no temporary building or structure may exist without a Development Permit as per Section 1.17 of Part One and shall be subject to such terms and conditions as required by Council or the Designated Officer.
- c. The following temporary uses are exempt from the provision in clause b. of this Section, provided that the proposed temporary use complies with the general requirements of Section 4.9.1 below:
  - i. Garage or yard sales;
  - ii. Carnivals or fairs and any associated uses.

### **4.9.1 GENERAL REQUIREMENTS FOR ALL TEMPORARY BUILDINGS, STRUCTURES AND USES**

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

- a. The temporary building, structure or use must not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare, nor must the temporary development have any adverse impacts on nearby residential neighbourhoods;
- b. The temporary use or structure must not result in permanent alterations to the zoning site in which it is located;
- c. Unless otherwise stated in this By-law or in the terms of the development permit, the temporary building, structure or use must cease to operate thirty (30) days after approval of the permit or permission is granted.
- d. Tents and other temporary structures must be located so as not to interfere with the normal operations of any permanent use located on the site.
- e. In all cases, temporary buildings and structures shall not exceed 92.9 m<sup>2</sup> (1,000 ft<sup>2</sup>) in area and one storey or 4.57 m (15 ft.) in height.
- f. No temporary building, structure or use shall be used for human habitation.
- g. A temporary building or structure may be used as an office space for a contractor or developer, or for the storage of construction materials or equipment, both incidental and necessary to development on the same zoning site.

## **4.10 STANDARDS FOR SPECIFIC TEMPORARY USES**

In addition to complying with section 4.9.1 above, the temporary uses listed in this Section must comply with the following standards.

### **4.10.1 FARMERS' MARKETS**

Farmers' Markets are limited to take place between April 1<sup>st</sup> and October 31<sup>st</sup> and must ensure there is adequate parking for such use.

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

Real Estate Sales Offices and Model Sales Homes must:

- a. meet all dimensional standards and parking requirements as applicable to principal structures in the zone where the temporary building or structure is located; and
- b. must not be used as a dwelling during the time it is being used as a real estate sales office or model home.

### **4.10.3 SEASONAL OR SPECIAL SALES AREAS**

Seasonal or Special Sales areas:

- a. must not reduce the number of required off-street parking or loading spaces below the minimums required by this By-law;
- b. must not obstruct any vehicular circulation route into or through the zoning site; and
- c. Are limited to a maximum of 60 days in each calendar year.

### **4.10.4 CONSTRUCTION TRAILERS**

Temporary construction trailers or buildings must be removed from the premises within one month after completion of such construction project for which they have been erected.

# PART FIVE

## DEVELOPMENT AND DESIGN STANDARDS

### 5.1 APPLICATION

This Part of the By-law provides development and dimensional standards applicable to all development in the Town of Stonewall. The general development provisions listed in this Part shall apply to all Zones unless otherwise specifically stated.

### 5.2 DIMENSIONAL STANDARDS

Sections 5.4 to 5.7 outline the dimensional standards for all zones within the Town of Stonewall. The following standards apply to all development under the jurisdiction of this By-law:

- a. The owner has a continuing obligation to maintain the minimum yards and other open spaces required by this By-law;
- b. The minimum yards and other open spaces required by this By-law for one use may not serve to satisfy the requirements of this By-law for minimum yards and other open spaces for another use;
- c. Yards and other open space required for a use must be located on the same zoning site as the principal use;
- d. Accessory uses, buildings, or structures shall be developed in accordance with Section 4.7 above;
- e. Temporary uses, buildings, or structures shall be developed in accordance with Section 4.9 above;
- f. No use or structure permitted under this By-law shall be established, erected, or constructed unless the site on which it is located, in addition to complying with all other requirements of this By-law:
  - i. Abuts a public street;
  - ii. Abuts an unimproved street which, under an Agreement with the Town of Stonewall, is to be improved to serve that site; or
  - iii. Is deemed to abut a public street pursuant to the non-conformity provisions of this By-law.
- g. Building heights are to be calculated in accordance with Section 2.3 in Part Two.

### 5.3 TABLE ORGANIZATION

In the tables below, the cells in each row specify a dimensional requirement for development for each zone noted in the far left column in relation to the requirement set out at the top of the column in which the cell is contained, and notes indicate special situations that affect the application of dimensional standards to specific zones. Dimensions are noted in imperial measurements for



convenience, maximum site coverage is noted in percentage, and floor area ratio is noted as a ratio. A dash symbol (-) indicates there is no applicable standard.

## 5.4 RESIDENTIAL ZONES

No person may erect and the owner may not permit to be erected a principal building on lands in the RS, RG, RA, RM, or RMH Zones except for public utility facilities, unless:

- a. The principal building complies with the dimensional standards in Table 5-1; or
- b. An alternative dimensional standard is authorized by Council by way of Variance Order.

**Table 5-1: Dimensional Standards – Residential Zones**

Zone	Use	Sites		Yards			Other			
		Minimum Site Area (ft. <sup>2</sup> )	Minimum Site Width (ft.) [b]	Minimum Front Yard (ft.) (see 5.4.3 below)	Minimum Side yard (ft.)		Minimum Rear yard (ft.)	Minimum Dwelling unit area (ft. <sup>2</sup> )	Maximum Height (ft.)	Maximum Site coverage (%)
					Interior [c]	Corner				
RS	PRINCIPAL	7,200 [a]	60 [d]	25	5	10	25	800	30	40
	ACCESSORY	-	-	25	2	10	2	-	15	10
RG	PRINCIPAL	5,000 [a]	50 [d]	25	5	10	25	800	30	40
	ACCESSORY	-	-	25	2	10	2	-	15	10
RA	PRINCIPAL	2 (acres)	100	25	15	10	25	800	30	40
	ACCESSORY	-	-	25	2	10	2	-	15	10
RM	PRINCIPAL	10,000 (first 4 units) [a]	70 [d]	25	[e]	10	25	600	45	-
		1,500 (5+ units thereafter)								
	ACCESSORY	-	-	25	2	10	2	-	15	10
RMH	PRINCIPAL	3,600	30	25	5	10	25	400	-	60
	ACCESSORY	-	-	25	2	10	2	-	15	10

### TABLE NOTES

- a. The minimum site area allowed when subdividing a two-family dwelling shall be 3,600 ft.<sup>2</sup> in the RS Zone, 2,500 ft.<sup>2</sup> in the RG Zone and 5,000 ft.<sup>2</sup> in the RM Zone.
- b. The side yard of dwellings with a common party wall may be reduced to zero (0) when the side site line is completely within the common party wall;
- c. For single- and two-family dwellings, minimum site depth shall be 100 ft. in the RG Zone and 120 ft. in the RS Zone;

- d. The minimum site width for Townhouse Dwellings or Two-family dwellings that have been subdivided shall be 25 ft. per dwelling unit.
- e. The required side yard shall be 15 ft. or one-half (1/2) of the height of the building, whichever is greater.

#### **5.4.1 ADDITIONAL STANDARDS FOR RESIDENTIAL ACCESSORY USES**

No person may erect an accessory structure, including swimming pools and secondary suites, but excluding those related to public utilities unless the structure meets dimensional standards in Table 5-1 above or an alternative dimensional standard authorized in Section 5.15 regarding permitted projections, Sections regarding additional yard requirements, or those that apply to the specific use. The following regulations apply to accessory uses:

- a. If the accessory use is a Secondary Suite, the provisions of Section 4.8.3 apply;
- b. If the accessory structure is a private or semi-private swimming pool or hot tub, the provisions of section 4.8.1 shall apply.
- c. An accessory structure shall not be located closer than 6 ft. from the principal building or structure from all projections except where it is attached to the principal building or structure.
- d. Unenclosed decks greater than 2 ft. shall be subject to the dimensional standards of the principal building to which they are attached.
- e. Where a lawfully constructed accessory use or structure that conforms to this By-law exists on a site, such structure or use does not become non-conforming due to the subsequent construction of an addition to the principal building that complies with the standards of this By-law.

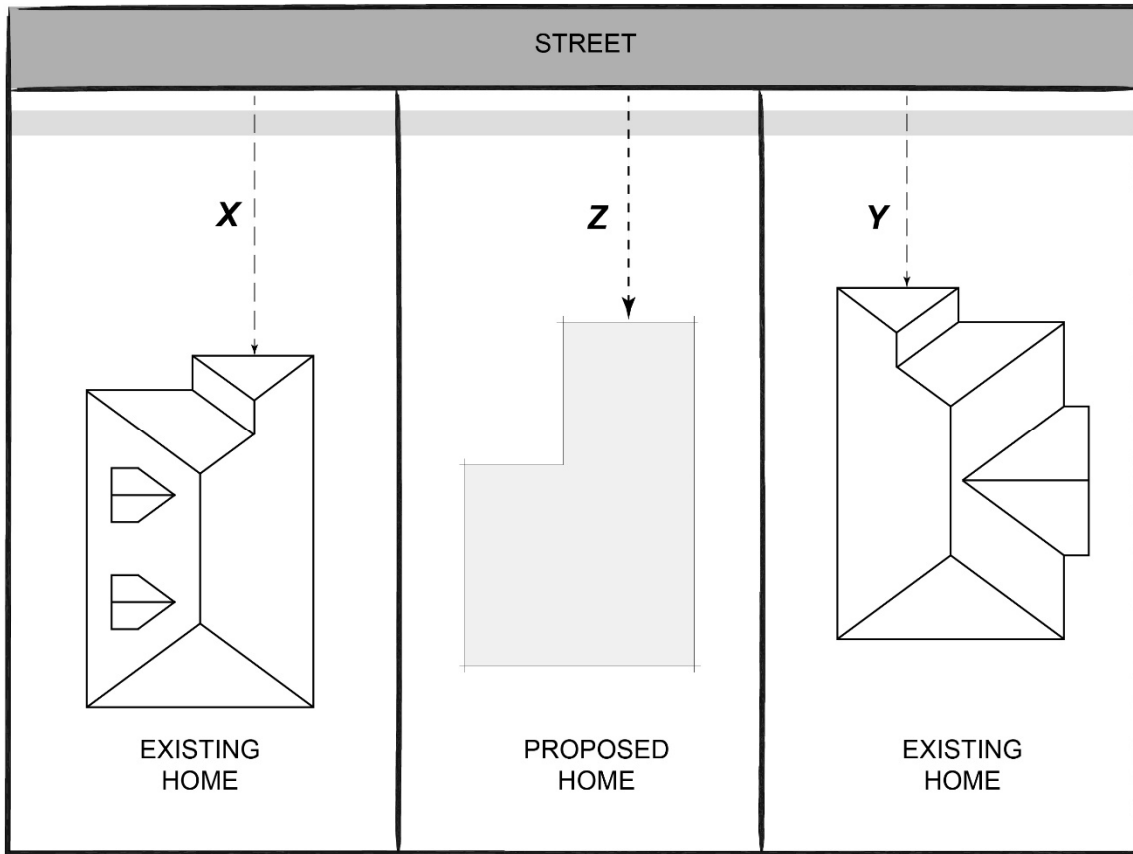
#### **5.4.2 SUBDIVISION OF ATTACHED DWELLINGS**

A site with a two-family or multiple-family dwelling may be subdivided into two or more sites provided that:

- a. Any new site line shall, where possible, be a straight line between 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 must have frontage on a street.
- c. Each site shall adhere to the appropriate on-site parking regulations for the specific use located on each site and such parking area shall have direct access to a street or other legal access as above in clause b.
- d. All appropriate yard and dimensional regulations shall apply.

#### **5.4.3 FRONT YARD SETBACK AVERAGING**

Where a new single-family, two-family, or multiple-family dwelling or addition to a dwelling is proposed on a street where at least eighty percent (80%) of the sites have been developed with principal residential dwellings, and front yard setbacks are not consistent with this By-law, the proposed structure must be developed with a front yard setback consistent with the average of the existing front yards on the length of that street. The setback shall be determined by the average setback of the dwellings on either side of the proposed dwelling, and in the case of a corner site, the average of the two nearest properties on the same street, as determined by the Designated Officer.



*In calculating the appropriate front yard building alignment, the equation  $(X+Y) \div 2 = Z$  where  $X$  and  $Y$  are the setbacks of sites on opposing sides of the new addition or dwelling. In this example if  $X = 28$  and  $Y = 26$ , then  $Z$  shall be  $27$ .*

## 5.5 COMMERCIAL ZONES

No person may erect and the owner may not permit to be erected a principal building or accessory building on lands in the CG or CH Zones except for public utility facilities, unless:

- The principal building complies with the dimensional standards in Table 5-2; or
- An alternative dimensional standard is authorized by this By-law, or Council by way of Conditional Use Order or Variance Order.

**Table 5-2: Dimensional Standards – Commercial Zones**

Zone	Use	Sites		Yards					Other	
		Minimum Site Area (ft. <sup>2</sup> )	Minimum Site Width (ft.)	Minimum Front Yard (ft.)	Minimum Side yard (ft.)		Minimum Rear yard (ft.)		Maximum Height (ft.)	Maximum Floor Area Ratio (or ft. <sup>2</sup> )
					Interior	Corner	Lane	No Lane		
CG	PRINCIPAL	2,500	25	0 [a]	0 [b]	0	20 [c]	25 [c]	45 [d]	1.5 (FAR)
	ACCESSORY	-	-	[e]	[e]	[e]	5	15	[f]	400
CH	PRINCIPAL	12,000	100	25	15	10	20 [c]	25 [c]	35 [g]	1.0 (FAR)
	ACCESSORY	-	-	[e]	[e]	[e]	5	15	[f]	400

Multiple-Family Residential Structures in the CG Zone must meet the requirements of the RM Zone in Table 5-1 Dimensional Standards – Residential Zones.

**TABLE NOTES**

- a. The minimum front yard requirements for a zoning site, where there are existing buildings on the adjacent sites on both sides of a site, or on one side for a corner site, shall not vary more than ten percent (10%) from the average existing front yards for the said adjacent buildings, provided that said distance is less than the minimum dimensional requirements. The minimum front yard requirement may be used to determine the front yard requirement for a building that was destroyed and is being rebuilt, or where an existing building is to have an addition made to it, or where a new building is to be constructed in an infilling situation.
- b. Where a site is adjacent to a residential zone, a side yard shall not be less than 10 ft. Where there is a party wall, the side site line shall be wholly contained within the common party wall.
- c. The required rear yard may be reduced to 10 ft. if all the required parking and loading spaces are provided elsewhere on the zoning site; where a dwelling unit is contained within a commercial building, the required rear yard shall be 25 ft. regardless of the location of parking or loading spaces.
- d. Or 3 storeys, whichever is the lesser.
- e. The minimum front and side yard requirements for accessory buildings and structures shall be the same as the minimum front and side yard requirements for the principal buildings and structures of the site, unless otherwise stated in this By-law.
- f. The maximum height of accessory buildings and structures shall not exceed the height of the principal building or structure, to a minimum of 10 feet. In the case where a zoning site does not contain a principal building or structure, the maximum height shall be 10 ft.
- g. Or 2 ½ storeys, whichever is the lesser.

**5.5.1 ACCESS REQUIREMENTS**

Access to the property for vehicles shall be only by way of entrances and exits provided in accordance with the following:

- a. The minimum width of an entrance or exit shall be 4.57 m (15 ft.);
- b. The minimum width of a combined entrance and exit shall be 7.62 m (25 ft.);
- c. The maximum width of an entrance or exit shall be 4.57 m (15 ft.);
- d. The maximum width of a combined entrance and exit shall be 10.67 m (35 ft.)
- e. The 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 side site line on a public lane shall be 4.57 m (15 ft.);
- f. The owner of the property shall provide and maintain a barrier at least 0.3 m (1 ft.) high on or near all street site lines so as to prevent vehicles from entering or leaving the property other than by way of the entrances and exits permitted by this By-law herein.

## 5.6 INDUSTRIAL ZONES

No person may erect and the owner may not permit to be erected a principal building or accessory building on lands in the MH or ML Zones except for public utility facilities, unless:

- a. The principal building complies with the dimensional standards in Table 5-3; or
- b. An alternative dimensional standard is authorized by this By-law, or Council by way of Conditional Use Order or Variance Order.

**Table 5-3: Dimensional Standards – Industrial Zones**

Zone	Use	Sites		Yards			Other		
		Minimum Site Area (ft. <sup>2</sup> )	Minimum Site Width (ft.)	Minimum Front Yard (ft.)	Minimum Side yard (ft.)		Minimum Rear yard (ft.) [c]	Maximum Height (ft.)	Maximum Floor Area Ratio (or ft. <sup>2</sup> )
					Interior [c]	Corner [c]			
MH	PRINCIPAL	15,000	150	20	15	15	15	45	1.0
	ACCESSORY	-	-	[a]	5	5	15	[b]	2000
ML	PRINCIPAL	12,000	100	15	5	15	15	45	1.0
	ACCESSORY	-	-	[a]	5	5	15	[b]	2000

### TABLE NOTES

- a. Accessory buildings and structures shall be located in side or rear yards of principal buildings or structures.
- b. The maximum height of accessory buildings or structures shall not exceed the height of the principal building or structure. In the case where a zoning site does not contain a principal building or structure, the maximum height shall be 10 ft.
- c. Where adjacent to a residential zone, the provisions of subsection 5.6.1 shall apply.

### 5.6.1 SPECIAL YARDS ALONG ZONE BOUNDARIES

Notwithstanding any other requirements provided elsewhere in this By-law, where a site within an Industrial Zone abuts a Residential Zone, the following regulations shall apply:

- a. When a site in the ML Industrial Light Zone abuts any Residential Zone, a 6.01 m (20 ft.) buffer is required;
- b. When a site in the MH Industrial Heavy Zone abuts any Residential Zone, a 15.24 m (50 ft.) landscaped buffer is required. This buffer shall include a berm or fence, and appropriate landscaping to the satisfaction of the Designated Officer or Council. As a minimum, an earthen berm shall be of no less than 1.52 m (5 ft.) in height and a width of no less than 2.5 m (8.2 ft.). The regulations for fences found in Section 5.10 shall apply.
- c. Where a site in an Industrial Zone abuts a Residential Zone, no open storage or outdoor display shall be permitted, except where a solid fence of a minimum height of 1.83 m (6 ft.) is provided and maintained along the site line abutting the Residential Zone boundary.

## 5.7 COMMUNITY SERVICE ZONES

No person may erect and the owner may not permit to be erected a principal building or accessory building on lands in the P or DR Zones except for public utility facilities, unless:

- a. The principal building complies with the dimensional standards in Table 5-4; or
- b. An alternative dimensional standard is authorized by this By-law, or Council by way of Conditional Use Order or Variance Order.

**Table 5-4: Dimensional Standards – Community Service Zones**

Zone	Use	Sites		Yards				Other		
		Minimum Site Area (ft. <sup>2</sup> )	Minimum Site Width (ft.)	Minimum Front Yard (ft.)	Minimum Side yard (ft.) [a]		Minimum Rear yard (ft.)	Minimum Dwelling unit area (ft. <sup>2</sup> )	Maximum Height (ft.)	Maximum Site coverage (%)
					Interior	Corner				
P	PRINCIPAL	1 acre	-	25	25	25	25	-	45	60
	ACCESSORY	-	-	-	-	-	-	-	20	10
DR	PRINCIPAL	2 acres	200	25	15	25	25	800	35	50
	ACCESSORY	-	-	25	15	15	10	-	20	10

### TABLE NOTES

- a. Side yard requirements do not apply when land is used for a permitted recreational use without a structure.

## 5.8 AREA AND YARD REQUIREMENTS

Except as herein provided, the following regulations shall apply in all zones to ensure adequate site and yard requirements:

- a. When site and yard requirements cannot reasonably be complied with, as in the case of a planned unit development or where dimensions cannot be determined on sites of peculiar shape, topography, or due to design or site arrangement, such requirements may be modified or determined by Council pursuant to the provisions of *The Act*;

- b. No building shall be added to, or reconstructed and no site shall be reduced in area, width, or depth if such addition, reconstruction, reduction or alteration will cause the violation of any provision of this By-law;
- c. Yards and site area, width, and depth provided for a building or structure existing on the effective date of this By-law or amendments thereto shall not be reduced, if already less than the minimum requirements of this By-law; and
- d. No yard or other open space around an existing building which is hereafter provided around any building for the purpose of complying with the provisions of this By-law shall be considered as providing a yard or open space for any other building or structure; nor any yard or other required open space on any adjoining site be considered as providing a yard or open space on a site whereon a building is to be erected.

#### **5.8.1 SIDE YARD EXCEPTIONS**

For the purpose of side yard regulations, the following dwellings with common party walls shall be considered as one (1) building, occupying one (1) site: duplex, side-by-side, triplex and four-plex dwellings, row or townhouses, and other multiple-family dwellings.

### **5.9 PROJECTIONS INTO YARDS**

Notwithstanding the required front, side and rear yard requirements in this By-law, a property owner may permit the building elements or landscaping and site elements listed in the far left column of Table 5-5 to project into required yard spaces. The dimensional qualities listed in the four right hand columns set out the extent and restrictions for each projection. Where a maximum height is listed, those height limits apply to such projections when located in required yard areas.

## Table 5-5: Projections into Yards

Projection	Standards			
	Front Yard	Side Yard	Rear Yard	Height
<b>Building Elements</b>				
Building façades including brick and stonework	Permitted	Permitted	Permitted	Permitted
Accessibility features including ramps, lifts or hoists	Permitted	Permitted	Permitted	Permitted
Bay or oriel windows	Maximum of 0.61m (2ft.)	Maximum of 0.61m (2ft.)	Maximum 0.61m (2ft.)	1 storey
Open and unenclosed porches and decks	Maximum 1.83m (6ft.)	Maximum 50% of side yard, no closer than 0.9 m (3 ft.) to side site line	Maximum 50% of rear yard, no closer than 1.83 m (6 ft.) to rear and side site line	Permitted
Open and unenclosed stairway (including Fire escapes) or Balcony	Maximum of 1.22m (4ft.)	Maximum of 1.22 (4ft.)	Maximum of 1.22m (4ft.)	Permitted
Heat pumps and air conditioners	Not Permitted	Not closer than 0.9 m (3 ft.) to side site line	Not closer than 0.9 m (3 ft.) to rear site line	Permitted
Architectural features including trellises, flagpoles, and lighting fixtures	Maximum of 0.9m (3ft.)	Maximum of 0.9m (3ft.) not closer than 0.9 m (3 ft.) to side site line	Maximum of 0.9m (3ft.) not closer than 0.9 m (3 ft.) to rear or side site line	Permitted
<b>Landscaping and Site Elements</b>				
Fences, walls, screening and hedges	Permitted	Permitted	Permitted	See <b>Section 5.10</b> of this Part
Trees, shrubs, gardens and plant features	Permitted	Permitted	Permitted	Permitted
Basketball Hoops [a]	Not closer than 1.5 m (5 ft.) to front site line.	Not closer than 0.61 m (2 ft.) to side site line	Not closer than 0.61 m (2 ft.) to rear or side site line	Permitted
Sidewalks, driveways and parking [b]	Permitted	Permitted	Permitted	Permitted
Paths and Stepstones	Permitted	Permitted	Permitted	Permitted
Garbage and recycling enclosures	Not Permitted	Not Permitted	Not closer than 0.61 m (2 ft.) to rear or side site line	3.96 m (13 ft.)
Bicycle Bollards or Racks	Permitted	Permitted	Permitted	Permitted
Clotheslines or clothesline poles [a]	Not Permitted	Not closer than 0.61 m (2 ft.) to side site line	Not closer than 0.61 m (2 ft.) to rear or side site line	2.13 m (7 ft.)

### TABLE NOTES

- a. Only permitted in Residential or Community Service Zones.
- b. Subject to the Part Seven – Parking and Loading Regulations.



## **5.10 FENCES AND SCREENING**

Fences, hedges, arbours, trellises, and similar structural or landscaping features are permitted as accessory structures in all zones. No fence shall be erected or maintained within the Town of Stonewall except in accordance with the following provisions.

### **5.10.1 FENCES IN ALL ZONES**

- a. No razor wire or electrically charged fences shall be permitted.
- b. Fence heights are to be measured from the general ground level at a distance of 0.61 m (2 ft.) from within the site line of the site on which the fence is to be constructed.
- c. A fence height may be increased or decreased at the discretion of the Designated Officer to reflect the grade of surrounding sites.
- d. No fence may be constructed out of debris, junk, or waste materials.
- e. All fences and similar structures must adhere to the accessory use regulations for the zone in which the structure is located.

### **5.10.2 FENCES IN RESIDENTIAL (RG, RS, RA, RM, RMH) AND PARKS, INSTITUTIONS AND OPEN SPACE (P) ZONES**

- a. No barbed wire, spire tips, or fences including sharp objects shall be permitted.
- b. Fences constructed in any front yard shall be limited to a height of 1.07 m (3.5 ft.) and fences constructed in any side or rear yard shall be limited to 1.83 m (6 ft.)
- c. Fence heights shall be inclusive of lattice and similar fence toppers.
- d. Notwithstanding clause a. or b. of this Section, fences accessory to public or private schools, public utilities, or protective and emergency services, for the purposes of security, are permitted to a maximum of 3.05 m (10 ft.). At the discretion of Council, a 3.05 m (10 ft.) fence may include barbed wire for the top 0.61 m (2ft.) of such fence.

### **5.10.3 FENCES IN OTHER ZONES (CG, CH, MH, ML, DR)**

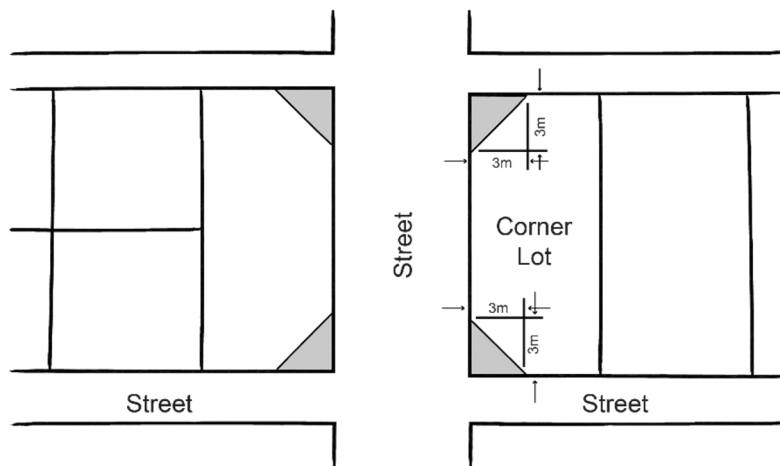
- a. Barbed wire fences are not permitted in any zone with the exception of the Commercial Highway (CH) and the Industrial Light and Heavy (ML, MH) Zones where the top 0.61 (2 ft.) of the fence may be barbed wire for security purposes and the Development Reserve (DR) Zone for agricultural purposes.
- b. Fences constructed in any front yard shall be limited to a height of 1.22 m (4 ft.) and fences constructed in any side or rear yard shall be limited to a height of 1.98 m (6.5 ft.).
- c. Notwithstanding above, the maximum fence height for rear yards in Industrial Zones shall be 3.66 m (12 ft.).
- d. Materials stored within outside storage shall not be allowed to project above the height or any bounding fence.

### **5.10.4 SCREENING OF OUTSIDE STORAGE**

- a. A garbage collection area, an open storage area, or an outdoor service area, which is visible from an abutting site in a Residential Zone, or from a public roadway other than a lane, shall have an opaque fence or a screen planting. The location, length, thickness and height of such fence or screen planting shall be in accordance with the landscaping plan.

### 5.11 CORNER VISION TRIANGLES

No building, structure, shelterbelt, hedge, landscaping feature, sign or stockpiling of materials (with the exception of snow) exceeding a height of 0.9 m (3 ft.) above grade shall be located within a triangular area of any site adjacent to an intersection of two public streets, with the sides of the triangular area being measured a distance of 3 m (9.8 ft.) along each site line from the point of the intersection.



### 5.12 LANDSCAPING

When a new development is proposed, or a change of use of existing development, or when any existing development is enlarged or increased in capacity, a landscaping plan shall be included in the development application. A landscaping plan shall be required for all manner of development, excluding single-family and two-family dwellings. The following provisions must be met for all landscaping in the Town of Stonewall:

- a. No landscaping work shall be commenced unless the landscaping plan has been approved by the Designated Officer;
- b. A landscaping plan shall contain the following information for the site and any adjacent boulevards:
  - i. all physical features, existing or proposed, including berm contours, walls, fences, outdoor furniture and fixtures, surface utilities, and paving; and
  - ii. all shrubs, trees and vegetation, whether existing or proposed, labelled by their common name, botanical name, and sizes;
- c. Notwithstanding the regulations of clause b. of this Section, the Designated Officer may consider an application if the development is of such nature as to enable a decision to be made on the application without all of the information;

- d. The applicant shall be responsible for landscaping and proper maintenance. The Designated Officer may require, as a condition of approval, that the applicant provide an irrevocable letter of credit in the amount of one hundred percent (100%) of the estimated landscaping cost, the condition of the said irrevocable letter of credit being that, if the landscaping is not completed in accordance with this By-law and the plan within one growing season after the completion of the development, then the amount required to complete the landscaping shall be paid to the Town of Stonewall from the said irrevocable letter of credit.
- e. Existing healthy woody plants (trees, shrubs) shall be preserved and protected unless removal is demonstrated to be necessary to efficiently accommodate the proposed development, or if the vegetation poses a safety hazard.
- f. Landscaped buffers shall be required in specific Industrial Zones where these uses are adjacent to Residential Zones.
- g. Any screen planting required shall consist of evergreen trees or shrubs, or flowering trees or shrubs, or such similar plant species as approved by the Designated Officer. All screen plantings shall be maintained to provide effective screening from the ground to a height of at least 1.83 m (6 ft.).
- h. Plant materials located within 3.05 m (10 ft.) of a public street must be of salt-tolerant species.
- i. The owners shall maintain all landscaping and buffering areas required by this By-law free from refuse and debris and with a neat appearance, and shall maintain plant materials including lawns and naturalized landscaping, in a healthy condition.

# PART SIX

## SIGNS

### 6.1 APPLICATION

This Section applies to all accessory and temporary signs, advertising billboard signs must comply with the provisions set out in Section 4.6.8 in Part Four. No sign may be constructed, erected, re-erected, placed, used or maintained except those that adhere to the provisions set out in this Section.

### 6.2 GENERAL PROVISIONS FOR ACCESSORY SIGNS

The following provisions shall apply to accessory and temporary signs in all Zones except wherein otherwise noted:

- a. No person or business shall erect a sign without first obtaining a Development Permit from the Designated Officer unless exempted by this By-law;
- b. Other than normal maintenance, the construction, erection, alteration, relocation, placement, or repair of any sign must comply with the provisions of this Section. Normal maintenance includes changes in sign copy due to damage;
- c. Any signs proposed to be located within a control area of a provincial highway shall require a permit from the Province;
- d. Where regulations of this By-law are inconsistent with the regulations respecting signs on or near public highways made or administered by a Provincial authority, the more stringent regulations shall apply;
- e. No sign or sign structure shall be erected, operated, used, or maintained which:
  - i. may be located in such a manner as to materially impede the view of any street or highway intersection; or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad grade crossing;
  - ii. may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, including rotating beams, beacons, or flashing illumination resembling an emergency light;
  - iii. allows a swinging motion; and
  - iv. is located on, over, or above any land or right-of-way belonging to and maintained by the town, unless specifically permitted by this By-law or by agreement with Council;
- f. For the purposes of this Part, where a building is occupied by more than one (1) business (multiple occupancy) each business shall be considered a separate use and may obtain their own sign;

- g. Where a sign contravenes the regulations set forth in this By-law, Council may, by notice in writing, order the owner or the person responsible for the contravening sign to take such measures as are specified in the notice to alter the sign so that it complies with the regulations of this By-law, or to remove the sign.

#### **6.2.1 ABANDONED SIGNS**

When an owner of a sign can no longer be located and/or the sign no longer correctly directs attention to or includes any person, advertising of a business, lessor, owner, product, or activity conducted or available on the premises where such a sign is displayed, the Designated Officer may serve notice to the owner of the land that either the sign be replaced or the sign itself be removed within thirty (30) days following such condition.

#### **6.2.2 UNSPECIFIED SIGNS**

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

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

The following types of signs are not subject to the regulations set out in this By-law:

- a. Signs posted by duly constituted public authorities in the performance of their public duties;
- b. Signs required for direction and convenience of the public including signs which identify rest rooms, parking, or entrance and exit signs, not exceeding 2.97 m<sup>2</sup> (32 ft.<sup>2</sup>) in area;
- c. Signs required to be erected or maintained by law or governmental order;
- d. Election signs during Federal, Provincial, Municipal election periods and up to seven (7) days afterward; and
- e. Window signs, unless such signs occupy more than thirty percent (30%) of the window surface on any façade of the principal building in which case they are considered fascia signs.

#### **6.2.4 SIGNS PERMITTED IN ALL ZONES WITHOUT A PERMIT**

An owner may erect, maintain, or place the following signs in all zoning districts without first obtaining a development permit, provided such signs are not illuminated, flashing, or otherwise noted herein:

- a. Official public notice signs;
- b. One fascia or free-standing real estate sign, per zoning site for which the sign is intended (i.e., for sale or lease sign), not exceeding 2.97 m<sup>2</sup> (32 ft.<sup>2</sup>) in sign surface area, with a maximum height of 3.66 m (12 ft.);
- c. Flags or emblems of a political, civic, educational, or religious organization;
- d. "No Trespassing" or "Private Property" signs not exceeding 0.28 m<sup>2</sup> (3 ft.<sup>2</sup>) in area;
- e. Construction identification signs not exceeding 2.97 m<sup>2</sup> (32 ft.<sup>2</sup>) in total sign surface area, to be located within the zoning site, or attached to a fence or hoarding with a maximum height of 3.66 m (12 ft.). The sign is permitted from the date a

development application is approved until eighty percent (80%) of the building(s) is/are completed, unless otherwise stated by Council;

- f. Historical plaques or markers authorized by Council including non-advertising memorial signs, commemorative signs, and corner stones, either built in or attached to a building or structure;
- g. Temporary signs not exceeding 2.97 m<sup>2</sup> (32 ft.<sup>2</sup>) surface area with a maximum height of 3.66 m (12 ft.) excluding mobile signs;
- h. Any sign that cannot be seen from off the premises;
- i. For single-family dwellings, each dwelling unit of a two-family dwelling, or each unit of a townhouse multiple-family dwelling, one illuminated or non-illuminated free-standing or fascia sign up to a maximum of 0.37 m<sup>2</sup> (4 ft.<sup>2</sup>) in sign surface area and 0.91 m (3 ft.) in height indicating the address, name of occupant, or a permitted use; and
- j. For any use other those listen in clause i., one identification fascia sign with illuminated or non-illuminated letters or logo, up to a maximum of 0.37 m<sup>2</sup> (4 ft.<sup>2</sup>) in sign surface area identifying the civic address and the name of the building.

#### **6.2.5 SIGNS PERMITTED IN OFF-STREET PARKING OR LOADING AREAS**

The owner may erect and maintain the following types of signs for accessory off-street parking areas in the Commercial, Industrial, and Parks, Institutions and Open Space Zones:

- a. One illuminated or non-illuminated sign designating each entrance and exit;
- b. Illuminated or non-illuminated directional signs for control of traffic movement; or
- c. One illuminated or non-illuminated parking area sign or signs identifying the parking area and setting forth the rules governing the use of the parking area;

All limited to a maximum of 0.56 m<sup>2</sup> (6 ft.<sup>2</sup>) in sign surface area and a maximum of 2 m (6.5 ft.) in height.

#### **6.3 ZONE SPECIFIC STANDARDS FOR ACCESSORY SIGNS**

All accessory signs, freestanding or attached to a building, must comply with the standards shown in Table 6-1 Zone Specific Sign Standards, and the associated yard setbacks where applicable. The first column indicates a Zone classification, the column indicates the sign type, and the third and fourth columns indicate dimensional standards.

**Table 6-1: Sign Standards**

ZONES	SIGN TYPE [a]	ILLUMINATION	MAXIMUM STANDARDS	
			Height	Surface Area
RS, RG, RA, RMH [b]	Freestanding	Not Permitted (see 6.2.4.i above)	0.91 m (3 ft.) above grade	0.37 m <sup>2</sup> (4 ft. <sup>2</sup> ) per dwelling unit
	Attached to Building	Not Permitted	Wall height	0.37 m <sup>2</sup> (4 ft. <sup>2</sup> ) per dwelling unit
RM	Freestanding	Permitted	1.52 m (5 ft.)	2.97 m <sup>2</sup> (32 ft. <sup>2</sup> )
	Attached to Building	Permitted	Wall height	10% of Building Wall
CG, CH	Freestanding	Permitted	10.67 m (35 ft.) above grade	13.94 m <sup>2</sup> (150 ft. <sup>2</sup> ) [c]
	Attached to Building	Permitted	Wall height	20% of Building Wall
MH, ML	Freestanding	Permitted	10.67 m (35 ft.) above grade	9.29 m <sup>2</sup> (100 ft. <sup>2</sup> ) [c]
	Attached to Building	Permitted	Wall height	20% of Building Wall
P, DR	Freestanding	Permitted	6.1 m (20 ft.) above grade	2.97 m <sup>2</sup> (32 ft. <sup>2</sup> )
	Attached to Building	Permitted	Wall height	10% of Building Wall

**TABLE NOTES**

- a. Signs “attached to building” include: fascia signs, projecting signs, awning signs, marquee signs, and canopy signs;
- b. The standards in this row apply to Residential uses only, all other uses shall adhere to the standards in the RM row.
- c. Maximum surface area standards for these zones is calculated on a per use basis.

**6.4 MEASUREMENT OF SIGN SURFACE AREA**

**6.4.1 SIGNS ATTACHED TO BUILDINGS**

- a. Sign surface area includes the entire area of the smallest rectangle that encloses the extreme limits of any writing, representation or emblem forming part of the display copy. If the background of the sign is the same colour as the wall on which it is situated, the sign surface area shall include an additional ten percent (10%) beyond the smallest rectangle that encloses the extreme limits of any sign copy.



*Sign surface area is the smallest rectangle around the sign copy. An additional 10% is added if the background copy of the sign is the same colour as the wall.*

- b. In calculating wall area for purposes of determining maximum sign surface areas, only the first three (3) storeys of the principal building may be used. Allowable sign surface area may not be transferred to another wall.

#### **6.4.2 FREESTANDING SIGNS**

- a. Sign surface area includes the entire area of the smallest rectangle that encloses the extreme limits of any writing or symbol, background colour or material, and any embellishment of the supporting structure forming part of the display;
- b. Sign surface area includes the total area of all faces exhibited or intended for display, except where two faces are parallel and located back-to-back, in which case sign surface area includes the area of only one such face, and if the two parallel, back-to-back faces are not equal, then the sign surface area is the larger of such faces; and

#### **6.4.3 THREE DIMENSIONAL SIGNS**

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

### **6.5 REGULATIONS FOR SPECIFIC SIGNS**

#### **6.5.1 ELECTRONIC SIGNS**

All electronic signs must meet the following requirements:

- a. A conditional use order is required;



- b. The following copy and/or letter heights of electronics signs is based on the posted speed restrictions:
  - i. Copy height of 23 cm (9 in) or less in a fifty kilometre (50km) per hour speed zone;
  - ii. Copy height of a maximum of 38 cm (15 in) in a speed zone above fifty kilometres (50kms) per hour speed zone;
- c. Electronic signs are not permitted in Residential Zones (RS, RG, RA, RM, RMH);
- d. No owner may place an electronic sign in a Commercial or Industrial Zone site that abuts a site line in a Residential Zone, or on a wall overlooking such a site line and such signs must be installed in such a way that any illumination does not project to any surrounding residential users;
- e. Electronic sign copy is not permitted on mobile signs;
- f. An owner shall display public safety broadcasts upon request from the Town of Stonewall;
- g. Electronic signs may not carry live video, contain animated images or project audio, only static images are permitted;
- h. No electronic sign shall exceed 0.3 foot candles of brightness above ambient light conditions; and
- i. All electronic signs shall be equipped with automatic dimming controls that adjust the sign's brightness to no more than 0.3 foot candles in direct correlation with ambient light conditions.

### **6.5.2 MOBILE SIGNS**

The following regulations shall apply to mobile signs:

- a. Mobile signs are only permitted in Commercial Zones (CG and CH) and Industrial Zones (ML and MH) and must be contained within the zoning site on which it is located;
- b. The maximum sign surface for a mobile sign shall be 4.65 m<sup>2</sup> (50 ft.<sup>2</sup>);
- c. The maximum height of a mobile sign shall be 3.05 m (10 ft.) measured from grade to the highest part of the sign;
- d. The maximum permitted duration for a mobile sign on a site shall be 90 consecutive days, upon which the sign must be removed, or the applicant must seek an extension;
- e. The applicant of the mobile sign shall pay the applicable fees and sign a letter indicating their compliance with these regulations, and agree with Council as to a date that the mobile sign will be removed;
- f. Mobile signs located on adjacent sites must be separated from each other by a minimum of 15.24 m (50 ft.), measured along the street right-of-way, unless the narrowness of site frontages or other restrictions in this By-law make that separation impossible, in which case the two signs must be separated as far as reasonably possible; and
- g. No property owner may erect more than one (1) mobile sign per use on a zoning site. The maximum number of mobile signs on any zoning site at any one time may

not exceed two (2), regardless of the number of individual uses located on that zoning site;

### 6.5.3 TEMPORARY SIGNS

The following regulations shall apply to Temporary Signs in all zones:

- a. Temporary signs are authorized by Council for not more than ninety (90) consecutive days at a time;
- b. Temporary signs for special events must be removed within (7) days following the date of the event unless otherwise noted;
- c. Temporary signs shall not be illuminated;
- d. A temporary sign that is a flag, is inflatable, or is a banner, is not subject to a maximum sign size limit;
- e. The maximum sign surface area of any Temporary Sign shall be 2.97 m<sup>2</sup> (32 ft.<sup>2</sup>) and the maximum height shall be 3.66 m (12 ft.), measured from grade to the highest point of the sign, unless otherwise stated;
- f. The maximum sign surface area of real estate sign shall be 0.46 m<sup>2</sup> (5 ft.<sup>2</sup>) feet on a residential zoning site and 1.47 m<sup>2</sup> (16 ft.<sup>2</sup>) on zoning sites in other zones, which advertise the sale, rental, or lease of said zoning site and must be removed within 7 days of the conclusion of the purpose for which the sign was erected;
- g. Temporary Signs located on public property shall be located so as not to obstruct or interfere with regularly scheduled street maintenance, the maintenance of public utilities, or otherwise create a public hazard;
- h. Temporary signs placed on public boulevards or rights-of-way must maintain the following minimum setbacks:
  - i. 1 m (3.3 ft.) from any curb;
  - ii. 3 m (9.8 ft.) from any road access; and
  - iii. 0.3 m (1 ft.) from the inside edge of any sidewalk, path, or private property.
- i. Garage sale signs shall:
  - i. be posted no earlier than 48 hours before the start of the sale and must be removed 24 hours after the conclusion of the sale;
  - ii. not be posted for longer than 7 consecutive days; and
  - iii. when placed on a public boulevard or right-of-way, shall adhere to the setback requirements mentioned in subsection h. of this Section.

### 6.5.4 OTHER SIGNS

- a. Roof signs are only permitted on mansard style roofs. Such signs may be attached to the sloping portions of the roof, but must not extend beyond the parapet height and must not be located on the horizontal portion of the roof.
- b. Fascia signs may have an emblem, logo, or other unique features projecting above the building wall if the sign projection is not more than 0.91 m (2 ft.) above the building wall or parapet wall and the total projection does not exceed 2.32 m<sup>2</sup> (25 ft.<sup>2</sup>) and the area of the projection must be counted towards the total sign area allowed.

- c. Up to ten percent (10%) of the maximum permitted sign area of any freestanding sign may be installed on the support structure for the sign face.
- d. Any freestanding sign shall be set back from each side line a minimum of 0.61 m (2 ft.) clear of any projections.

# PART SEVEN

## PARKING AND LOADING

### 7.1 APPLICATION

Public and private parking spaces which are accessory to the main use of a site, building or structure are a permitted use in all zones. Parking spaces and areas required under this By-law shall be provided in accordance with the following provisions.

### 7.2 GENERAL REGULATIONS

- a. When any new development is proposed, including a change of use of existing development, or when any existing development is enlarged or increased in capacity, then provision shall be made for off-street parking in accordance with the regulations contained in this Section.
- b. The area shall be drained and maintained with a stable surface which is treated so as to prevent the rising of dust or loose particles; it may be constructed of crushed stone, slag, gravel, concrete, asphalt, paving stones, or other approved material.
- c. All accessory parking areas that are provided off-street shall be located on the same site as the principal use.
- d. Where a parking area is situated along a site line which abuts a residential use in a “RS”, “RG”, “RM” or “RMH” zone a stable and continuous wall, fence, or planted screen shall be provided no less than 1.22 m (4 ft.) in height. The wall, fence, screen, and landscaping shall be kept free of refuse and debris and maintained in a healthy, growing condition, and be neat and orderly in appearance.
- e. Where lighting is provided for a parking area, such lights shall be so shielded and directed away from adjoining residential areas or residential properties.
- f. Parking areas may be open to the sky or enclosed within a structure.
- g. Accessory off-street parking areas provided for a use shall be used exclusively for the parking of employees, occupants, patrons or visitors of such use, unless otherwise permitted, and shall not be used for motor vehicle repair work or similar such uses.
- h. No building shall be erected in any parking area except one, non-habitable shelter for parking area attendants and shall not exceed 3.05 m (10 ft.) in height or 11.15 m<sup>2</sup> (120 ft.<sup>2</sup>) in surface area.

### 7.3 NUMBER OF PARKING SPACES REQUIRED

No person shall erect, enlarge, or change the use of a site without providing and maintaining a minimum number of parking spaces in accordance with Table 7-1 below.

## Table 7-1: Required Off-Street Parking Spaces

Use Class/Type	Minimum Required Spaces
<b>RESIDENTIAL AND RESIDENTIAL RELATED USE CLASS</b>	
Apartment Unit when part of a Commercial Development	1.0 space per dwelling unit
Bed and Breakfast Home	1.0 space per sleeping unit
Institutional Residence	1.0 space per dwelling or sleeping unit
Mobile Home Dwelling	1.0 space per dwelling unit
Multiple-family Dwelling	1.5 spaces per dwelling unit
Single-family Dwelling	1.0 space per dwelling unit
Townhouse Dwelling	1.2 spaces per dwelling unit
Two-family Dwelling	1.0 space per dwelling unit
<b>COMMERCIAL USE CLASS</b>	
Hotel or Motel	1.0 space per guest room or sleeping unit
Restaurant or Drinking Establishments	1.0 space per 9.29 m <sup>2</sup> (100 ft <sup>2</sup> ) or floor area
Retail Establishments	1.0 space per 37.19 m <sup>2</sup> (400 ft <sup>2</sup> ) of floor area
Banks and Offices	1.0 space per 37.16 m <sup>2</sup> (400 ft <sup>2</sup> ) of floor area
All other Commercial Uses	1.0 space per 23.2 m <sup>2</sup> (250 ft <sup>2</sup> ) of floor area
<b>INDUSTRIAL USE CLASS</b>	
All Industrial Uses	1.0 space per 5 employees or 92.9 m <sup>2</sup> (1000 ft <sup>2</sup> ), whichever is greater
<b>AGRICULTURAL USE CLASS</b>	
All Agricultural Uses	1.0 space per 5 employees or 92.9 m <sup>2</sup> (1000 ft <sup>2</sup> ), whichever is greater
<b>BASIC SERVICE USE CLASS AND COMMUNITY, EDUCATIONAL, RECREATIONAL AND INSTITUTIONAL USE CLASS</b>	
Indoor Recreation Facilities, Libraries, Museums, Community Centres	1.0 space for each 5 persons permitted under the occupant load limit
Schools (Public and Private)	1.25 spaces for each employee (rounded to the nearest whole number) and 1.5 spaces per classroom
Hospitals or other Medical Service	2.0 spaces per bed
Religious Assembly	1.0 space for each 5 persons permitted under the occupant load limit
Government Service	1.0 space per 37.19 m <sup>2</sup> (400 ft <sup>2</sup> ) of floor area
Childcare Service	1.0 space per 2 employees
Cemetery	Minimum 10 spaces

- a. Commercial buildings less than 278.71m<sup>2</sup> (3000 ft.<sup>2</sup>) where there is no legal access to the rear yard, shall be exempt from the requirements of Table 7-1.
- b. Where contiguous sites within a registered plan of subdivision forming part of a zoning site are used to satisfy the minimum parking requirements of Table 7-1, a non-conformity shall

not be created by virtue of sale or disposition of any site which would reduce the on-site parking spaces below the minimum requirements of said Table or unless the minimum parking requirements are varied pursuant to *The Act* by variation approval of Council.

- c. Off-street parking may be permitted in any required yard.
- d. When the calculation of on-site vehicle parking spaces results in a fractional figure, it shall be rounded upward to the nearest whole number.

## 7.4 BICYCLE PARKING

- a. Bicycle parking shall be provided for the following uses in Table 7-2 to the appropriate standards listed. For similar uses that are not provided for in Table 7-2, Bicycle parking regulations shall be determined at the discretion of Council, or the Designated Officer.
- b. Bicycle parking spaces provided for a specific use shall be located on the same site as the principal use or building.
- c. Bicycle parking spaces shall be located in order to provide convenient access to main entrances or well-used areas.
- d. Any Bicycle Parking spaces located on sidewalks, boulevards, or public rights-of-way shall be at least 1 m (3.3 ft.) from any curb and 3 m (9.8 ft.) from any road access and shall not be situated as to impede pedestrian movement in such areas.
- e. When the calculation of on-site bicycle parking spaces results in a fractional figure, it shall be rounded upward to the nearest whole number.
- f. Design of bicycle parking spaces shall be as follows:
  - i. Each bicycle parking space shall be a minimum of 1.83 m (6 ft.) in length and 0.61 m (2 ft.) in width, and 1.83 m (6 ft.) in vertical clearance.
  - ii. Racks shall be designed for frame, not wheel support;
  - iii. Racks shall be securely anchored to the ground or a wall to prevent removal or movement.

**Table 7-2: Required Bicycle Parking Spaces**

Type of Use	Minimum Required Spaces
Elementary and Middle Schools	Spaces shall be provided for 5% of faculty and staff members, and 30% of the total number of students.
Secondary Schools	Spaces shall be provided for 5% of faculty and staff members, and 10% of the total number of students.
Community Centres, Public Libraries	1.0 space per 100 m <sup>2</sup> (1,076 ft. <sup>2</sup> ) of gross leasable floor area.
Parks	1.5 spaces per 500 m <sup>2</sup> (5,382 ft. <sup>2</sup> ) of gross area.
Recreation Complexes (indoor and outdoor)	1.0 space per 500 m <sup>2</sup> (5,382 ft. <sup>2</sup> ) of gross area.

## 7.5 PARKING AREA DESIGN

- a. Parking spaces may be varied in width depending on the angle measured perpendicular to the axis of the access aisle of the space provided. Where an aisle serves two (2) different

types of angled parking, which are located across from each other, the largest required access aisle shall be provided. The dimensions of parking spaces and parking space access aisles shall be in accordance with Table 7-3 Parking Dimensions.

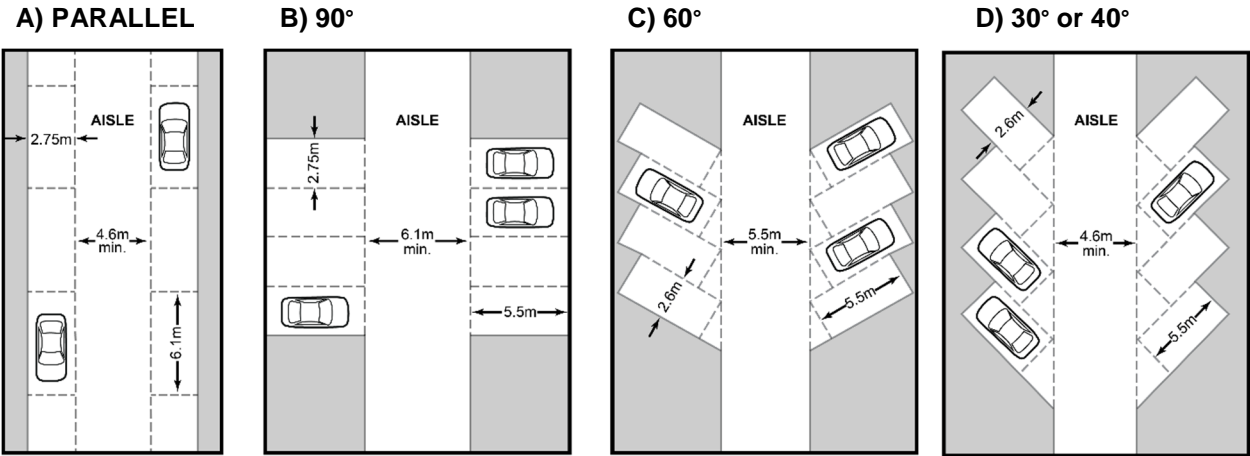
- b. Where access to a parking space is directly from a lane, the width of the lane adjacent to said parking space may be computed as part of the aisle width required for said parking space.
- c. The angle of parking shall be measured between the centerline of the parking space and the centreline of the aisle.
- d. Except as provided for in clause b., an aisle or driveway shall not mean a street or lane.
- e. Each parking space shall have a vertical clearance of at least 2 m (6.56 ft.)

**Table 7-3: Parking Dimensions**

MINIMUM REQUIREMENTS*					
Illustration	Angle of Parking	Width of Space	Length of Space	Width of Access Aisle	Area per Car
A	Parallel†	2.75m (9.02 ft.)	6.1m (20 ft.)	4.6m (15 ft.)	16.78m <sup>2</sup>
B	75 to 90°	2.75m (9.02 ft.)	5.5m (18.04 ft.)	6.1m (20 ft.)	15.13m <sup>2</sup>
C	50 to 74°	2.6m (8.5 ft.)	5.5m (18.04 ft.)	5.5m (18.04 ft.)	14.3m <sup>2</sup>
D	45° or less	2.6m (8.5 ft.)	5.5m (18.04 ft.)	4.6m (15 ft.)	14.3m <sup>2</sup>

\* For parking spaces other than parallel parking spaces, up to fifteen percent (15%) of the required parking spaces may be of a length shorter than that required above, to a minimum of 4.6m (15.09 ft.).  
† End spaces may have an open end and a minimum length of 5.5 m (18.04 ft.)

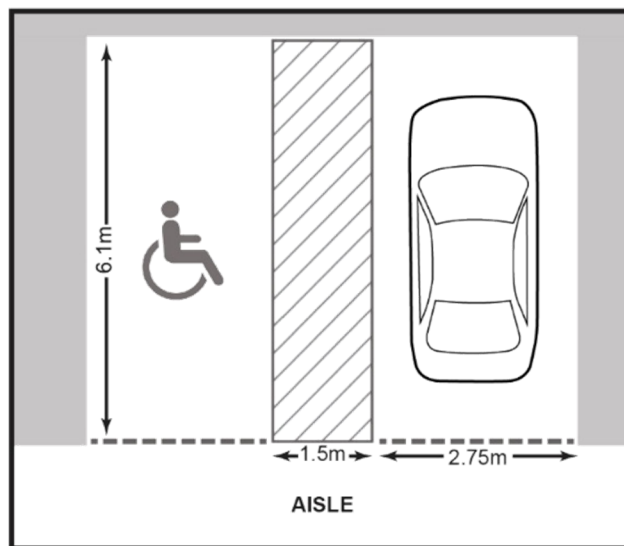
**PARKING ILLUSTRATIONS**



## 7.6 ACCESSIBLE PARKING

Accessible parking spaces:

- Must be a minimum of 2.75 m (9.02 ft.) in width plus a 1.5 m (4.92 ft.) wide adjacent access aisle, and a minimum of 6.1 m (20 ft.) in length. Two such stalls may be served by one access aisle.
- Must be accommodated with an accessible route. It must be at least 1 m (3.28 ft.) wide. The width requirement applies to curb ramps, sidewalks and built-up curb ramps. Accessible ramps must be located adjacent to the access aisle, not in the parking stall.
- Must include necessary signage reserving the space for use by persons with disabilities.
- Must be located within 60.96 m (200 ft.) of major building entrances used by residents, employees, or the public.



### 7.6.1 NUMBER OF ACCESSIBLE PARKING SPACES REQUIRED

Out of the total number of required off-street accessory parking spaces, a portion of those spaces are to be accessible to persons with disabilities, as noted in the table below:

Table 7-4: Required Accessible Parking Spaces	
Number of Spaces in lot	Minimum Accessible Spaces Required
1 to 25	1.0
26 to 50	2.0
51-75	4.0
76 to 100	6.0
101 to 200	8.0
201 and Over	5% of total (minimum 10 spaces)



## 7.7 OFF-STREET LOADING SPACES

When any new development is proposed including a change of use from existing development, or when any existing development is substantially enlarged or increased in capacity, off-street vehicular loading and unloading spaces shall be provided in accordance with the following:

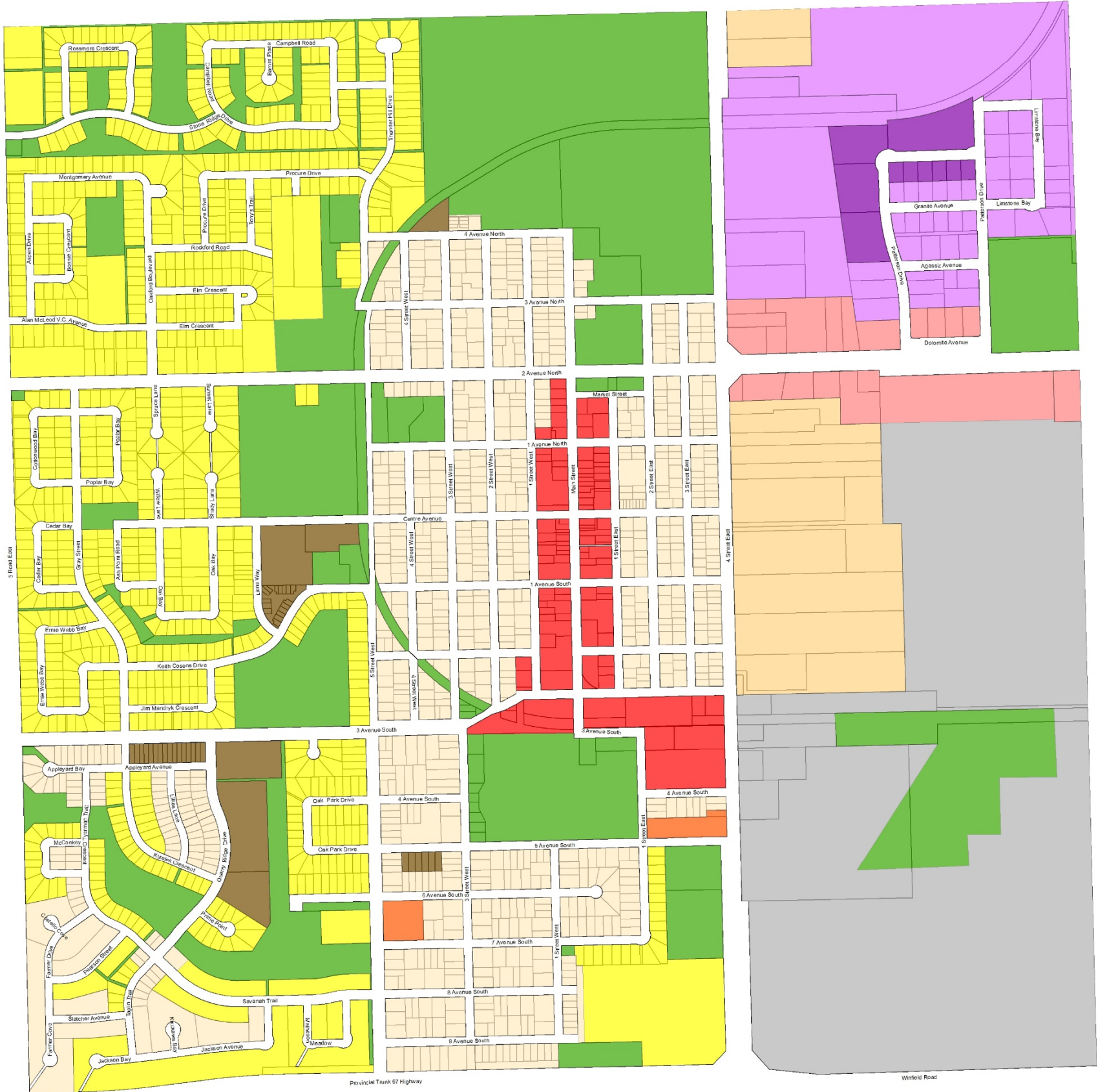
- a. All loading and unloading spaces shall be located on the site so that all materials and commodities loaded or unloaded can be easily collected or distributed within the site, to and from all tenants or occupants. Access shall be so arranged that no backing or turning movements of vehicles going to or from the site causes interference with traffic on the adjoining or abutting public roadways, lanes, sidewalks, or boulevards.
- b. Loading and unloading spaces shall be of adequate size and with adequate access, both to the satisfaction of the Designated Officer, to accommodate the types of vehicles which will be loading and unloading, without those vehicles projecting into a public roadway.
- c. Loading or unloading spaces shall be identified with the appropriate signage.

# PART EIGHT

## ZONING MAP

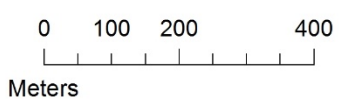
# Town of Stonewall

By-law No. 06-16  
Zoning Map



**Legend**

	DR - Development Reserve Zone
	CG - Commercial General Zone
	CH - Commercial Highway Zone
	MH - Industrial Heavy Zone
	ML - Industrial Light Zone
	P - Parks, Institutions and Open Space Zone
	RA - Residential Suburban Zone
	RG - Residential General Zone
	RM - Residential Multiple Family Zone
	RMH - Residential Mobile Home Zone
	RS - Residential Single Family Zone



Coordinate System: NAD83, UTM Zone 14 N  
Data Source: ProvMB, Town Of Stonewall,  
MMM Group Ltd., Pollack & Wright, Evan Allan  
Date Created: December 3, 2012  
Date Revised: Decemner 14, 2016

## Town Of Stonewall Zoning Map

Evan Allan, MMM Group Ltd., Pollack and Wright  
Date: December, 2016