

# THE TOWN OF ERICKSON



## ZONING BY-LAW CONSOLIDATION

**TOWN OF ERICKSON**

**ZONING BY-LAW**

**UNOFFICIAL OFFICE CONSOLIDATION**

# TOWN OF ERICKSON

## ZONING BY-LAW NO. 358-86

## AMENDING BY-LAWS INCLUDED IN THIS OFFICE CONSOLIDATION

[illegible]

## **VILLAGE OF ERICKSON**

### **BY-LAW NO. 358-86**

Being a By-law to regulate the use and development of land within the Town of Erickson.

Whereas, Section 40(1) of the Planning Act, Chapter 29, S.M. 1975 provides that a Zoning By-law may be enacted by the Council of a Municipality;

And whereas, pursuant to Section 30(1) of the said Planning Act, the South Riding Mountain District Planning Board has by By-law adopted a Development Plan;

And whereas, Section 34(2) of the same Act provides that a Zoning By-law shall be prepared upon the adoption of a Development Plan;

And whereas, the Town of Erickson Town Planning Scheme 1960, being By-law No. 51 and all subsequent amendments thereto are hereby repealed;

Now therefore, the Council of the Town of Erickson, in meeting duly assembled, enacts as follows

## TABLE OF CONTENTS

<b>PART I - DEFINITIONS .....</b>	<b>1</b>
RULES OF CONSTRUCTION .....	1
DIVISIONS OF BY-LAW .....	1
DEFINITIONS.....	2
 <b>PART II - ADMINISTRATION.....</b>	 <b>18</b>
SCOPE .....	18
TITLE .....	18
WHEN EFFECTIVE .....	18
THE AREA.....	18
INTENT AND PURPOSE.....	18
RESPONSIBILITIES OF COUNCIL.....	19
RESPONSIBILITIES OF THE BOARD.....	19
AMENDMENTS .....	19
CONDITIONAL USE .....	20
TEMPORARY USES .....	20
VARIATIONS .....	21
DEVELOPMENT AGREEMENT .....	21
DEVELOPMENT OFFICER.....	21
DUTIES AND POWERS.....	21
DEVELOPMENT PERMIT .....	22
PERMIT REQUIRED.....	22
WHEN REQUIRED .....	22
REQUIREMENTS.....	23
CONFORMITY .....	23
BUILDING PERMITS .....	23
PERMITS ISSUED PRIOR TO BY-LAW.....	23
NON-CONFORMITY .....	24
EXISTING BUILDINGS AND STRUCTURES .....	25
INTERPRETATION AND APPLICATION.....	25
RELATION TO OTHER BY-LAWS.....	25
SITE REDUCED .....	26
VARIATION ORDER OR SPECIAL EXCEPTION PRIOR TO BY-LAW.....	26
FUTURE ROAD ALLOWANCE DEEMED EXISTING .....	26
PUBLIC UTILITIES AND SERVICES .....	26
MONUMENTS AND STATUARY.....	26
ENFORCEMENT.....	26
CONNECTING TO MUNICIPAL SERVICES .....	27

PRIVATE LANE OR ROAD .....	27
DUTIES OF OWNER.....	27
RETENTION OF BULK REGULATIONS .....	27
THROUGH SITE - MAYBE TWO SITES .....	28
SUBDIVIDING LAND .....	28
FEE SCHEDULE.....	28
BUILDING GRADE .....	28
REPEAL .....	28
 <b>PART III - ZONING.....</b>	 <b>29</b>
ZONES.....	29
ZONING MAPS .....	29
ZONE BOUNDARIES .....	30
 <b>PART IV - RESIDENTIAL ZONES.....</b>	 <b>32</b>
INTENT AND PURPOSE.....	32
ZONES.....	32
APPLICATION OF THE BY-LAW TO RESIDENTIAL ZONES .....	32
USE REGULATIONS .....	32
USES PERMITTED .....	32
 <b>RESIDENTIAL USE TABLE IV - I .....</b>	 <b>33</b>
CONDITIONAL USE .....	34
ACCESSORY USES, BUILDINGS AND STRUCTURES.....	34
HOME OCCUPATIONS.....	35
BULK REGULATIONS.....	35
INTENT AND PURPOSE.....	35
ACCESSORY BUILDINGS, STRUCTURES AND USES REGULATIONS.....	35
 <b>RESIDENTIAL BULK TABLE IV-II .....</b>	 <b>36</b>
GENERAL PROVISIONS .....	39
INTENT .....	39
DWELLING UNIT - MINIMUM SIZE .....	39
PARKING.....	39
SIGNS .....	40
SIGN REGULATIONS .....	40
AREA AND YARD REQUIREMENTS.....	41
FRONT YARD EXCEPTIONS.....	41
PROJECTIONS INTO REQUIRED YARDS .....	42
HEIGHT EXCEPTIONS .....	42
NUMBER OF BUILDINGS PERMITTED PER SITE.....	43

NOXIOUS OR OFFENSIVE USES.....	43
MULTIPLE USES .....	43
DWELLING UNIT AND HABITABLE BUILDING LOCATION WITH RESPECT TO SANITATION FACILITIES.....	43
LOCATION OF RESIDENCES WITH RESPECT TO COMMERCIAL PROPANE AND BULK OIL STORAGE BUILDINGS AND STRUCTURES .....	43
"RMH" MOBILE HOME AND MOBILE HOME PARK AND SUBDIVISION REGULATIONS (IN ADDITION TO THE PRECEDING BULK REGULATIONS) .....	44
MOBILE HOME PARK REGULATION .....	44
BUFFER AREA.....	44
DEVELOPMENT OF THE BUFFER AREA .....	44
MOBILE HOME PARK INTERNAL ROADWAY SYSTEM .....	44
NUMBER OF MOBILE HOMES .....	45
DISTANCE FROM STORAGE COMPOUND, COMMON PARKING, SERVICE BUILDING.....	45
REQUIRED SERVICES FOR SPACE .....	45
REQUIRED SERVICES FOR MOBILE HOME PARK .....	45
LOCATION OF ACCESSORY BUILDINGS .....	45
ACCESSORY STRUCTURES AND BUILDINGS .....	46
SITE PLANS - REQUIREMENTS .....	46
MOBILE HOME STANDARDS .....	46
 <b>PART V - COMMERCIAL ZONES.....</b>	<b>47</b>
INTENT AND PURPOSE .....	47
ZONES.....	47
DOWNTOWN COMMERCIAL ZONES .....	47
HIGHWAY COMMERCIAL ZONE .....	47
APPLICATION OF THE BY-LAW TO COMMERCIAL ZONES .....	47
USE REGULATIONS .....	47
USES PERMITTED .....	47
 <b>COMMERCIAL USE TABLE V-I .....</b>	<b>48</b>
CONDITIONAL USE .....	50
ACCESSORY USES, BUILDINGS AND STRUCTURES.....	50
BULK REGULATIONS.....	51
 <b>COMMERCIAL BULK TABLE V-II .....</b>	<b>51</b>
ACCESSORY BUILDINGS, STRUCTURES AND USES REGULATIONS.....	54
GENERAL PROVISIONS .....	55
INTENT .....	55
AREA AND YARD REQUIREMENTS .....	55

PROJECTIONS INTO REQUIRED YARDS .....	56
DWELLING UNIT - MINIMUM SIZE .....	56
PARKING SPACE FOR RESIDENTIAL USE .....	56
PARKING SPACE FOR COMMERCIAL USE .....	57
SIGN REGULATIONS .....	57
HEIGHT OF BUILDINGS .....	58
HEIGHT EXCEPTIONS .....	59
STORAGE OF MERCHANDISE .....	59
SITE SIZE REQUIREMENTS .....	59
NOXIOUS, HAZARDOUS OR OFFENSIVE USES .....	59
MULTIPLE USES .....	59
LOCATION OF COMMERCIAL USES WITH RESPECT TO COMMERCIAL PROPANE AND BULK OIL STORAGE BUILDINGS AND STRUCTURES .....	60
DWELLING UNIT AND HABITABLE BUILDING LOCATION WITH RESPECT TO SANITATION FACILITIES .....	60

## **PART VI - GENERAL INDUSTRIAL ZONE.....61**

INTENT AND PURPOSE .....	61
ZONES.....	61
INDUSTRIAL ZONE.....	61
APPLICATION OF THE BY-LAW TO THE GENERAL INDUSTRIAL ZONE .....	61
USE REGULATIONS .....	61
USES PERMITTED .....	61
CONDITIONAL USE .....	62

### **GENERAL INDUSTRIAL USE TABLE VI-I.....62**

ACCESSORY USES, BUILDINGS AND STRUCTURES.....	63
BULK REGULATIONS.....	64
INDUSTRIAL BULK TABLE.....	64

### **GENERAL INDUSTRIAL BULK TABLE VI-II.....64**

SITE SIZE REQUIREMENTS .....	66
ACCESSORY BUILDING AND USES REGULATIONS .....	66
GENERAL PROVISIONS .....	67
INTENT .....	67
AREA AND YARD REQUIREMENTS .....	67
PROJECTIONS INTO REQUIRED YARDS .....	67
DWELLING UNIT - MINIMUM SIZE .....	68
LOADING SPACES.....	68
PARKING SPACES .....	68
SIGNS .....	69
SIGN REGULATIONS .....	69



SPECIAL YARDS ALONG ZONE BOUNDARIES .....	70
HEIGHT OF BUILDINGS .....	70
HEIGHT EXCEPTIONS .....	70
OUTSIDE STORAGE OF GOODS AND MATERIALS.....	71
STATIONARY STORAGE OF ANHYDROUS AMMONIA .....	71
MULTIPLE USES .....	71
LOCATION OF COMMERCIAL BULK PROPANE, NON-HAZARDOUS SOLID AND LIQUID FERTILIZER AND BULK OIL STORAGE, BUILDINGS AND STRUCTURES .....	71
HABITABLE BUILDING LOCATION WITH RESPECT TO SANITATION FACILITIES .....	71
<b>PART VII - INSTITUTIONAL ZONE.....</b>	<b>72</b>
INTENT AND PURPOSE .....	72
ZONE.....	72
APPLICATION OF THE BY-LAW TO THE INSTITUTIONAL ZONE .....	72
USE REGULATIONS .....	72
USES PERMITTED .....	72
CONDITIONAL USE .....	72
<b>INSTITUTIONAL USE TABLE VII-I.....</b>	<b>73</b>
ACCESSORY USES, BUILDINGS AND STRUCTURES.....	73
BULK REGULATIONS.....	74
INSTITUTIONAL BULK TABLE .....	74
ACCESSORY BUILDINGS, STRUCTURES AND USE REGULATIONS.....	74
<b>INSTITUTIONAL BULK TABLE VII-II.....</b>	<b>75</b>
GENERAL PROVISIONS .....	76
INTENT .....	76
MINIMUM DWELLING SIZE.....	76
SIGN REGULATIONS .....	76
PARKING.....	77
AREA AND YARD REQUIREMENTS.....	77
PROJECTION INTO REQUIRED YARDS .....	78
HEIGHT OF BUILDINGS .....	79
HEIGHT EXCEPTIONS .....	79
NOXIOUS OR OFFENSIVE USES.....	79
MULTIPLE USES .....	79
HABITABLE BUILDINGS LOCATION WITH RESPECT TO SANITATION FACILITIES .....	79
CAMPGROUNDS PARK DEVELOPMENT PROVISION .....	79

LOCATION OF INSTITUTIONAL USES WITH RESPECT TO COMMERCIAL PROPANE AND BULK OIL STORAGE BUILDINGS AND STRUCTURES .....	80
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## **PART VIII - LIMITED AGRICULTURAL ZONE.....81**

INTENT AND PURPOSE .....	81
ZONE.....	81
"AL" LIMITED AGRICULTURE ZONE.....	81
APPLICATION OF THE BY-LAW TO THE LIMITED AGRICULTURE ZONE .....	81
USE REGULATIONS .....	81
USES PERMITTED .....	81
CONDITIONAL USE .....	81
ACCESSORY USES, BUILDINGS AND STRUCTURES.....	82

## **LIMITED AGRICULTURE USE TABLE VIII-I.....82**

BULK REGULATIONS .....	83
SITE SIZE REGULATIONS.....	83
ACCESSORY BUILDING STRUCTURES AND USES REGULATIONS .....	83

## **LIMITED AGRICULTURAL BULK TABLE VIII-II .....84**

GENERAL PROVISIONS .....	86
INTENT .....	86
AREA AND YARD REGULATIONS .....	86
HEIGHT OF BUILDINGS .....	86
HEIGHT EXCEPTIONS .....	86
SIGN REGULATIONS .....	86
MINIMUM DWELLING SIZE.....	88
LIVESTOCK PRODUCTION OPERATIONS.....	88
LOCATION OF BARNS AND ANIMAL CONFINEMENT AREAS .....	88
CATEGORY OF LIVESTOCK PRODUCTION OPERATIONS REQUIRING REGISTRATION UNDER THE CLEAN ENVIRONMENT AND THEREFORE A CONDITIONAL USE IN THIS ZONING BY-LAW .....	88
LIVESTOCK WASTE UNIT OR L.W.U. ....	88
MULTIPLE USES .....	89
HABITABLE BUILDING LOCATION WITH RESPECT TO SANITATION FACILITIES .....	89

## **LIVESTOCK WASTE UNITS CONVERSION TABLE NO. VIII - III.....89**

## **PART I - DEFINITIONS**

### **RULES OF CONSTRUCTION**

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

### **DIVISIONS OF BY-LAW**

2. (1) This By-law is divided into PARTS, each PART being self-sufficient with a minimum of cross references.

## **DEFINITIONS**

## **DEFINITIONS**

3. (1) "Accessory building or use" means a subordinate building or use located on the same zoning site as the principal building or use, the use of which is incidental and accessory to that of the principal building or use of the land:
  - (a) "Accessory building, attached or semi-detached" means an accessory building which is attached to the principal building by a common wall or breezeway, etc. and, in determining the required yards, the attached accessory building shall be treated as being part of the main building.
  - (b) "Accessory building, detached" means an accessory building which is not attached to the principal building and, in determining the required yards, the requirements for accessory uses, buildings and structures as shown in the Bulk Tables shall be used.
- (2) "Act, the" means The Planning Act, being CHAPTER P80 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.
- (3) "Agricultural implement sales and services" means a building and open area, used for display, sale or rental of new or used farm implements and where minor incidental repair work is done.
- (4) "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.
- (5) "Alterations, incidental" means:
  - (a) Changes or replacements in the non-structural parts of a building or structure, including but not limited to the following:
    - (i) a minor addition on the exterior of a building, such as an open porch;
    - (ii) alteration of interior partitions in all types of buildings; or
    - (iii) replacement of, or changes in, the capacity of utility pipes, ducts or conduits.
  - (b) Changes or replacements in the structural parts of a building, including but not limited to the following:

## **DEFINITIONS**

- (i) adding or enlarging windows or doors in exterior walls;
  - (ii) replacement of building facades; or
  - (iii) strengthening the load bearing capacity, in not more than ten percent (10%) of the total floor area, to permit accommodation of a specialized unit of machinery or equipment.
- 3. (6) "Alteration, Structural" means a structural alteration as defined in the Act.
- (7) "Automobile Body Shop" means a building wherein the repair and painting of automobiles takes place.
- (8) "Automobile Laundry" means a building or portion thereof wherein facilities are provided for the washing, cleaning and polishing of motor vehicles.
- (9) "Automobile Service Station" means a building or portion thereof and land used for supplying fuel, oil and minor accessories for motor vehicles at retail direct to the customer, and for making minor emergency repairs.
- (10) "Automobile or Trailer Sales Area" means an open area, used for the display, sale or rental of new or used automobiles or trailers, and where repairs are made they shall be done within a completely enclosed building, except minor incidental repairs of automobiles or trailers to be displayed, sold or rented on the premises.
- (11) "Automobile Wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
- (12) "Basement or Cellar" means that portion of a building which is partially underground. If more than fifty (50) percent is below grade, it may be used for recreational purposes but not to contain habitable rooms except by permission of Council and the Medical Health Officer.
- (13) "Board" means the Board of The South Riding Mountain Planning District as established under the Act.
- (14) "Building" means a building as defined in the Act.
- (15) "Building, Main or Principal" means a building in which is conducted the principal use of the site on which it is situated.

## DEFINITIONS

- (16) "Building, height of" means the total number of storeys in a building 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 to the mean height level between eaves and ridge for gable, hip or gambrel roof.
- (17) "Bulk" means the following:
- (a) The size of buildings or structures (including height of building and floor area);
  - (b) The size of zoning sites (including the area, width and depth of the site) upon which a building or structure is located, and the number of dwelling units or rooms or floor area within such building or structure in relation to the area of the zoning site;
  - (c) The location of exterior walls of buildings or structures in relation to site lines, or to other buildings or structures. All open areas relating to buildings or structures and their relationships thereto.
- (18) "Campgrounds" means an area of land planned and improved to accommodate travel trailers, camping trailers, pick-up coaches, motorized homes, tents, tent trailers or other camping accommodations used for travel, recreational and vacation uses.
- (19) "Child Care Services" means the provision of care, for remuneration or reward, to a child apart from his or her parents or guardians for a period of any one day exceeding (3) hours but not exceeding fourteen (14) hours:
- (a) "Home day care" means the provision of child care services to a maximum of eight (8) children, including the children of the owner or tenant, not over twelve (12) years of age, in a dwelling unit, in which the owner or tenant resides, or churches or parish halls, with access to an outdoor recreation area.
  - (b) "Group day care" means the provision of child care service to nine (9) or more children not over the age of twelve (12) in a provincially licensed facility with access to an outdoor recreation area.
- (20) "Club, Private, Non-profit, Recreational, Lodge" means a non-profit corporation chartered by The Canada Corporation Act or The Manitoba Corporation Act, or an association consisting of persons who are bona fide members paying annual dues, which owns, or leases a building or portion thereof; the use of such premises being restricted to members and their guests.

## DEFINITIONS

- (21) "Conditional Use" means the conditional use of land and/or building as defined for in the Act.
- (22) "Council" means the Council of the Village of Erickson.
- (23) "Development Plan" means the South Riding Mountain Planning District Development Plan adopted by By-law No. 5-84 and amendments thereto.
- (24) "Drive-in Establishment" means an establishment with facilities for attracting and servicing prospective customers travelling in motor vehicles which are driven onto the site where the customer may or may not receive service in the vehicle.
- (25) "Dwelling" means a building or portion thereof designed for residential occupancy, but not including hotels, motels.
- (26) "Dwelling, Single-Family" means a detached building designed for and used by one (1) family.
- (27) "Dwelling, Two-Family" means a detached or semi-detached building designed for and used by two (2) families, each having exclusive occupancy of a dwelling unit.
- (28) "Dwelling, Multiple-Family" means a building containing three (3) or more dwelling units, each unit designed for and used by one (1) family.
- (29) "Dwelling Unit" means one (1) or more rooms in a building designed for one (1) or more persons as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.
- (30) "Enlargement" means an addition to the floor area of an existing building or structure, or an increase in that portion of a parcel of land occupied by an existing use.
- (31) "Extension" means an increase in the amount of existing floor area used for an existing use, within an existing building.
- (32) "Family" means one or more persons related by blood or marriage or common-law marriage, or a group of not more than three (3) persons who may not be related by blood or marriage, living together as a single housekeeping unit.

"Family" also includes domestic servants.

"Common-law" means a man and a woman living together as a family without the

## **DEFINITIONS**

sanctity of marriage.

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

- (33) "Farm Buildings or Structures" means any buildings or structures existing or erected on structural land and used principally for agricultural activities but not including dwellings.
- (34) "Floor Area" (as applied to bulk regulations) means the sum of the gross horizontal areas of the several floors of all buildings and structures on the zoning site, measured from the exterior faces of the exterior walls or from the centreline of party walls. In particular, the floor area of a building or buildings shall include basement when used for residential, commercial or industrial purposes, but not including space used for storage or the housing of mechanical or central heating equipment, and accessory off-street parking spaces;
- (35) "Garage, Private or Carport" means an accessory building or portion of a principal building, if attached, used by the occupants of the premises upon which it is located for the parking or temporary storage of private passenger motor vehicles and may temporary storage of private passenger motor vehicles and may also include the incidental storage of other personal property.
- (36) "Grade" (as applying to the determination of building or structure height) means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Development Officer.
- (37) "Home Occupation" means an accessory use which:
  - (a) Is carried on in a dwelling unit or mobile home or its accessory building;
  - (b) Is carried on solely by the members of the family residing at the same dwelling unit or mobile home without the employment of other persons;
  - (c) Is incidental to or secondary to the use of the dwelling unit or mobile home;
  - (d) There is no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation of variation of the residential character of the principal or accessory building except as provided for herein;
  - (e) In the opinion of the Council is not offensive or obnoxious or create a nuisance.

## **DEFINITIONS**



- (f) Does not cause the generation of undue traffic and congestion in the neighbourhood.
- (38) "Hotel" means a building or part thereof wherein accommodation is provided for transient lodgers, in any individual room or apartment, with or without cooking facilities. Permitted accessory uses include, but are not limited to, restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms and gift shops.
- (39) "House, Boarding, Lodging or Rooming" means a building or portion thereof, other than a hotel or motel, without cooking facilities, where lodging, or lodging and meals are provided for compensation.
- (40) "Kennel" means any premises on which more than two (2) animals are boarded, bred, trained or cared for, in return for remuneration or are kept for the purpose of sale. A kennel shall not include a veterinary clinic, animal hospital or animal pound.
- (41) "Lane", for the purposes of this By-law, means a street for vehicular traffic not over thirty-three (33) feet in width.
- (42) "Livestock" means cattle, swine, horses, poultry, sheep, rabbits, mink and similar animals.
- (43) "Livestock Production Operation" means any agricultural operation where livestock are confined, fed or raised.
- (44) "Livestock Waste Unit or L.W.U." means an amount of animal waste or waste equivalent, as set out in Section 6.(10) of PART VIII of this By-law.
- (45) "Loading Space" means an off-street space on the same zoning site with a building, or contiguous to a group of building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which has access to a street or lane or other appropriate means of access.
- (46) "Mobile Home" means a portable dwelling unit which is designed or used for residential occupancy, built upon on having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has at any time such wheels attached, or is jacked up or skirted.
- (47) "Mobile Home Park" means a parcel of land upon which mobile home spaces are provided and have been approved by the Council.

## **DEFINITIONS**

- (48) "Mobile Home Site" means a zoning site in a mobile home subdivision for the placement of a mobile home.
- (49) "Mobile Home Space" means a space in a mobile home park for the placement of a mobile home.
- (50) "Mobile Home Subdivision" means an area of land subdivided to provide mobile home sites in accordance with the subdivision approval procedure under The Planning Act.
- (51) "Motel" means a building or part thereof, not over two (2) storeys in height wherein sleeping accommodation is provided for transient lodgers and in which there is an exit from each room or suite of rooms directly to the outdoors with access to grade level. Permitted accessory uses include but are not limited to restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.
- (52) "Non-conformities". See "non-conformities" in PART II, Section 10.
- (53) "Open Space" means that required 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 to the sky and shall not be used for service driveways or accessory off-street parking space or loading space, unless otherwise provided for herein, but shall be useable for landscaping, drying yards, recreational 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.
- (54) "Owner" means an owner as defined in the Act.
- (55) "Parcel of Land" means a parcel as defined in the Act.
- (56) "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.
- (57) "Parking Space" means a space on a public parking area or zoning site for the temporary parking or storage of a vehicle.
- (58) "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.

## **DEFINITIONS**

- (59) "Personal Service Shop" means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and without limiting the generality of the foregoing may include such establishments as barber shops, beauty parlors, hair-dressing shops, hand laundries, shoe repair and shoe shining shops, tailor and dressmaking shops, valets and depots for collecting dry cleaning and laundry.
- (60) "Premises" means an area of land with or without buildings.
- (61) "Public Utility and Services" means any system, works, building, plant, equipment or services which furnishes services and facilities available at approval rates to or for the use of the inhabitants of the Village of Erickson, including but not limited to:
- (a) Communication, by way of telephone, telegraph, wireless or television;
  - (b) Public transportation, by bus or other vehicle;
  - (c) Production, transmission, delivery or furnishing of water, gas or electricity to the public at large; or
  - (d) Collection of sewage, garbage or other waste.
- (62) "Residential Care Facility" means the use of any building or structure or part thereof, however named, which is advertised, announced or maintained for the express or implied purpose of providing lodging, meals, care and supervision or transitional services to persons not related by blood, marriage or adoption to the operator nor to each other but does not include a facility which is licensed or designated by the Manitoba Health Services Commission.
- (63) "Senior Citizen Home" means a building containing one or more dwelling units or individual rooms where elderly people live independent of personal care.
- (64) "Sign" means any written (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

## **DEFINITIONS**

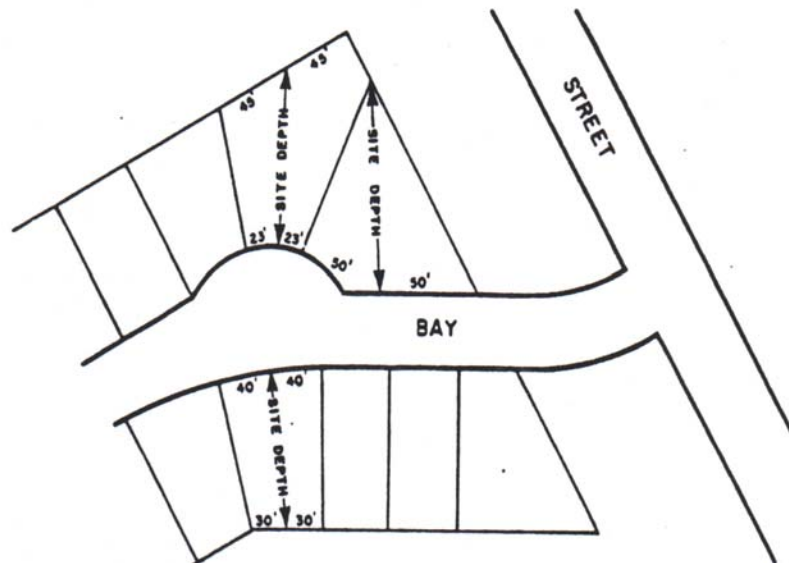
- (c) Is visible from outside a building but shall not include show windows as such.
- (65) "Sign, Advertising" means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zoning site where the sign is maintained, including a billboard sign.
- (66) "Sign, 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 sign is maintained, e.g., school, church, community centre building board sign and similar uses.
- (67) "Sign, Business" 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.
- (68) "Sign, Facia or Wall" means any sign attached against the surface of, or against or within a recess in the wall, a column or other perpendicular portion of a building in a position essentially parallel to said wall, column or other perpendicular position. A facia sign shall also mean any sign attached to the walls of two or more buildings and spanning the spaces between said buildings.
- (69) "Sign, Freestanding" means a sign supported by a vertical column or columns placed in the ground with the sign surface area above ground level.
- (70) "Sign, Identification" means a sign that identifies the owner, resident or the street address and which sets forth no other advertisement.
- (71) "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 or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which it is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than one (1) yard from one another, the sign surface area of the sign shall be taken as the surface area of one face if the two faces are of equal area, or as the surface area of the larger face if the two faces are of unequal area.
- (72) "Sign, Temporary" means a sign with or without a structural frame and intended for

## **DEFINITIONS**

a limited period of display, and shall include a mobile sign, but shall have no red, green or amber lights thereon, and with no blinking or scintillating lights when the sign faces a residential area.

- (73) "Site, or Zoning Site" means a parcel of land which:
- (a) is occupied or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use or uses thereto, together with such open spaces as are required under the provisions of this by-law;
  - (b) has frontage on a street or has any lawful means of access satisfactory to the Council; and
  - (c) is of sufficient size to provide the minimum requirements of this by-law for a permitted or conditional use in a zone where the use is located.
- (74) "Site Area" means the computed area contained within the site lines.
- (75) "Site Corner" means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.
- (76) "Site Coverage" means that part or percentage of the site occupied by buildings, including accessory buildings.
- The portion of the structure which is below the finished site grade, shall not be included in site coverage.
- (77) "Site Depth" means the horizontal distance between the centre points in the front and rear site lines.

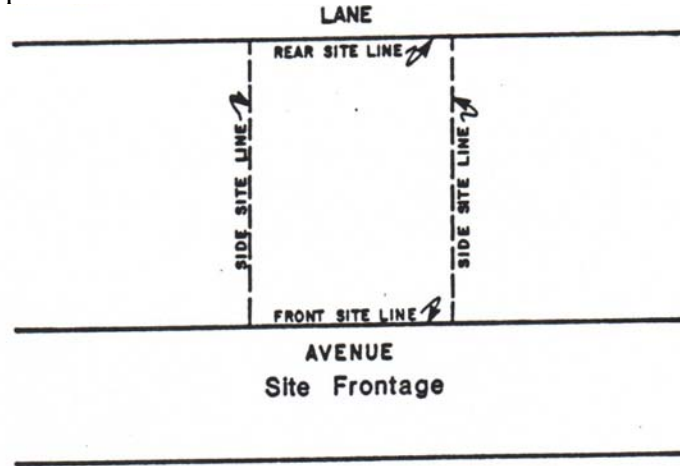
## **DEFINITIONS**



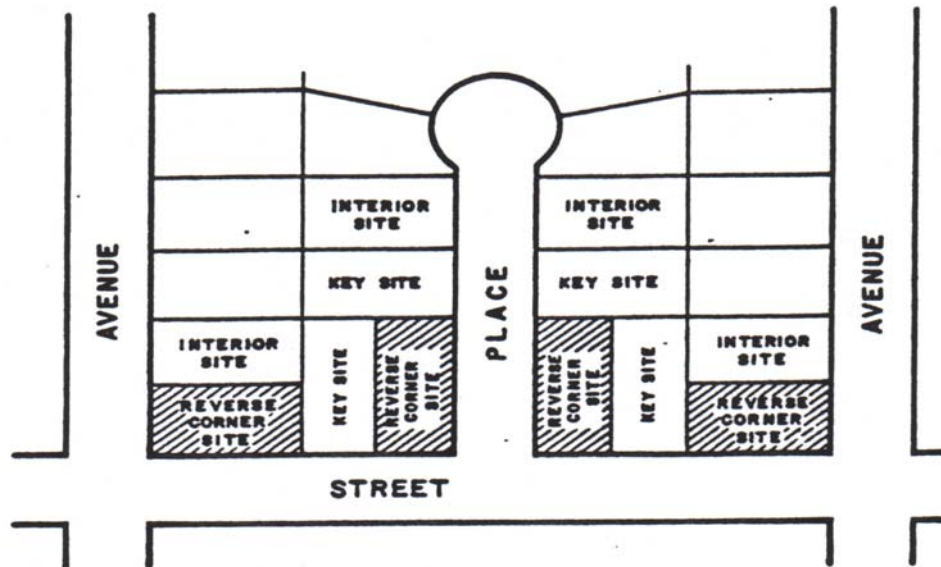
- (78) "Site Frontage" means all that portion of a zoning site fronting on a street and measured between side site lines. (See sketches.)
- (79) "Site Interior" means a site other than a corner site or a through site. (See sketches for other types.)
- (80) "Site Key" means the first site to the rear of a reversed corner site. (See sketches.)
- (81) "Site Lines" means as follows:
- (a) "Front site line" means that boundary of a site which abuts a legally established access. For a corner site, the Development Officer may select the front site line 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;
  - (b) "Rear site line" means that boundary of a site which is most nearly parallel to the front site line and in the case of a site in which the side site lines intersect, such as a triangular site, a line ten (10) feet length within the site, parallel to and at the maximum distance from the front site line;
  - (c) "Side site line" means any boundary of a site which is not a front or rear site line; and
  - (d) Where an irregular shaped site cannot have its site lines defined by the

## DEFINITIONS

foregoing definitions, the front, rear and side site lines shall be determined by the Development Officer.

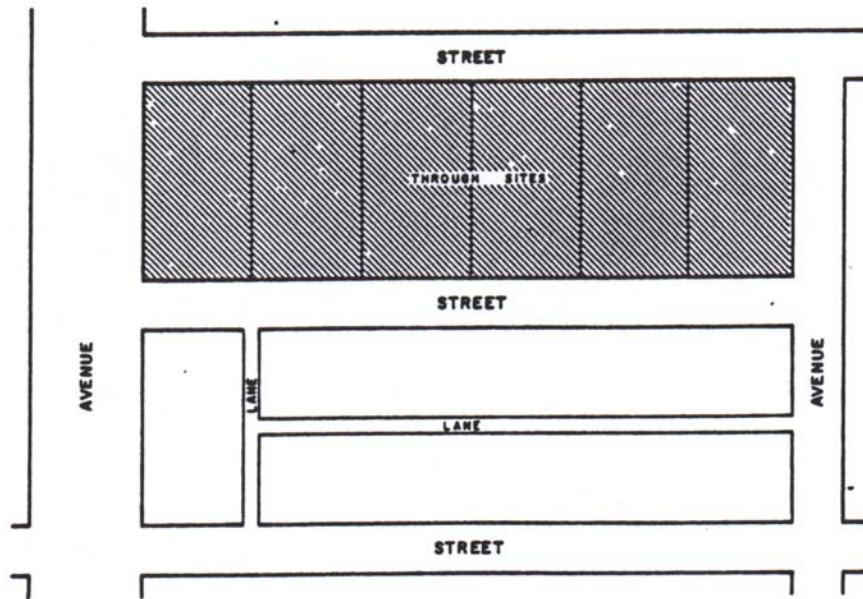


- (82) "Site, Reverse Corner" means a corner site, the flanking street site line of which is substantially a continuation of the front site line of the first site to its rear.

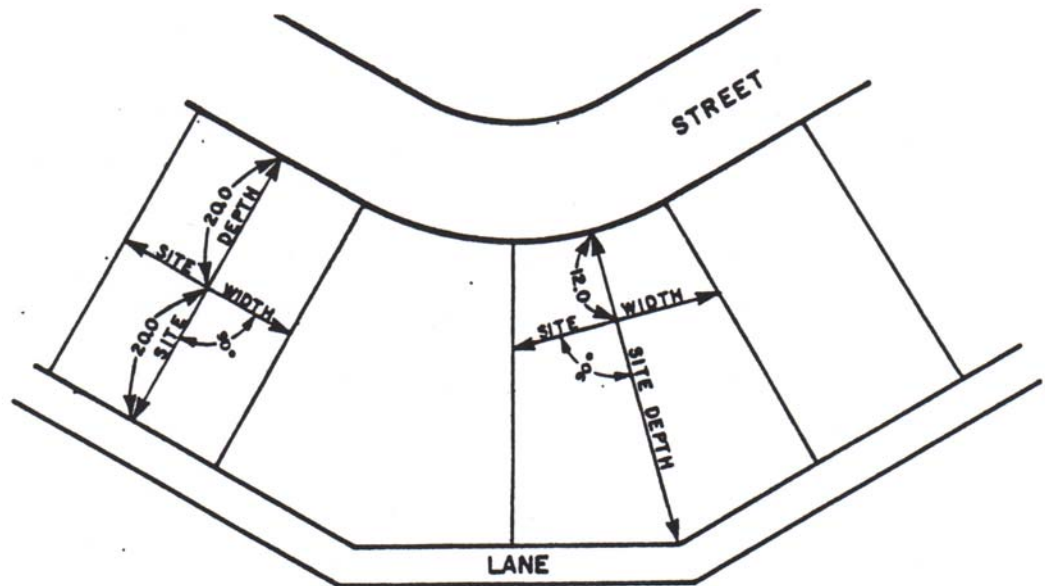


- (83) "Site, Through" means a site having a pair of opposite site lines along two (2) more or less parallel streets. On a through site, both street lines shall be deemed front site lines unless otherwise noted herein.

## DEFINITIONS



- (84) "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 twenty-five (25) feet from the front site line, whichever is the lesser.



## DEFINITIONS

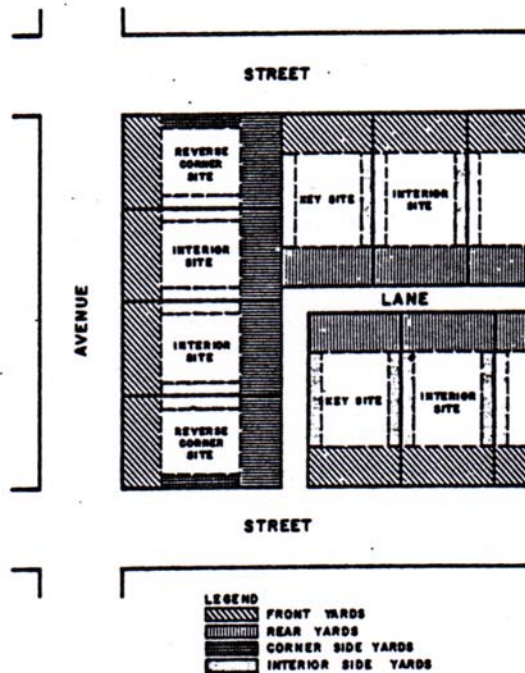
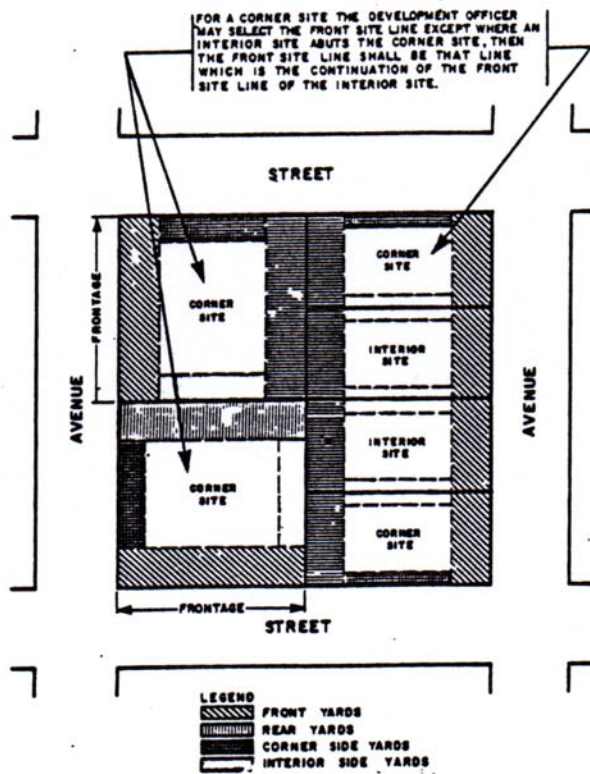


- (85) "Storey" means that portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling above it. A basement shall be counted as a storey for the purpose of height measurement if the vertical distance between the ceiling and the average finished level of the adjoining ground is more than five (5) feet.
- (86) "Street" means, for the purposes of this By-law, a public highway for vehicular traffic over thirty-three (33) feet in width.
- (87) "Structure" means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground and includes buildings, walls, fences, signs, billboards, poster panels, light standards and similar items.
- (88) "Travel Trailer" means a portable living accommodation designed to be used as accommodation for travel, recreation or vacation purposes that:
- (a) Is capable of being transported on its own chassis and running gear by towing or other means;
  - (b) Is placed on the chassis or body of a motor vehicle; or
  - (c) Forms part of a motor vehicle.
- (89) "Use" means:
- (a) Any purpose for which a building or structure or land may be designed, arranged, intended, maintained or occupied; or
  - (b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or structure or on an area of land.
- (90) "Yard" means an open area, on the same zoning site with a building or structure which yard is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein:
- (a) "Yard, required" means a yard extending along a site line or wall to a depth or width (measured from the site line or wall) specified in the yard requirements for the zone in which such zoning site is located.

## DEFINITIONS

- (b) "Yard, side" means a yard extending along the side site line from the front yard to the rear yard.
- (c) "Yard, corner side" means a side yard which adjoins a street.
- (d) "Yard, interior side" means a side yard which is adjacent to another zoning site, or to a lane separating such side yard from another zoning site, or to the wall of a building adjacent to the wall of another building in a planned unit development.
- (e) "Yard, front" means a yard extending along the full length of the front site line between the side site lines.
- (f) "Yard, rear" means a yard extending along the full length of the rear site line between the side site lines.
- (g) The following sketches illustrate the foregoing definitions of yards:

## **DEFINITIONS**



## DEFINITIONS

## **PART II - ADMINISTRATION**

### **SCOPE**

#### **TITLE**

1. (1) This By-law shall be known as "The Village of Erickson Zoning By-law".

#### **WHEN EFFECTIVE**

1. (2) This By-law shall be in full force and effect when it is given third reading by the Council of the Village of Erickson.

#### **THE AREA**

1. (3) The Area to which this Zoning By-law shall apply shall be all of the Village of Erickson.

#### **INTENT AND PURPOSE**

1. (4) The regulations and provisions established by this By-law are deemed necessary in order to:
  - (a) Implement the objectives and policies of the South Riding Mountain Planning District Development Plan;
  - (b) To define the powers and duties of the Council, the Board, and the Development Officer; and
  - (c) To regulate the following:
    - (i) Building and structures erected hereafter unless otherwise provided;
    - (ii) Uses of buildings, structures and land established hereafter;
    - (iii) Structural alterations or relocations of existing buildings and structures occurring hereafter;
    - (iv) Enlargements or additions to existing buildings, structures or uses; and

## **ADMINISTRATION**

- (v) The change of use of land, buildings or structures.

### **RESPONSIBILITIES OF COUNCIL**

1. (5) Subject to the provisions of the Act, the Council is responsible for:
  - (a) The enactment of this By-law;
  - (b) Considering the adoption of proposed amendments or the repeal of this By-law;
  - (c) Acting as a Variation Board;
  - (d) Approving or rejecting conditional use applications, and may revoke the authorized conditional use for any violation of any conditions imposed by it; and
  - (e) Establishing a schedule of fees as provided for in Section 22 of this PART.

### **RESPONSIBILITIES OF THE BOARD**

1. (6) Subject to the provisions of the Act, the Board is responsible for:
  - (a) Administering and enforcing the provisions of this By-law;
  - (b) Administering and enforcing those provisions of the Act, where applicable; and
  - (c) In accordance with Section 21 (2) of the Act, establishing a schedule of fees and charges relevant to the Development Plan Zoning Appeals and Development permits. Until all applicable fees and charges have been paid in full, no action shall be taken on any application.

### **AMENDMENTS**

2. (1) Subject to the procedure required under the Act, an amendment may be initiated by a resolution of intention by the Council, or by application of one or more owners of the property or their agents within the area proposed to be changed. An application to amend the zoning by-law and all required information and fees as determined by Council and in accordance with Section 22 of this PART shall be made to the Council and submitted through the Development Officer.

### **ADMINISTRATION**

- (2) Council shall notify the applicant in advance of the hearing. At the hearing, Council shall hear and study all of the facts presented, advise the applicant in writing of its findings and determination. If Council approves the application, it shall proceed with the adoption of the amendment in accordance with the provisions of the Act.

### **CONDITIONAL USE**

3. (1) The development and execution of this By-law is based upon the division of The Area into zones, within which zones the use of land and buildings and structures in relation to the land are substantially compatible. It is recognized, however, that there are certain uses deemed conditional uses which, because of their unique characteristics, cannot properly be classified in any particular zone or zones without consideration, in each case, of the impact of those uses upon neighbouring land and of the public need for the particular use at the particular location;
- (2) An application for a conditional use shall be made to the Council and submitted through the Development Officer and processed and approved or rejected in accordance with the provisions of the Act;
- (3) The application shall be accompanied by a site plan and other data as the Council may prescribe and such fees as determined by Council in accordance with Section 22 of this PART; and
- (4) Any change in a conditional use shall be subject to the provisions of this Section and the appropriate provisions of the Act.
- (5) The approval of Council in accordance with the provisions of the Act shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the decision, unless it is renewed prior to the expiry date, at the discretion of Council, for an additional period of twelve (12) months.

### **TEMPORARY USES**

4. (1) Notwithstanding any provisions elsewhere contained in this By-law, the Council may permit, subject to such terms and conditions as it may seem fit to impose, and for a period of six (6) months which may be renewed by Council for not more than two (2) successive periods, the temporary use of lands, buildings or structures necessary or incidental for construction work purposes only if the safety, health, amenity or sanitary conditions of property in the vicinity will not be adversely affected thereby; and

### **ADMINISTRATION**

- (2) The building shall not be used for human habitation except for a watchman or caretaker on a temporary basis.

### **VARIATIONS**

5. (1) Any person may apply for a variation order, in accordance with the provisions of the Act; and
- (2) An application for a variation order and all required information and fees shall be made to the Variation Board and submitted through the Development Officer.

### **DEVELOPMENT AGREEMENT**

6. Where an application is made for the amendment of this By-law, the Council may require the owner or the person entitled to be registered as owner of the land, building or structure to which the amendment shall apply, as a condition to its enactment, to enter into a development agreement with the Village of Erickson 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.

### **DEVELOPMENT OFFICER**

#### **DUTIES AND POWERS**

7. (1) The Board shall appoint a development officer, who on behalf of the Village of Erickson, may:
  - (a) Issue a development permit where the development of land, buildings or structures conforms to the adopted Development Plan, and the requirements of this By-law and amendments thereto, subject to the provisions of subsection (2);
  - (b) Enter any buildings or premises at all reasonable hours in the performance of his duties with respect to this By-law;
  - (c) Issue development permits for the temporary use of buildings, structures or land pursuant to the provisions of this By-law;
  - (d) Issue zoning memoranda or such other documents necessary for the administration and enforcement of this By-law;

### **ADMINISTRATION**

- (e) Allow or refuse such minor variations to the requirements of this By-law as authorized by and in accordance with the provisions of the Act; and
  - (f) Shall receive applications for amendments, variations and conditional uses.
- (2) At the request of Council or the Board, the Development Officer shall:
- (a) Defer approving an application for a development permit:
    - (i) as provided for in the Act;
    - (ii) which will result in a violation of this By-law, the Development Plan or any By-law of the Village of Erickson; or
    - (iii) to any person who has failed to pay any fees due and owing to the Village of Erickson or the Board under this By-law.

## **DEVELOPMENT PERMIT**

### **PERMIT REQUIRED**

8. (1) The owner or his agent shall obtain all necessary permits as required by the Board, Council and other government agencies.

### **WHEN REQUIRED**

- (2) An application for a development permit is required for the following:
- (a) The erection, construction, relocation, or placement of any building, structure or mobile home, except fences, incidental alterations, ornamental light standards, and buildings of one hundred (100) square feet or less. All buildings and structures must still conform to the provisions of this zoning by-law where applicable;
  - (b) The extension, structural alteration or conversion of any building or structure except the exceptions as provided for in (a);
  - (c) The use of vacant land, buildings or structures; or
  - (d) The change of use of land, buildings or structures from one permitted or approved use to another permitted or approved use.

## **ADMINISTRATION**



## **REQUIREMENTS**

8. (3) In addition to the requirements of any By-law of the Village of Erickson or any other provincial or federal 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 buildings already existing, if any, and the location and dimensions of the proposed buildings, enlargement, extension or structural alterations; and
  - (b) Include such other information as 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 automobile 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; outside facilities for waste disposal; current copies of relevant titles, easements, caveats; a surveyor's certificate prepared by a Manitoba Land Surveyor and such other matters as may be necessary to determine conformance with and provide for the enforcement of this By-law.

## **CONFORMITY**

8. (4) (a) 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; and
- (b) No building or structure shall be moved in whole or in part to any other location unless every portion of the building or structure is made to conform to all the regulations of this By-law unless the relevant requirements may be varied by a variation order pursuant to the provisions of the Act.

## **BUILDING PERMITS**

### **PERMITS ISSUED PRIOR TO BY-LAW**

9. (1) Unless otherwise provided for herein, building permits issued prior to the effective date of this By-law and amendments hereto shall be considered valid for the purpose of this By-law provided all the conditions under which the permit was issued are complied with.

## **ADMINISTRATION**

## **NON-CONFORMITY**

10. (1) "NON-CONFORMITY" means one, or a combination of one or more, of the following:
  - (a) A site or parcel of land;
  - (b) A use of a building or structure;
  - (c) A use of land; or
  - (d) A Sign;

which existed prior to the effective date of this By-law or amendments thereto, but does not conform to the provisions contained within this By-law or amendments thereto.
10. (2) NON-CONFORMITIES are hereby classified as in the following subsections (3) to (5).
  - (3) "NON-CONFORMING USES" means any lawful use of a building, structure or parcel of land, or portion thereof, which does not conform to one or more of the applicable sue regulations of the zone in which it is located;
  - (4) A "NON-CONFORMING SITE OR PARCEL OF LAND" means any lawful site or parcel of land which does not comply with the site area, site width or site depth on the effective date of this By-law, or amendments thereto, and was on record in the Land Titles Office prior to the effective date of this By-law, or amendments thereto, and did not form part of a larger contiguous holding in the same ownership; and
  - (5) A "NON-CONFORMING SIGN" means any lawful sign which does not comply with one or more of the applicable zone bulk regulations of the zone in which it is located on the effective date of this By-law or amendments thereto.
10. (6) A non-conforming use and a non-conforming sign shall be regulated in accordance with and subject to the provisions of the Act, unless otherwise provided for herein.
- (7) No building or structure may be erected on a non-conforming site or land unless:
  - (a) The required yards are provided as set forth in the bulk requirements of the zone in which the parcel of land is located; or

## **ADMINISTRATION**

- (b) Where a variation order for such yard requirements is granted.
10. (8) A "NON-CONFORMING SIGN" shall be subject to all the provisions of this PART relating to non-conformities, except as otherwise provided hereafter:
- (a) A change in the subject matter represented on a sign shall not be considered a change of use; and
  - (b) A non-conforming sign may be structurally altered, reconstructed, or replaced in the same location and position provided that such structural alteration, reconstruction, or replacement does not result in:
    - (i) the creation of a new non-conformity or an increase in the degree of non-conformity;
    - (ii) an increase in the sign surface area; or
    - (iii) an increase in the degree of illumination.

#### **EXISTING BUILDINGS AND STRUCTURES**

11. Where a building or structure has been erected prior to the effective date of this By-law or amendments thereto, it shall be deemed to meet the Bulk Requirements of this By-law regarding the existing legal yards of the site. Any enlargements or extensions to a building or reconstruction of a building shall conform to the requirements of this By-law as varied.

#### **INTERPRETATION AND APPLICATION**

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

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

11. (2) Whenever provisions of any By-law of the Village of Erickson or any other requirement of the Provincial or Federal Government impose overlapping or contradictory regulations over the use of land or buildings or bulk requirements or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest requirement shall govern.

#### **ADMINISTRATION**

### **SITE REDUCED**

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

### **VARIATION ORDER OR SPECIAL EXCEPTION PRIOR TO BY-LAW**

11. (4) A building or structure or use established by a variation order prior to the coming into force of this By-law shall, subject to the provisions of the variation order, be deemed to conform to the provisions of this By-law.

### **FUTURE ROAD ALLOWANCE DEEMED EXISTING**

12. No building or structure shall be erected upon any land designated for a future road allowance in a registered subdivision plan or adopted Development Plan. Any development adjacent to said future road allowance shall comply with the requirements of this By-law as if the said future road allowance was already in existence.

### **PUBLIC UTILITIES AND SERVICES**

13. Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of any public utility, as defined by this By-law, or public service such as police and fire protection, provided that the requirements of such public utility and public service are of a standard compatible with the adjacent area, and that any building or structure erected in any zone complies with the yard and area requirements applicable to the zone.

Setbacks from public utilities, where required, shall be determined by the public utility and maintained by adjacent land uses if approved by the Council.

### **MONUMENTS AND STATUARY**

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

### **ENFORCEMENT**

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

## **ADMINISTRATION**

### **CONNECTING TO MUNICIPAL SERVICES**

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

### **PRIVATE LANE OR ROAD**

17. (1) Where it shall deem fit, the Council may permit a use of land or building to the constructed upon sites having frontage on a private lane or road provided that said lane or road intersects with a street.

### **DUTIES OF OWNER**

18. (1) Neither the granting of a development permit nor the approval of the drawing and specifications nor the inspections made by the Development Officer shall in any way relieve the owner of the responsibility of complying with the requirements of this By-law or of any relevant By-laws of the Village of Erickson.
- (2) Every owner shall:
- (a) Permit the Development Officer or any other duly appointed officer of the Municipality to enter any building or premises at any reasonable time for the purpose of administering or enforcing this By-law and shall not molest, obstruct or interfere with the said Officer in the discharge of his duties under this By-law;
  - (b) After the development application has been approved and the permit issued, obtain the written approval of the Development Officer before doing any work at variance with the approved documents filed; and
  - (c) Be responsible for obtaining, where applicable, from the appropriate authorities, permits or licenses relating to the buildings, grades, sewers or water supply systems, plumbing, signs, blasting, street, occupancy, electrical, highways, and all other permits required in connection with the proposed work.

### **RETENTION OF BULK REGULATIONS**

20. It shall be a continuing obligation of the owner to maintain the minimum site area, site width, site depth, yards and other open spaces required herein for any use as long as it remains in existence. Furthermore, the minimum site area, site width, site depth, yards and other open spaces allocated to a use as per requirements of this by-law shall not be virtue of

### **ADMINISTRATION**

change of ownership, or for any other reason, be used to satisfy the yard, other open space, or minimum site area, site width, site depth, yards and other open space requirements for any other use on another site.

### **THROUGH SITE - MAYBE TWO SITES**

21. A through site having a depth of two hundred (200) feet or more may be assumed to be two sites with the rear line of each approximately equidistant from the front site lines, provided all area and yard requirements are complied with.

### **SUBDIVIDING LAND**

22. No land shall hereafter be divided into sites, unless each site conforms with the bulk requirements of the zone in which the land is located.

### **FEE SCHEDULE**

23.
  - (a) Council or shall by By-law establish a fee schedule for zoning amendments, zoning memorandum, conditional use orders, non-conforming certificates, variation orders and other appropriate documents.
  - (b) The Planning District Board shall be By-law establish a fee schedule for development permits, zoning appeal hearings and other appropriate documents or services.

### **BUILDING GRADE**

24. All new main buildings shall have a ground surface elevation as approved by the Development Officer.

### **REPEAL**

25. The Village of Erickson Town Planning Scheme 1960, being By-law No. 51 and all subsequent amendments thereto are hereby repealed.

## **ADMINISTRATION**

## **PART III - ZONING**

### **ZONES**

1. In order to carry out the intent and purpose set forth in subsection (4) of Section 1 of PART II ADMINISTRATION, the following zones are hereby established in the Area:
  - (1) "R" Residential Zone;
  - (2) "RMH" Residential Mobile Home Zone;
  - (3) "CC" Central Commercial Zone;
  - (4) "CH" Highway Commercial Zone;
  - (5) "M" General Industrial Zone;
  - (6) "I" Institutional Zone;
  - (7) "AL" Limited Agriculture Zone.

### **ZONING MAPS**

2.
  - (1) The location and the boundaries of the zones listed in Section 1 above are shown upon a Zoning Map attached hereto, marked as APPENDIX "A" to this By-law. Said Zoning Map forms part of this By-law. All notations, references and other information shown thereon, together with any amendments made by amending By-laws from time to time and shown thereon, together with any amendments to boundaries in the case of any street, lane or public utility right-of-way closing, as provided in Section 3 of this PART, shall be as much a part of this By-law as if the matters and information set forth by the said Map were fully described herein.
  - (2) The scale and all dimensions of the Zoning Map are as shown in the title block of each map.
  - (3) All plan references on the Zoning Map pertain to registered plans filed in the Neepawa Land Titles Office.
  - (4) The abbreviations noted on the Zoning Map and text mean the following:
    - (a) "Blk." means Block;

## **ZONING**

- (b) "Pcl." means Parcel;
  - (c) "Rge." means Range;
  - (d) "R.M. of Clanwilliam" means the Rural Municipality of Clanwilliam;
  - (e) "Sec." means Section;
  - (f) "Twp." means Township;
  - (g) "W.P.M." or "W" means West of the Principal Meridian;
  - (h) "PT" means Part;
  - (i) "AC" means acres;
  - (j) "%" means percent.
- (5) Double heavy broken lines represent the zoning map boundary. Single heavy broken lines represent zone boundaries. Where the zone boundary is broken by the name of a street, it shall be construed that the boundary continues through the name of the street. Where the limit of a zone boundary and the zoning map is co-terminus, the zoning map limit shall constitute the limits of the zone boundary.

### **ZONE BOUNDARIES**

3. In the interpretation of the boundaries of the zones as shown on the Zoning Map, the following rules shall apply:
- (a) Notwithstanding that streets, lanes and public utility rights-of-way may be within zone boundaries, the regulations contained in this By-law shall not be deemed to be applicable to said streets, lanes and public utility rights-of-way;
  - (b) Boundaries indicated as approximately following:
    - (i) the center lines of railways or railway or public utility rights-of-way;
    - (ii) the center lines of streets, highways or lanes;
    - (iii) lot, site or property holding;
    - (iv) municipal limits; or
    - (v) the shorelines of lakes or other bodies of water.

shall be construed as following those lines or limits.
  - (c) If a street or lane or railway or public utility right-of-way feature shown on the Zoning Map is lawfully closed, the land formerly comprising the street,



lane or Government Road Allowance shall be included within the ZONE of the land which surrounds it. If the said street, lane or Government Road Allowance includes a ZONE boundary on its center line, then the new ZONE boundary shall be the former center line except in the case where a landowner acquires all of the closed street, lane or Government Road Allowance adjacent to his property where the designation that applied to his property shall apply to all that portion of the acquired street, lane or Government Road Allowance.

## **PART IV - RESIDENTIAL ZONES**

### **INTENT AND PURPOSE**

1. The Residential Zones established in this By-law are intended to provide sufficient land for various types of residential development in The Area in keeping with the provisions of the Development Plan.

### **ZONES**

2. In order to carry out the intent and purpose of section 1 above, there are hereby established the following zones:

2. (1) "R" RESIDENTIAL ZONE

The "R" Residential Zone primarily provides for the development of low density single-family dwellings to moderate density multiple-family dwellings and uses that are associated with a residential area when serviced by the municipal piped sewerage system or low pressure extension to same. On a temporary basis, holding tanks may be installed and maintained if approved by the Council and the local Health Inspector for existing (at the date of adoption of this By-law) unserviced lots.

- (2) "RMH" RESIDENTIAL MOBILE HOME ZONE

The "RMH" Residential Mobile Home Zone primarily provides for the placement of mobile homes on leased spaces, within a mobile home park, or on sites within a mobile home subdivision. These areas are serviced by the municipal piped sewerage system.

### **APPLICATION OF THE BY-LAW TO RESIDENTIAL ZONES**

3. The general provisions applying to the RESIDENTIAL ZONES are contained within this PART. Also applying to these zones are the provisions of PART I - "DEFINITIONS", PART II - "ADMINISTRATION", PART III - "ZONING" and "APPENDIX A".

### **USE REGULATIONS**

#### **USES PERMITTED**

4. (1) No land shall be used or occupied and no structure shall be erected, altered, used or

### **RESIDENTIAL ZONES**

occupied hereinafter for any use in any RESIDENTIAL ZONE in which such land or structure is located other than a use listed on TABLE IV - I, "RESIDENTIAL USE TABLE", with the following exception:

- (a) Uses lawfully established prior to the effective date of this By-law.

#### **RESIDENTIAL USE TABLE IV - I**

LEGEND: P – Permitted C – Conditional - - Use Not Permitted	ZONES	
	“R”	“RMH”
USES:		
Accessory Uses, Buildings, and Structures (see Section 4(3) and 5(2) of this PART)	P	P
Boarding and Rooming Houses	C	-
Child Care Services:		
Home Day Care	P	P
Group Day Care	C	C
Nurseries	C	C
Churches, Church Halls	P	P
Existing Uses legally established prior to the adoption of this By-law	P	P
Fire Stations	P	P
Halls, Institutional	C	-
Hospitals and Personal Care Homes	C	-
Parabolic antennae when located to the front of the rear wall of the principal building in all yards	C	C
Parks, Playgrounds, Tot Lots and Recreation Areas	P	P
Public Utilities, and Services, (see PART II Section (14))	P	P
Residences:		
Single-Family Dwelling	P	-
Two-Family Dwelling	P	-
Multiple-Family Dwellings (including Senior Citizen Homes)	C	-
Mobile Homes	C	P
Mobile Home Park, Mobile Home Subdivision	-	P
Residential Care Facilities including half-way type homes, rehabilitation homes, hostels and group foster homes providing meals, residential services, care and supervision for more than eight children who are under the care of a child caring agency as defined by the Child Welfare Act or more than four adults who may be post mentally ill, mentally retarded or otherwise developmentally disabled	C	-
Signs See Sections 4(3), and 6(4) of this PART	P	P

#### **RESIDENTIAL ZONES**

### **CONDITIONAL USE**

4. (2) Any use listed as a "CONDITIONAL USE" in TABLE IV - I, shall comply with the regulations set forth in section 3, PART II, ADMINISTRATION.

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

4. (3) (a) In the Residential Zones, accessory uses, buildings and structures shall be limited to the following:
- (i) A children's playhouse, garden supply storage house, private greenhouse, private conservatory and enclosed private swimming pools;
  - (ii) Private communication and parabolic dish antennae when located to the rear wall of the principal building;
  - (iii) A private garage, carport, covered patio, toolhouse, shed or other similar building;
  - (iv) Incinerators subject to the approval of the authority having jurisdiction;
  - (v) Accessory off-street parking areas as required and regulated in section 6(3) of this PART;
  - (vi) Signs as permitted and regulated in section 6(4) of this PART;
  - (vii) Residential care facilities providing meals, residential services, care and supervision for eight or fewer children who are under the care of a child caring agency as defined by the Child Welfare Act or four or fewer adults who may be post mentally ill, mentally retarded or otherwise developmentally disabled in all Residential Zones;
  - (viii) home occupations (see Section 4(4) of this PART);
  - (ix) Refuse and garbage area separate from required parking areas, buffers and open spaces for multiple-family dwellings and other permitted or conditional uses. The location and size of the area

### **RESIDENTIAL ZONES**

within the zoning site shall be subject to the approval of the Council;  
and

- (x) In the "RMH" Residential Mobile Home Zone, the accessory uses, buildings and structures to serve a mobile home park or subdivision may also include:
  - (A) a storage compound;
  - (B) recreational facilities and appertaining structures;
  - (C) service building to house water pumps and other service facilities.

### **HOME OCCUPATIONS**

- 4. (4) The provisions of this Subsection shall apply to all Residential Zones. Home occupations shall conform with the following additional condition:
  - (a) No more than three hundred (300) square feet of floor area shall be devoted to home occupations in any dwelling unit or mobile home or building accessory thereto.

### **BULK REGULATIONS**

### **INTENT AND PURPOSE**

- 5. (1) (a) The residential bulk regulations established herein are intended to ensure that the site area, site width and yards will be adequate to allow space for the dwelling units, car parking, health and fire protection, and recreational area as well as to provide for convenient access for vehicles and pedestrians, sufficient space for natural light and air to penetrate all windows, and to provide setbacks from site boundaries to afford space for maintenance and privacy; and
  - (b) The Residential bulk requirements shall be as set forth in TABLE IV - II, RESIDENTIAL BULK TABLE, and the following Sections.

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

- 5. (2) Accessory buildings, structures and uses except as otherwise regulated in the By-law, shall be subject to the following regulations:

### **RESIDENTIAL ZONES**

- (a) Where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building;
- (b) Detached accessory buildings (including swimming pools) shall not be located in any yard, except in a side or rear yard or as provided for elsewhere herein. When located in the side yard, the building setback shall be the same as the principal building and the accessory building shall have a five (5) foot side yard;
- (c) No detached accessory building shall be located closer than six (6) feet to any main building;

**RESIDENTIAL BULK TABLE IV-II**

PERMITTED OR CONDITIONAL USES	ZONES	REQUIREMENTS								
		MINIMUM							MAXIMUM	
		Site Area (sq.ft.)	Site Width (sq.ft.)	(f) Front Yard (ft.)	(f) Side Yard		(f) Rear Yard		Height (ft.)	Site Cover- age (%)
					inter- ior	cor- ner	lane	no lane		
Accessory Uses, Buildings, Structures See also Section 5(2) of this PART)	R			h	4	12d	5e	5	10	10
	RMH			h	5	5d,e	5e	5	15	10
Boarding and Rooming Houses	R	6,000	50	25	5b	12d	25	25	35	40
Churches and Church Halls	R									
	RMH	18,000	100	30	12	15	10	10	30	60
Fire Stations	R	10,000	100	30	15b	15	25	25	30	35
	RMH	10,000	100	20	15	15	10	10	30	40
Group Day Care	R									
	RMH	10,000	70	30	15	15	25	25	30	30
Hospitals and Personal Care Homes	R	87,000	200	40	25	25	40	40	35	60

**RESIDENTIAL ZONES**

**RESIDENTIAL BULK TABLE IV-II**

PERMITTED OR CONDITIONAL USES	ZONES	REQUIREMENTS								
		MINIMUM							MAXIMUM	
		Site Area (sq.ft.)	Site Width (sq.ft.)	(f) Front Yard (ft.)	(f) Side Yard		(f) Rear Yard		Height (ft.)	Site Cover- age (%)
					inter- ior	cor- ner	lane	no lane		
Nurseries	R	10,000	100	30	15	15	25	25	30	30
Parabolic Antennae See Section 4(3)(ii) of this PART	R RMH	-	-	15	4	10d	-	-	-	-
Public Utilities, Services (see PART II Section 14)	R RMH	5,000	50	30	15	15	10	10	20	25
Parks, Playgrounds, Tot-Lots, Recreation Areas	R RMH	6,000	60	30	10	15	20	20	30	30
Single-Family Dwellings	R	6,000	50	25	5a	12d	25	25	30	35
Two-Family Dwellings	R	9,000	70	25	5a	12d	25	25	30	45
Multiple-Family Dwellings (in- cluding Senior Citizen Homes)	R	12,000 (g)	70	30	15b	15	25	25	35	40
Mobile Home Sites in Mobile Home Subdivision	RMH	6,000 per site	50	20	5c	15	10	10	25	55
Mobile Home Sites in Mobile Home Park		4,000 per space	40	15	5c	15	10	10	25	50
Residential Care Facilities	R	10,000	70	20	15b	15	25	25	35	40
Other Permitted or Conditional Uses	R	10,000	100	30	15	15	10	10	30	40

**RESIDENTIAL ZONES**

Explanations and Exceptions to the Bulk Requirements Table IV - II are as follows:

- (a) Without a lane at the rear of the site, one side yard shall be a minimum of twelve (12) feet except where an attached garage or carport is provided at the side of the main building in which case the minimum side yards shall be five (5) feet.
- (b)
  - (i) Or one-half of the height of the building, whichever is greater.
  - (ii) Minimum distance between adjacent main buildings on the same site shall be the average height of the adjacent buildings.
- (c)
  - (i) On that side of the mobile home containing the main entrance and/or window to the living room, the minimum side yard shall be fifteen (15) feet.
  - (ii) Subject to (i) above, where there is no lane to the rear of the mobile home site or space, one side yard shall be a minimum of fifteen (15) feet. In no case shall adjacent mobile homes be less than fifteen (15) feet apart.
- (d) The side yard on the street side of a reverse corner site shall be fifteen (15) feet.
- (e) Where a private garage has its vehicle entrance doors facing a lane, the garage must have a rear yard of ten (10) feet.
- (f) Buildings, structures and hedges adjacent to Provincial Trunk Highway No. 10 and also its intersection with Main Street shall have a setback in accordance with regulations of the Highway Protection Act or as varied by the Highway Traffic Board.
- (g) First three (3) dwelling units require twelve thousand (12,000) square feet of site area plus one thousand (1,000) square feet of site area for each additional dwelling unit.
- (h) The minimum front yard requirement for accessory buildings shall be the same as the minimum front yard requirement for the principal use of the site.

## **RESIDENTIAL ZONES**



5. (2) (d) In no instance shall an accessory building be located within a dedicated easement right-of-way;
- (e) No accessory building shall be erected prior to erection of the main building except where it is necessary for the storage of the tools and materials for use during construction of the main building; and
- (f) Where a through site has a depth of less than two hundred (200) feet, an accessory building may be located in one of the required front yards, if such building is set back from the nearest street line a distance of not less than ten (10) percent of the depth of the site and at least five (5) feet from any side site line. In no case shall any accessory building project beyond the front yard line of an existing main building along the site width, but the accessory building need not be located more than thirty (30) feet from the street line.

## **GENERAL PROVISIONS**

### **INTENT**

6. (1) The following provisions shall apply to all the Residential Zones except wherein otherwise provided:

### **DWELLING UNIT - MINIMUM SIZE**

6. (2) (a) The minimum floor area of a single-family, two-family dwelling or mobile home shall be six hundred (600) square feet for each dwelling unit; and
- (b) The minimum floor area of a three-family, four-family or multiple-family dwelling shall be four hundred (400) square feet for each dwelling unit.

### **PARKING**

6. (3) (a) There shall be one (1) parking space per dwelling unit, mobile home or room in a boarding house, located on the same zoning site, but not within the required front yard except in the case of mobile homes, single, two-family, dwellings where parking spaces are permitted on a temporary basis in driveways located in the front yard;
- (b) For multiple-family dwellings containing five (5) or more dwelling units, there shall be on decimal five (1.5) parking spaces per each dwelling unit. Senior citizen homes containing multiple-family dwellings shall provide decimal five (0.5) parking spaces per each dwelling unit;

## **RESIDENTIAL ZONES**

- (c) For churches and church halls, there shall be one (1) parking space for each fifteen (15) seats in the churches;
- (d) For other permitted or conditional uses within the Residential Zones, there shall be a number of parking spaces as determined by Council provided for employees, visitors and customers; and
- (e) Driveways within "R" Residential Zones shall have a minimum side yard of one (1) foot, unless varied.

## **SIGNS**

### **SIGN REGULATIONS**

- 6. (4) The regulations of this section are intended and designed to establish a minimum control of signs. Such control is deemed essential to promote the health, safety, and general welfare by reducing hazards to pedestrian and vehicular traffic, and by preventing unsightly and detrimental development having a blighting influence upon residential uses.

The following shall apply in all zones in this PART except wherein otherwise stated:

- (a) In the case of a one-family, two-family, three-family or four-family dwellings, there shall be not more than one non-illuminated identification sign for each dwelling unit and each sign shall not exceed two (2) square feet in sign surface area;
- (b) In the case of any other permitted or conditional uses, there shall not be more than one (1) unlighted or lighted identification sign or bulletin board not exceeding eighteen (18) square feet in sign surface area;
- (c) Advertising Signs are not permitted in the Residential Zones;
- (d) Flags, political, civic, educational, religious, temporary, directional and real estate signs are permitted in this Zone;
- (e) No free standing sign shall be closer than five (5) feet to a site line;
- (f) No sign or sign structures shall be erected at any location where it may interfere with, obstruct the view of, any street, highway intersection or

## **RESIDENTIAL ZONES**

railway grade crossing or be confused with any authorized traffic sign, signal or device;

- (h) No rotating beam or flashing sign shall be permitted without the approval of the Council in or within three hundred (300) feet of any residential zone or Provincial Roads and Provincial Trunk Highways;
- (i) It shall be unlawful to erect or maintain any sign on, over or above any land or right-of-way under the jurisdiction of the Village, and all signs shall adhere to all the setback requirements of the zone in which they are located; and
- (j) The placing of signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate authority.

### **AREA AND YARD REQUIREMENTS**

- 6. (5) Except as herein provided, the following special provisions shall apply in all "R" Residential zones to ensure adequate site and yard requirements:
  - (a) For the purpose of side yard regulations, a semi-detached two-family dwelling, a row-house or a multiple-family dwelling with common party walls shall be considered as one (1) building occupying one (1) site;
  - (b) Required yards provided for a building or structure, existing on the effective date of this Zoning By-law or amendments thereto, shall not be reduced, or further reduced, if already less than the minimum requirements of this PART unless varied; and
  - (c) All yards and other open space required for any use shall be located on the same site as the use.

### **FRONT YARD EXCEPTIONS**

- 6. (6) Where sites comprising forty (40) percent or more of the entire frontage of the block (excluding reversed corner sites) are developed with buildings, the average front yard depths established by such buildings shall establish the minimum front yard depths for the entire frontage of the block provided such average is less than the minimum front yard required in the Zone in which the site is located.

## **RESIDENTIAL ZONES**

### **PROJECTIONS INTO REQUIRED YARDS**

6. (7) Required yards shall be unobstructed from ground level to the sky, except as set forth in the BULK TABLES of this PART and as follows:
  - (a) Eaves and chimneys may project into any required front, side or rear yard, a distance of not more than three (3) feet, provided that in no case shall an eave or chimney project within three (3) feet of a side site line;
  - (b) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required front yard not more than thirty (30) inches;
  - (c) Open, unenclosed porches, platforms, not covered by a roof or canopy, which do not extend above the level of the first storey of the building, may extend or project into any required side or rear yard not more than twelve (12) feet provided the width of a required side yard is not reduced to less than three (3) feet and may extend or project into any required front yard not more than ten (10) feet;
  - (d) Fences, hedges and lamp posts shall not exceed a height of six (6) feet above finished grade except in the case of fences required under various Government Department Regulations. A fence, hedge, trellises or projection around ramps shall be permitted in any required front yard in which case the height shall not exceed three and one-half (3-1/2) feet; and
  - (e) Landscape features, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side or rear yard provided they do not produce a hedge effect contrary to the provisions of Clause (d) above.

### **HEIGHT EXCEPTIONS**

6. (8) The provisions of this PART, unless otherwise stated herein, shall not apply to limit the height of any ornamental dome, chimney, tower, electrical or telephone transmission line, television or radio mast, steeple, water storage tank, electrical apparatus or the mechanical operation of the building provided that no roof structure or any space above the height limit shall be permitted for the purpose of providing usable floor space or is in danger of being hit by an aircraft during its landing or take-off phase of flight.

### **RESIDENTIAL ZONES**

### **NUMBER OF BUILDINGS PERMITTED PER SITE**

6. (9) (a) Not more than one (1) of the following buildings and their accessory buildings shall be permitted on one (1) zoning site which also constitutes a parcel of land:
  - single-family dwelling
  - two-family dwelling
- (b) For all other permitted uses in the "R" zone, more than one (1) principal building and its accessory buildings shall be permitted on a zoning site subject to the bulk requirements.

### **NOXIOUS OR OFFENSIVE USES**

6. (10) Notwithstanding anything herein contained, no use shall be permitted in any zone under this PART which may be noxious or offensive by reason of the emission or production of odor, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise.

### **MULTIPLE USES**

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

### **DWELLING UNIT AND HABITABLE BUILDING LOCATION WITH RESPECT TO SANITATION FACILITIES**

6. (12) New dwellings or buildings where people spend their work day on a daily basis shall not be located within one thousand three hundred and twenty (1320) feet of a waste disposal ground or fifteen hundred (1500) feet of a sewage lagoon property or as recommended by the local Health Inspector.

### **LOCATION OF RESIDENCES WITH RESPECT TO COMMERCIAL PROPANE AND BULK OIL STORAGE BUILDINGS AND STRUCTURES**

6. (13) New dwellings or buildings containing dwelling units shall be setback from commercial propane and bulk oil storage buildings and structures the same distance that these buildings and structures are required to be set back from residential

### **RESIDENTIAL ZONES**

buildings under the Canadian Transport Commission and/or the Manitoba Fire Commissioners Office.

**"RMH" MOBILE HOME AND MOBILE HOME PARK AND SUBDIVISION  
REGULATIONS (IN ADDITION TO THE PRECEDING BULK REGULATIONS)**

7. (1) The following additional requirements shall apply to mobile homes and accessory buildings and structures in an area designated "RMH" Residential Mobile Home Zone.

**MOBILE HOME PARK REGULATION**

7. (2) A mobile home park shall contain a minimum of five (5) mobile home spaces and shall have a minimum site width of two hundred (200) feet.

**BUFFER AREA**

7. (3) A buffer area, at least twenty (20) feet in width, shall be provided within and adjacent to the perimeter of the mobile home park property.

**DEVELOPMENT OF THE BUFFER AREA**

7. (4) (a) The buffer area provided in subsection (3) above shall be developed as an area suitably landscaped with trees, shrubs, grass and similar horticultural features as shown on the site plans submitted pursuant to subsection (12) of this section.
- (b) The buffer area may be crossed by an access right-of-way a minimum of fifty (50) feet in width containing a concrete, gravel, or asphalt driveway from a street to the internal roadway system.

**MOBILE HOME PARK INTERNAL ROADWAY SYSTEM**

7. (5) Internal roadways within a mobile home park shall be as follows:
- (a) The internal roadway system shall have a right-of-way a minimum of fifty (50) feet in width.
- (b) The internal roadway system shall have a concrete or asphalt or gravel surface a minimum of twenty-five (25) feet in width.

**RESIDENTIAL ZONES**

**NUMBER OF MOBILE HOMES**

7. (6) There shall not be more than one mobile home per mobile home space or site.

**DISTANCE FROM STORAGE COMPOUND, COMMON PARKING, SERVICE BUILDING**

7. (7) A mobile home shall be a minimum distance of twelve (12) feet away from a storage compound or a common parking area and twenty (20) feet from a service building in a mobile home park or subdivision.

**REQUIRED SERVICES FOR SPACE**

7. (8) A mobile home space shall be provided with the following:
- (a) A sewer connection;
  - (b) An approval potable water supply system that is satisfactory to Council;
  - (c) An electrical service outlet; and
  - (d) An adequate base support for the mobile home.

**REQUIRED SERVICES FOR MOBILE HOME PARK**

7. (9) A mobile home park shall be provided with:
- (a) An adequate street lighting system, satisfactory to Council.
  - (b) Any other services that Council considers necessary for the public health and safety.

**LOCATION OF ACCESSORY BUILDINGS**

7. (10) Notwithstanding anything herein, no detached accessory building shall be located nearer a mobile home, including a mobile home on an adjoining space, than a distance of six (6) feet clear of all projections. Detached accessory buildings shall be located only in the rear and side yards.

**RESIDENTIAL ZONES**

### **ACCESSORY STRUCTURES AND BUILDINGS**

7. (11) All structures and buildings such as porches, additions, carports, private garages, skirting and storage facilities shall be painted or pre-finished and maintained so that the design, construction and maintenance, in the opinion of the Council, will compliment the main structure.

### **SITE PLANS - REQUIREMENTS**

7. (12) Plans submitted to Council for approval of a mobile home park shall be drawn to scale and fully dimensioned indicating landscaping, access roads, mobile home spaces, buffers, storage compounds, common recreational area, retention of surface run-off and parking; and shall include such other information as may be necessary to determine conformance with this By-law.

### **MOBILE HOME STANDARDS**

7. (13) All new mobile homes must meet all structural standards as determined by The Buildings and Mobile Homes Act, Chapter B93, S.M. 1977.

## **RESIDENTIAL ZONES**



## **PART V - COMMERCIAL ZONES**

### **INTENT AND PURPOSE**

1. The Commercial Zones established in this By-law are intended to provide sufficient land in suitable locations to meet the needs of commercial development in The Area in keeping with the provisions of the Development Plan.

### **ZONES**

2. In order to carry out the intent and purpose of section 1 above, there are hereby established the following zones:

### **DOWNTOWN COMMERCIAL ZONES**

2. (1) "CC" CENTRAL COMMERCIAL ZONE

This Zone primarily provides for appropriate land in The Area's central business area for the development of intensive retail, business, service and administrative uses.

### **HIGHWAY COMMERCIAL ZONE**

2. (2) "CH" HIGHWAY COMMERCIAL ZONE

This Zone primarily provides for appropriate land for those businesses requiring large sites, serving the motoring public and being in close proximity.

### **APPLICATION OF THE BY-LAW TO COMMERCIAL ZONES**

3. The general provisions applying to all commercial zones are contained within this PART. Also applying to these zones are the provisions of PART I - "DEFINITIONS", PART II - "ADMINISTRATION", PART III - "ZONING", and "APPENDIX A".

### **USE REGULATIONS**

### **USES PERMITTED**

4. (1) No land shall be used or occupied and no structure shall be erected, altered, used or occupied hereinafter for any use in any COMMERCIAL ZONE in which such land

## **COMMERCIAL ZONES**

or structure is located other than a use listed on TABLE V - I, "COMMERCIAL USE TABLE", with the following exception:

- (a) Uses legally established prior to the effective date of this By-law.

**COMMERCIAL USE TABLE V-I**

LEGEND: P – PERMITTED C - CONDITIONAL - - USE NOT PERMITTED	ZONES	
	“CC”	“CH”
USES:		
Accessory Uses, Buildings and Structures (see Section 4(3) and 5(2) of this PART)	P	P
Agricultural Implement Sales and Service	C	P
Amusement enterprises, including a bowling alley, dance hall theatre, arcades and the like, if conducted wholly within a completely enclosed building	P	-
Animal Feed – Sales and Storage	-	P
Art or Antique shops, if conducted wholly within an enclosed building	P	P
Auditoriums or Halls	P	P
Automobile and Trailer Sales Areas	P	P
Automobile Service Stations and Automotive Trades	P	P
Automobile Body Shop	C	P
Automobile Laundry	P	P
Bakeries	P	-
Banks	P	-
Beverage Rooms, in conjunction with another permitted use	P	P
Bus Terminal	P	P
Book or Stationery Stores	P	-
Bulk propane sales and service	-	P
Carpenter Shops or Cabinet Shops if conducted wholly within a completely enclosed building, but excluding wholesale manufacture	P	-
Catering Establishments	P	-
Child Care Facilities: Home Day Care	P	-
Churches and Church Halls	P	-
Clinics (medical and dental)	P	-
Dairies and Creameries	C	P
Department or Furniture Stores	P	-

**COMMERCIAL ZONES**

**COMMERCIAL USE TABLE V-I**

LEGEND: P – PERMITTED C - CONDITIONAL - - USE NOT PERMITTED	ZONES	
	“CC”	“CH”
USES:		
Drive-in Establishments where persons are served in automobiles, such as refreshments stands, fast food restaurants, food stands, and the like, but not including drive-in theatres	P	P
Drop-in Centres	P	-
Dry Cleaning, Laundry or Pressing Establishments	P	-
Drug Stores	P	-
Dry Good or Notion Stores	P	-
Existing Uses legally established prior to the adoption of this By-law	P	P
Fertilizer (non-hazardous Solid and Liquid only), Sales and Storage	-	P
Frozen Food Lockers used exclusively for service to customer	P	-
Funeral Parlours	P	-
Gift Shops and Florist Shops	P	-
Gift Shops, in conjunction with some other permitted use	P	P
Grocery Stores	P	-
Hardware or Electrical Appliance Stores	P	-
Hotel	P	-
Interior Decorating Stores	P	-
Jewellery Stores	P	-
Library	P	-
Lumber Yards and Building Supplies, when contained within an enclosed structure or fence and in conjunction with which there is a retail sales building	C	P
Mail Order Store	P	-
Meat Market or delicatessen Stores	P	-
Miniature Golf Course	-	P
Motels	P	P
Non-profit Clubs and Lodges	P	-
Offices, Business and Professional	P	-
Parks and Rest Areas	P	C
Personal Service Shops	P	-
Photographers	P	-
Public Parking Areas	P	P
Public Utilities and Services (see PART II Section 14)	P	P
Radio and Television Shops	P	-
Restaurants	P	P

**COMMERCIAL ZONES**

**COMMERCIAL USE TABLE V-I**

LEGEND: P – PERMITTED C - CONDITIONAL - - USE NOT PERMITTED	ZONES	
	“CC”	“CH”
USES:		
Residences: Dwelling units within the second storey or within the rear one-half of a Commercial building	P	P
Shoe Stores or Shoe Repair	P	-
Sales Buildings	P	P
Second-hand stores, if conducted wholly within a completely enclosed building	P	-
Service Clubs	P	-
Service Shops	C	P
Signs (See Section 6.(7) of this PART)	P	P
Signs, Advertising (See Section 6.(7) of this PART)	C	C
Studios	P	-
Truck Terminals	-	P
Upholstering Shops, if conducted completely within an enclosed building	P	-
Veterinary Hospitals	-	P
[Warehouses, when storage is contained within an enclosed building	-	P](B/L 489/95

**CONDITIONAL USE**

4. (2) Any use listed as a "CONDITIONAL USE" in TABLE V - I shall comply with the provisions as set forth in section 3, PART II - "ADMINISTRATION:.

**ACCESSORY USES, BUILDINGS AND STRUCTURES**

4. (3) In the Commercial Zones, accessory uses, buildings and structures shall be limited to the following:
- (a) A private garage, carport, private greenhouse, covered patio, toolhouse, shed, or other similar building, swimming pool;
  - (b) Private communication antennae and parabolic dish antennae (see Section 5(2) of this PART);

**COMMERCIAL ZONES**

- (c) Incinerators subject to the approval of the authority having jurisdiction, and which shall be incidental to the permitted or conditional use;
- (d) The production, processing, cleaning, servicing, altering, testing, repair or storage (including storage building) of merchandise normally incidental to a principal use and conducted by the same ownership as the principal use. This does not include hazardous materials, in Council's opinion, such as anhydrous ammonia;
- (e) Accessory off-street parking as permitted and regulated in section 6.(5) and 6.(6) of this PART;
- (f) Home occupations;
- (g) Signs as permitted and regulated in section 6.(7) of this PART; and
- (h) In the "CH" Highway Commercial Zone, an attached or detached single-family dwelling unit or mobile home for the caretaker or owner whose presence on the site, in the opinion of Council, is necessary.

### **BULK REGULATIONS**

5. (1) The Commercial bulk requirements shall be as set forth in TABLE V - II, COMMERCIAL BULK TABLE, and the following Sections.

**COMMERCIAL BULK TABLE V-II**

PERMITTED OR CONDITIONAL USES	ZONES	REQUIREMENTS							Site Coverage (%)
		MINIMUM							
		f Site Area (sq.ft.)	Site Width (ft.)	b Front Yard (ft.)	b,c Side Yard (ft.)		b,e Rear Yard (ft.)		
					interior	corner	lane	no lane	
Accessory Uses, Buildings and Structures (See also Section 5(2) of this PART)	CC	-	-	a	2d	10d	1	10	10
	CH	-	-	a	5	10	10	10	10
Agricultural Implement Sales and Service	CC	12,000	100	25	10	15	10	15	50
	CH	40,000	150	40	10	10	10	15	70

### **COMMERCIAL ZONES**

**COMMERCIAL BULK TABLE V-II**

PERMITTED OR CONDITIONAL USES	ZONES	REQUIREMENTS							
		MINIMUM							MAXIMUM
		f Site Area (sq.ft.)	Site Width (ft.)	b Front Yard (ft.)	b,c Side Yard (ft.)		b,e Rear Yard (ft.)		Site Coverage (%)
					interior	corner	lane	no lane	
Automobile or Trailer Sales, Automobile Service Station, Automobile Trades, Automobile Laundry, Auto- mobile Body Shop	CC	12,000	100	25g	25g	25g	25g	25g	30
	CH	20,000	100	40h	25h	25h	40h	40h	35
Bulk Propane Sales and Service	CH	20,000	100	40i	30i	30i	40i	40i	25
Bus Terminal	CC	1,800	17	0	0	10	10	20	90
	CH	20,000	100	40	20	20	20	20	40
Churches and Church Halls	CC	18,000	100	0	10	10	10	15	65
Drive-In Establish- ments(not including Drive-In Theatres)	CC	5,000	50	6	0	10	10	15	90
	CH	30,000	150	40	10	10	10	15	60
Existing Uses	CC	5,000	50	25	5	12	25	25	35
Fertilizer (non hazardous Solid and Liquid only) Storage, Sales and Service	CH	25,000	100	40	10	10	10	20	60
Hotel	CC	12,000	50	0	0	10	10	20	90
Lumber Yards	CC	12,000	55	0	0	10	10	20	80
	CH	20,000	100	40	10	10	10	20	60
Miniature Golf Course	CH	43,000	100	40	10	10	10	10	80
Motel	CC	12,000	100	30	10	10	20	25	65
	CH	43,560	125	40	20	20	20	20	50
Sales Buildings	CC	1,800	17	0	0	10	1	10	N/A
	CH	15,000	100	40	10	10	10	15	45
Service Shops	CC	1,800	17	0	0	10	1	15	90
	CH	20,000	100	40	10	10	10	20	60
Truck Terminals	CH	80,000	150	40	10	10	10	15	70
Veterinary Offices	CH	15,000	100	40	10	10	10	15	45

**COMMERCIAL ZONES**

**COMMERCIAL BULK TABLE V-II**

PERMITTED OR CONDITIONAL USES	ZONES	REQUIREMENTS							
		MINIMUM							MAXIMUM
		f Site Area (sq.ft.)	Site Width (ft.)	b Front Yard (ft.)	b,c Side Yard (ft.)		b,e Rear Yard (ft.)		Site Coverage (%)
					interior	corner	lane	no lane	
[Warehouses, when storage is contained within an enclosed building](B/L 489-95)	CH	20,000	100	40	10	10	10	20	60
Other Permitted and Conditional Uses	CC	1,800	17	0	0	10	1	10	90
	CH	5,000	50	40	10	10	10	20	30

Explanations and Exceptions to the Bulk Requirements in Table V – II are as follows:

- (a) The minimum front yard requirement for accessory buildings and structure shall be the same as the minimum front yard requirement for the principal use of the site and in no case shall extend to the front of the front wall of the principal building.
- (b) Buildings, structures and hedges adjacent to major provincial highways and their centres of intersections shall have a setback in accordance with the Highway Protection Act or as varied.
- (c)
  - (i) Where a dwelling unit is contained within a commercial building and side yards are provided, each side yards shall not be less than five (5) feet or as required in the TABLE, whichever is greater.
  - (ii) The side yard shall not be less than five (5) feet or as required in the TABLE, whichever is greater, where a Commercial Zone abuts a Residential Zone or Institutional Zone.
- (d) The required side yard for an accessory building or structure located to the side of the principal building or structure shall be the same as the required side yard for the principal building or structure.
- (e) Where a dwelling unit is contained within a commercial building, the rear yard shall be twenty (20) feet.

## COMMERCIAL ZONES

- (f) When a dwelling unit is contained within a commercial building in the "CH" Highway Commercial Zone, the minimum site area shall be fifteen thousand (15,000) square feet.
- (g) Gasoline pumps shall have a required front, side and rear yard of fifteen (15) feet.
- (h) Gasoline pumps shall have a required front, side and rear yard of twenty (20) feet.
- (i) Bulk propane tanks shall have a required setback from building and site lines as regulated by the Provincial Authority having jurisdiction.

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

- 5. (2) Accessory buildings, except as otherwise regulated in the By-law, shall be subject to the following regulations:
  - (a) Where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building;
  - (b) Detached accessory buildings (including swimming pools) shall not be located in any yard, except a rear yard in the "CC" Central Commercial Zone or side or rear yard in the "CH" Highway Commercial Zone or as provided for elsewhere herein:
  - (c) No detached accessory building shall be located closer than six (6) feet to any main building;
  - (d) In no instance shall an accessory building be located within a dedicated easement right-of-way;
  - (e) No accessory building shall be erected prior to erection of the main building except where it is necessary for the storage of the tools and materials for use during construction of the main building;
  - (f) Where a through site has a depth of less than two hundred (200) feet, an accessory building may be located in one of the required front yards, if such building is set back from the nearest street line, a distance of not less than

### **COMMERCIAL ZONES**



ten (10) percent of the depth of the site and at least four (4) feet from any side site line. In no case shall any accessory building project beyond the front yard line of an existing main building along the site width, but such accessory building need not be located more than twenty-five (25) feet from the street line; and

- (g) A parabolic dish antenna shall be located, when in a yard, to the rear of the front wall of the principle building and on the same site as the principal building. If it can be proven that a signal cannot be received under these provisions then the dish may be placed, with Council's approval, at a location least detrimental to adjacent sites.

## **GENERAL PROVISIONS**

### **INTENT**

- 6. (1) The following provisions apply to all the Commercial Zones except wherein otherwise provided:

### **AREA AND YARD REQUIREMENTS**

- 6. (2) Except as herein provided, the following special provisions shall apply in all zones to ensure adequate site and yard requirements:
  - (a) Where a site is occupied for a use permitted in a commercial zone and has no buildings or structures thereon, the required yards for the zone within it is located shall be provided and maintained;
  - (b) No building or structure shall be permitted on a corner site when such building or structure is to be oriented in such a manner as to reduce the front yard requirement on the street on which such corner site has site frontage at the time this Zoning By-law becomes effective;
  - (c) Required yards provided for a building or structure, existing on the effective date of this Zoning By-law or amendments thereto, shall not be reduced, or further reduced, if already less than the minimum requirements of this PART unless varied; and
  - (d) All yards and other open space required for any use shall be located on the same site as the use.

## **COMMERCIAL ZONES**

**PROJECTIONS INTO REQUIRED YARDS**

6. (3) Required yards shall be unobstructed from ground level to the sky, except as set forth in the BULK TABLES of this PART and as follows:
- (a) Eaves and chimneys may project into any required front, side or rear yard, a distance of not more than two (2) feet, provided that in no case shall an eave or chimney project within three (3) feet of a side site line;
  - (b) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required front yard not more than three (3) feet;
  - (c) Open, unenclosed porches, platforms not covered by a roof or canopy, which do not extend above the level of the first storey of the building, may extend or project into any required side or rear yard not more than twelve (12) feet provided the width of a required side yard is not reduced to less than three (3) feet and may extend or project into a required front yard not more than ten (10) feet;
  - (d) Fences, hedges and lamp posts shall not extend a height of six (6) feet above finished grade, except in the case of fences required under various Government Department Regulations. A fence, hedge, trellises or protection around ramps shall be permitted in any required front yard in which case the height shall not exceed three (3) feet; and
  - (e) Landscape features, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side or rear yard provided they do not produce a hedge effect contrary to the provisions of Clause (d) above.

**DWELLING UNIT - MINIMUM SIZE**

6. (4) (a) The minimum floor area of a single-family, or mobile home dwelling, shall be six hundred (600) square feet for each dwelling unit.
- (b) The minimum floor area of a dwelling unit contained in a commercial building shall be four hundred (400) square feet for each dwelling unit.

**PARKING SPACE FOR RESIDENTIAL USE**

6. (5) (a) There shall be one (1) parking space per dwelling unit located on the same zoning site, but not within the required front yard.

**COMMERCIAL ZONES**

- (b) For commercial buildings containing five (5) or more dwelling units, there shall be one decimal five (1.5) parking spaces per each dwelling unit.

### **PARKING SPACE FOR COMMERCIAL USE**

- 6. (6) Parking spaces shall be permitted in the side and rear yards and in the front yard to within one (1) foot of the front site line for all uses.

### **SIGN REGULATIONS**

- 6. (7) The regulations of this section are intended and designed to establish a minimum control of signs. Such control is deemed essential to promote the health, safety, and general welfare by reducing traffic hazards to pedestrian and vehicular traffic, and by preventing unsightly and detrimental development having a blighting influence upon residential and commercial uses.

The following shall apply in all zones in this PART except wherein otherwise stated:

- (a) Signs shall be permitted as follows:
  - (i) one lighted or unlighted fascia identification or business sign identifying any use contained within the building or structure, the surface area of all signs shall have an aggregate sign surface area not exceeding 20 percent of the surface of the wall to which they are attached;
  - (ii) one lighted or unlighted free-standing business, bulletin board or identification sign having a maximum height not exceeding twenty-five (25) feet; located in the front yard, but no part of such sign shall be located nearer the front or side site lines than one (1) foot, the total aggregate sign surface areas are not to exceed sixty-four (64) square feet;
  - (iii) one lighted or unlighted business or identification sign not exceeding forty (40) square feet may be erected on the roof of the building containing the business it identifies;
  - (iv) advertising signs shall be a conditional use in the "CC" Central Commercial Zone and the Urban Highway Commercial Zone; and

### **COMMERCIAL ZONES**

- (v) advertising signs that are free standing on a site shall be a minimum of three (3) feet from any site boundary.
- (b) No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, any street, highway intersection or railway grade crossing or be confused with any authorized traffic sign, signal or device;
- (c) No rotating beam or flashing signs shall be permitted in any zone without the approval of the Council. In any event, no flashing sign shall be permitted within three hundred (300) feet of any residential zone or Provincial Roads and Provincial Trunk Highways;
- (d) All signs and sign structures shall be kept in repair and in proper state of preservation. Signs which have become obsolete because of discontinuance of the business service or activity, and have not been removed or relocated within thirty (30) days following such condition, may be removed by the Council at the owner's expense;
- (e) It shall be unlawful to erect or maintain a sign on, over or above any land or right-of-way under the jurisdiction of the Village unless such right is established by agreement with the Village and all signs shall adhere to all the setback requirements of the zone in which they are located;
- (f) The placing of advertising, business or identification signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate authority; and
- (g) The following signs shall not be subject to the provisions of this PART, except wherein otherwise noted: flags, political, civic, educational, religious, temporary, directional and real estate signs.

### **HEIGHT OF BUILDINGS**

- 6. (8) The maximum height of principal buildings shall be three (3) storeys to a maximum of forty (40) feet and of accessory buildings and structures shall be a maximum height of fifteen (15) feet. These maximum heights of buildings and structures may be reduced by Council if there is danger of the buildings or structures being hit by low flying aircraft during its landing or take-off phase of flight.

### **COMMERCIAL ZONES**

**HEIGHT EXCEPTIONS**

6. (9) The provisions of this PART, except where otherwise stated, shall not apply to limit the height of any ornamental dome, chimney, tower electrical or telephone transmission line, television or radio mast, steeple, water storage tank, electrical apparatus or the mechanical operation of the building provided that no roof structure or any space above the height limit shall be permitted for the purpose of providing usable floor area or is in danger of being hit by an aircraft during its landing or take-off phase of flight.

**STORAGE OF MERCHANDISE**

6. (10) There shall be no storage of merchandise in the front, side and rear yards within the "CC" Central Commercial Zone, except for storage in the front and rear yards for the following uses: Automobile and Trailer Sales, Automobile Service Station, Agricultural Implement Sales and Services and the rear yard of lumber yards.

**SITE SIZE REQUIREMENTS**

6. (11) The site size regulations shall be as set forth in the TABLE V - II, except as provided in Section 10, PART II, ADMINISTRATION.

**NOXIOUS, HAZARDOUS OR OFFENSIVE USES**

6. (12) Notwithstanding anything herein contained, no use shall be permitted in any commercial zone under this PART which may be noxious, hazardous or offensive by reason of the emission or production of odor, dust, refuse matter, wastes, vapour, smoke, gas, vibration, noise or dangerous pollutants which could result in human injury. Stationary anhydrous ammonia storage tanks shall not be located within the Village of Erickson.

**MULTIPLE USES**

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

**COMMERCIAL ZONES**

**LOCATION OF COMMERCIAL USES WITH RESPECT TO COMMERCIAL PROPANE AND BULK OIL STORAGE BUILDINGS AND STRUCTURES**

6. (14) Commercial uses shall be set back from commercial propane and bulk oil storage buildings and structures the same distance that these buildings and structures are required to be set back under the Canadian Transport Commission and/or the Manitoba Fire Commissioners Office.

**DWELLING UNIT AND HABITABLE BUILDING LOCATION WITH RESPECT TO SANITATION FACILITIES**

6. (15) Dwellings or buildings containing dwelling units or buildings where people spend their work day on a daily basis shall not be located within one thousand three hundred and twenty (1320) feet of a waste disposal ground or one thousand five hundred (1500) feet of a sewage lagoon property or as recommended by the local Health Inspector.

## **PART VI - GENERAL INDUSTRIAL ZONE**

### **INTENT AND PURPOSE**

1. The General Industrial Zone established in this By-law are intended to provide sufficient land in suitable locations to meet the needs of industrial development in The Area in keeping with the provisions of the Development Plan.

### **ZONES**

2. In order to carry out the intent and purpose of section 1 above, there are hereby established the following Zones:

### **INDUSTRIAL ZONE**

2. "M" GENERAL INDUSTRIAL ZONE

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

### **APPLICATION OF THE BY-LAW TO THE GENERAL INDUSTRIAL ZONE**

3. The general provisions applying to all GENERAL INDUSTRIAL ZONES are contained within this PART. Also applying to these zones are the provisions of PART I - "DEFINITIONS", PART II - "ADMINISTRATION", PART III - "ZONING" and "APPENDIX A".

### **USE REGULATIONS**

### **USES PERMITTED**

4. (1) No land shall be used, or occupied, and no structure shall be erected, altered, used or occupied, hereafter for any use in any INDUSTRIAL ZONE in which such land or structure is located other than a use listed on TABLE VI - I, "GENERAL INDUSTRIAL USE TABLE", with the following exception:
  - (a) Uses lawfully established prior to the effective date of this By-law.

## **GENERAL INDUSTRIAL ZONES**

**CONDITIONAL USE**

4. (2) Any use listed as a "CONDITIONAL USE" in TABLE VI - I shall comply with the provisions as set forth in section 3, PART II, "ADMINISTRATION".

**GENERAL INDUSTRIAL USE TABLE VI-I**

LEGEND: P – Permitted C - Conditional	ZONE
USES:	“M”
Accessory Uses, Buildings and Structures (see Section 4(3) and 5(3) of this PART)	P
Agricultural Products Manufacturing and Processing: Animal Feeds	P
Farm Buildings and Structures	P
Farm Implements	P
Garden Implements	P
Seed Supplies	P
Automobile Body Shops and Painting	P
Automobile Service Stations	P
Automobile Wrecking Establishment	C
Boat Building Shops	P
Building Contractors Yards	C
Bulk Propane Sales and Service	P
Dairies and Creameries	P
Existing Uses legally established prior to the adoption of this By-law	P
Fertilizer (Non-hazardous solid and liquid only) Bulk Fuel Sales and Storage (see Section 6(14) of this PART)	P
Food Processing Plant	P
Grain or Vegetable Storage Buildings	P
Lumber Yards	P
Maintenance Yards	P
Public Utilities and Services (see PART II Section 14)	P
Plumbing and Sheet Metal Shops	P
Rail Freight Terminals and Yards	P
Sales Buildings	P
Service Shops	P
Signs (see Section 6.(7) of this PART)	P
Sign Painting Shops	P

**GENERAL INDUSTRIAL ZONES**



**GENERAL INDUSTRIAL USE TABLE VI-I**

LEGEND: P – Permitted C - Conditional	ZONE
USES:	“M”
Signs, Advertising (see Section 6.(7) of this PART)	C
Truck Terminals	P
Veterinary Hospitals	P
Water Well Drillers	P
Warehouses	P
Wholesale Business, Storage	P

**ACCESSORY USES, BUILDINGS AND STRUCTURES**

4. (3) An accessory use, building, or structure includes, but is not limited to the following:
- (a) A garage, shed or building for storage incidental to a permitted or conditional use;
  - (b) Incinerators subject to the authority having jurisdiction, and which shall be incidental to the permitted or conditional use;
  - (c) Storage of goods used in or produced by manufacturing activities on the same zoning site with such activities unless such storage is excluded by the regulations of the zone;
  - (d) The production, processing, cleaning, servicing, altering, testing or repair of merchandise normally incidental to a business and personal service and mercantile occupancies if conducted by the same ownership as the principal use. This does not include hazardous materials, in Council's opinion, such as anhydrous ammonia;
  - (e) A dwelling unit or sleeping accommodation for a watchman or caretaker and his family, if in Council's opinion, it is demonstrated that his presence on the same zoning site as the principal use is essential and necessary;
  - (f) A retail or commercial use which is incidental to a permitted or conditional use;
  - (g) Accessory off-street parking or loading spaces as required and regulated in Section 6.(5) and 6.(6) of this PART; and

**GENERAL INDUSTRIAL ZONES**

- (i) Signs as permitted and regulated in Section 6.(7) of this PART.

## **BULK REGULATIONS**

### **INDUSTRIAL BULK TABLE**

5. (1) The Industrial bulk requirements shall be as set forth in TABLE VI - II, GENERAL INDUSTRIAL BULK TABLE.

**GENERAL INDUSTRIAL BULK TABLE VI-II**

PERMITTED OR CONDITIONAL USES	REQUIREMENTS							
	MINIMUM							MAXIMUM
	Site Area (sq.ft.)	Site Width (ft.)	a Front Yard (ft.)	a,d Side Yard (ft.)	inter- ior	cor- ner	a,d, Rear Yard (ft.)	Site Coverage (%)
Accessory Use, Buildings, and Structures (see also Sections 5(3) of this PART)	-	-	25	5b	10b	5b	10b	10
Animal Feeds, Manufacture	15,000	100	20	5	10	5	10	60
Automobile Body Shops	10,000	100	20	15	25	20	20	30
Automobile Service Stations	15,000	100	25c	25c	25c	25c	25c	30
Automobile Wrecking Establishments	25,000	150	20	5	10	5	15	80
Bulk Propane Sales and Service	15,000	100	25c	25c	25c	25c	25c	30
Farm Buildings and Structure Manufacture	20,000	100	20	5	10	5	10	75

## **GENERAL INDUSTRIAL ZONES**

**GENERAL INDUSTRIAL BULK TABLE VI-II**

GENERAL INDUSTRIAL ZONE TABLE VII

PERMITTED OR CONDITIONAL USES	REQUIREMENTS							Site Coverage (%)
	MINIMUM							
	Site Area (sq.ft.)	Site Width (ft.)	a Front Yard (ft.)	a,d Side Yard (ft.)		a,d, Rear Yard (ft.)		
				inter- ior	cor- ner	lane	no lane	
Fertilizer (non-hazardous solid and liquid), Bulk Fuel, Storage Sales and Service	25,000	100	20	5	10	5	15	70
Food Processing	20,000	100	20	5	10	5	15	75
Garden Implements Manufacture	15,000	100	20	5	10	5	10	60
Grain or Vegetable Storage Buildings	15,000	100	20	5	10	10	10	60
Rail Freight Terminal and Yard	80,000	200	20	5	10	5	15	70
Truck Terminal	80,000	150	20	5	10	5	15	70
Veterinary Offices	15,000	100	20	5	10	5	15	60
Other Permitted and Conditional Uses	15,000	100	20	5	10	5	15	70

Explanations and Exceptions to the Bulk Requirements Table VI - II are as follows:

- (a) Buildings, structures and hedges adjacent to provincial roads, major provincial highways and centers of intersections of same shall have a setback in accordance with the Highway Protection Act and the Highway Department Act or as varied from time to time.
- (b) Notwithstanding anything provided herein, in the case of detached accessory buildings or structures used for storage of hazardous materials all required yards must be the same as those required for the principal building or structure. See Section 5.(3) of this PART.
- (c) Gasoline pumps shall have a required front, side and rear yard of fifteen (15) feet. Bulk propane tanks shall have a required setback from all buildings and site lines as

## **GENERAL INDUSTRIAL ZONES**

regulated by the Department of Labour.

- (d) Side or rear yard must be one-half (1/2) the height of the main building or as required in the Bulk Table, whichever is greater.

### **SITE SIZE REQUIREMENTS**

- 5. (2) The site size requirements shall be as set forth in TABLE VI - II, except as provided in Section 10, PART II, ADMINISTRATION.

### **ACCESSORY BUILDING AND USES REGULATIONS**

- 5. (3) Where this By-law provides that any premises may be used or a building or structure may be erected or used for a purpose, the purpose includes any building or use accessory thereof.

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

- (a) Where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building;
- (b) Detached accessory buildings shall not be located in any yard, except a side or rear yard or as provided for elsewhere herein;
- (c) No detached accessory building shall be located closer than six (6) feet to any main building;
- (d) In no instance shall an accessory building be located within a dedicated easement right-of-way;
- (e) No accessory building shall be erected prior to erection of the main building except where it is necessary for the storage of the tools and materials for use during construction of the main building; and
- (f) Where a through site has a depth of less than two hundred (200) feet, an accessory building may be located in one of the front yards, if such building is set back from the nearest street line a distance of not less than ten (10) percent of the depth of the site and at least five (5) feet from any side site line. In no case shall any accessory building project beyond the front yard

### **GENERAL INDUSTRIAL ZONES**

line of an existing main building along the site width, but such accessory building need not be located more than twenty-five (25) feet from the street line.

## **GENERAL PROVISIONS**

### **INTENT**

6. (1) The following provisions apply to the General Industrial Zone except wherein otherwise provided:

### **AREA AND YARD REQUIREMENTS**

6. (2) Except as herein provided, the following special provisions shall apply in all zones of this PART to ensure adequate site and yard requirements:
- (a) Where a site is occupied for a use permitted in this zone and has no buildings or structures thereon, the required yards shall be provided and maintained;
  - (b) Required yards provided for a building or structure, existing on the effective date of this Zoning By-law or amendments thereto, shall not be reduced, or further reduced, if already less than the minimum requirements of this PART unless varied; and
  - (c) All yards and other open space required for any use shall be located on the same site as the use.

### **PROJECTIONS INTO REQUIRED YARDS**

6. (3) Required yards shall be unobstructed from ground level to the sky, except as set forth in the BULK TABLES of this PART and as follows:
- (a) Eaves and chimneys may project into any required front, side or rear yard, a distance of not more than three (3) feet, provided that in no case shall an eave or chimney project within three (3) feet of a side site line;
  - (b) Open, unenclosed stairways, platforms, not covered by a roof or canopy, which do not extend above the level of the first storey of the building, may extend or project into any required front, side or rear yard not more than twelve (12) feet provided the width of a required side yard is not reduced to

## **GENERAL INDUSTRIAL ZONES**

less than three (3) feet;

- (c) Fences, hedges and lamp posts shall not exceed a height of six (6) feet above finished grade except in the case of fences required under various Government Department Regulations. A fence, hedge, trellises or protection around ramps shall be permitted in any required front yard in which case the height shall not exceed three and one-half (3-1/2) feet;
- (d) Landscape features, such as trees, berms, shrubs, flowers or plants, shall be permitted in any required front, side or rear yard provided they do not produce a hedge effect contrary to the provisions of clause (c) above.

#### **DWELLING UNIT - MINIMUM SIZE**

- 6. (4) The minimum floor area of a dwelling unit accessory to a principal use shall be four hundred (400) square feet.

#### **LOADING SPACES**

- 6. (5) The following table indicates the required loading spaces for all industrial uses:

<u>Floor area of building</u>	<u>Minimum Number of Loading Spaces</u>
Up to and including 5,000 square feet	Nil
5,001 square feet up to and including 15,000 square feet	1 loading space
15,001 square feet up to and including 40,000 square feet	2 loading spaces
Over 40,000 square feet	2 loading spaces plus 1 additional loading space for each additional 25,000 square feet or portion thereof in excess of 40,000 square feet.

#### **PARKING SPACES**

- 6. (6) All parking spaces shall be provided on the same zoning site as the principal use.

### **GENERAL INDUSTRIAL ZONES**

## **SIGNS**

### **SIGN REGULATIONS**

6. (7) The regulations of this section are intended and designed to establish a minimum control of signs. Such control is deemed essential to promote the health, safety, and general welfare by reducing hazards to pedestrian and vehicular traffic, and by preventing unsightly and detrimental development having a blighting influence upon residential, business and industrial uses.

The following shall apply in the industrial zones, except wherein otherwise stated:

- (a) One lighted or unlighted fascia business or identification sign identifying any use contained within the building or structure, the sign surface area not exceeding two (2) square feet for each ten (10) feet of site width of property on which it is located, but not exceeding a total sign surface area of one hundred (100) square feet, for any building or use permitted in this zone. An accessory building or structure shall not qualify for a separate business or identification sign;
- (b) Any identification or business sign permitted in clause (a) above may be attached to the face or roof of a building or structure or it may be a free-standing sign;
- (c) Bulletin Board signs shall be permitted to a maximum size of thirty-two (32) square feet;
- (d) Advertising signs shall be conditional uses;
- (e) All signs that are free standing on the site shall be a minimum of three (3) feet from any site boundary;
- (f) No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device;
- (g) No rotating beam or flashing signs shall be permitted in this zone without the approval of the Council. In any event, no flashing sign shall be permitted within three hundred (300) feet of any residential zone or Provincial Roads and Provincial Trunk Highways;

### **GENERAL INDUSTRIAL ZONES**

- (h) All signs and sign structures shall be kept in repair and in proper state of preservation. Signs which have become obsolete because of discontinuance of the business service or activity, and have not been removed or relocated within thirty (30) days following such condition, may be removed by the Council at the owner's expense;
- (i) It shall be unlawful to erect or maintain any sign on, over or above any land or right-of-way under the jurisdiction of the Village unless such right is established by agreement with the Village, and all signs shall adhere to all the setback requirements of this zone;
- (j) The placing of advertising, business or identification signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate provincial authority; and
- (k) The following signs shall not be subject to the provisions of this By-law, except wherein otherwise noted: flags, political, civic, educational, religious, temporary, directional and real estate signs.

#### **SPECIAL YARDS ALONG ZONE BOUNDARIES**

- 6. (8) Where the zone boundary lines in a General Industrial Zone and a Residential, Agricultural or Commercial Zone are co-terminus, there shall be a minimum site or rear yard of fifteen (15) feet on the adjoining Industrial land except where a greater required side or rear yard is provided for elsewhere herein.

#### **HEIGHT OF BUILDINGS**

- 6. (9) The maximum height of principal buildings shall be three (3) storeys to a maximum of sixty (60) feet and of accessory buildings and structures shall be a maximum height of fifteen (15) feet. These maximum heights of buildings and structures may be reduced by Council if there is danger of the buildings or structures being hit by low flying aircraft.

#### **HEIGHT EXCEPTIONS**

- 6. (10) The provisions of this PART shall not apply to limit the height of any grain elevator, seed plant, ornamental dome, chimney, tower, electrical or telephone transmission line, television or radio mast, steeple, water storage tank, electrical apparatus or the mechanical operation of the building provided that no roof

#### **GENERAL INDUSTRIAL ZONES**



structure or any space above the height limit shall be permitted for the purpose of providing usable floor area or is in danger of being hit by an aircraft during its landing or take-off phase of flight.

### **OUTSIDE STORAGE OF GOODS AND MATERIALS**

6. (11) (i) Storage of goods and materials shall be located to the rear of a line adjacent to and parallel with the front wall of the building;
- (ii) the storage shall not project above the height of a wall or fence; and
- (iii) a wall or fence shall be maintained in good condition and repair.

### **STATIONARY STORAGE OF ANHYDROUS AMMONIA**

6. (12) A stationary anhydrous ammonia storage tank shall not be located within the Village of Erickson.

### **MULTIPLE USES**

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

### **LOCATION OF COMMERCIAL BULK PROPANE, NON-HAZARDOUS SOLID AND LIQUID FERTILIZER AND BULK OIL STORAGE, BUILDINGS AND STRUCTURES**

6. (14) Bulk propane, solid fertilizer and bulk oil storage, sales and service establishment buildings and structures shall be set back from other buildings and structures as required by the Canadian Transport Commission and/or the Manitoba Fire Commissioners Office.

### **HABITABLE BUILDING LOCATION WITH RESPECT TO SANITATION FACILITIES**

6. (15) Dwellings or buildings where people spend their work day on a daily basis shall not be located within one thousand three hundred and twenty (1,320) feet of a waste disposal ground or one thousand five hundred (1,500) feet of a sewage lagoon property or as recommended by the local Health Inspector.

## **GENERAL INDUSTRIAL ZONES**

## **PART VII - INSTITUTIONAL ZONE**

### **INTENT AND PURPOSE**

1. The Institutional Zone established in this By-law is intended to provide sufficient land in suitable locations to accommodate governmental, educational, institutional and public recreational uses in keeping with the provisions of the Development Plan.

### **ZONE**

2. In order to carry out the intent and purpose of Section 1 above, there is hereby established in The Area the following zone:

- (1) "I" Institutional Zone

The purpose of this Zone is to primarily provide locations for a wide range of governmental, educational, institutional, and public recreation uses.

### **APPLICATION OF THE BY-LAW TO THE INSTITUTIONAL ZONE**

3. The general provisions applying to the INSTITUTIONAL ZONE are contained within this PART. Also applying to this zone are the provisions of PART I - "DEFINITIONS", PART II - "ADMINISTRATION", PART III - "ZONING" and "APPENDIX A".

### **USE REGULATIONS**

#### **USES PERMITTED**

4. (1) No land shall be used or occupied and no structure shall be erected, altered, used or occupied, hereinafter for any use in the Institutional Zone in which such land or structure is located other than a use listed in TABLE VII - I, "INSTITUTIONAL USE TABLE", with the following exception:
  - (a) Uses lawfully established prior to the effective date of this By-law.

#### **CONDITIONAL USE**

4. (2) Any use listed as a "CONDITIONAL USE" in TABLE VII - I shall comply with the regulations as set forth in section 3, PART II, "ADMINISTRATION".

## **INSTITUTIONAL ZONES**

**INSTITUTIONAL USE TABLE VII-I**

LEGEND: P – Permitted C - Conditional	ZONES
USES:	“T”
Accessory Uses, Buildings and Structures (see Section 4(3) and 5(2) of this PART)	P
Arenas, Halls and Curling Rinks	P
Campgrounds	C
Cemeteries	C
Churches and Church Halls	P
Drop-in Centers	P
Existing Uses legally established prior to the adoption of this By-law	P
Golf Courses	P
Hospitals and Clinics	P
Libraries	P
Museums	P
Parks, Playgrounds and Recreation Areas	P
Public Institutions and Buildings	P
Public, Private and Parochial Schools	P
Public Utilities and Services (see PART II Section 14)	P
Residential Care Facilities include Half-way type homes, Rehabilitation homes, Hostels and Group Foster homes providing meals, residential services, care and supervision of children who are under the care of a child caring agency as defined by the Child Welfare Act or for adults who may be post mentally ill, mentally retarded or otherwise developmentally delayed	P
Senior Citizen Home, Personal Care Home	P
Signs (see Section 6.(3) of this PART)	P
Swimming Pools, Wading Pools	P

**ACCESSORY USES, BUILDINGS AND STRUCTURES**

4. (3) An accessory use, building, or structure includes, but is not limited to, the following.
- (a) Buildings or structures for the operation, maintenance, and administration of a permitted or conditional use;
  - (b) Buildings or structures incidental to a permitted or conditional use;

**INSTITUTIONAL ZONES**

- (c) Private communication aerials and parabolic dish antennae (see Section 5(2) of this PART);
- (d) Staff dwelling, to include only a single-family dwelling, two-family, dormitory, or mobile home when on the same site with a permitted or approved use where, in the opinion of Council, said dwelling is essential for the maintenance, operation and care of the use;
- (e) Home occupations; and
- (f) Signs as permitted and regulated in section 6.(3) of this PART.

## **BULK REGULATIONS**

### **INSTITUTIONAL BULK TABLE**

5. (1) The Institutional bulk requirements shall be as set forth in TABLE VII - II, INSTITUTIONAL BULK TABLE, and the following Sections.

### **ACCESSORY BUILDINGS, STRUCTURES AND USE REGULATIONS**

5. (2) Where this PART provides that any premises may be used or a building or structure may be erected or used for a purpose, the purpose includes any building or use accessory thereof.

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

- (a) Where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building;
- (b) Detached accessory buildings shall not be located in any yard, except in side and rear yards or as provided for elsewhere herein;
- (c) No detached accessory building shall be located closer than six (6) feet to any main building;
- (d) In no instance shall an accessory building be located within a dedicated easement right-of-way; and
- (e) A parabolic dish antenna shall be located, when in a yard, to the rear of the

## **INSTITUTIONAL ZONES**

rear wall of the principal building and on the same site as the principal building. If it can be proven that a signal cannot be received under these provisions, then the dish antenna may be placed, with Council's approval, at a location least detrimental to adjacent sites.

**INSTITUTIONAL BULK TABLE VII-II**

PERMITTED OR CONDITIONAL USES	REQUIREMENTS							
	MINIMUM							MAXIMUM
	Site Area (sq.ft.)*	Site Width (ft.)	a Front Yard (ft.)	a Side Yard (ft.)		a Rear Yard (ft.)		Site Coverage (%)
				inter- ior	cor- ner	lane	no lane	
Accessory Uses, Buildings and Structures (see Sections 5(2) of this PART)	-	-	30	15	15	10	10	10
Arenas and Halls	12,000	80	30	25	25	25	25	55
Campgrounds	40,000	200	30	15	25	25	25	60
Exhibition Grounds	87,120	300	30	25	25	25	25	90
Golf Courses	50AC.	575	30	15	15	15	15	90
Hospitals	87,120	200	30	25	25	25	25	60
Libraries	6,000	50	30	15	15	25	25	20
Museums	6,000	50	30	15	15	25	25	20
Parks, Playgrounds and Recreation Areas owned or approved by Council	6,000	60	30	10	15	20	20	N/A
Public Institutions and Buildings	10,000	80	30	15	15	25	25	35
Public, Private and Parochial Schools	5AC	300	30	25	25	25	25	70
Public Utilities and Services	5,000	50	30	15	15	15	15	20
Residential Care Facilities	10,000b	70	30	15	15	25	25	35
Senior Citizen Home, Personal Care Home	12,000b	70	25	15	15	25	25	35
Swimming Pools, Wading Pools	10,000	100	30	15	15	25	25	35

**INSTITUTIONAL ZONES**

**INSTITUTIONAL BULK TABLE VII-II**

PERMITTED OR CONDITIONAL USES	REQUIREMENTS							Site Coverage (%)
	MINIMUM						MAXIMUM	
	Site Area (sq.ft.)*	Site Width (ft.)	a Front Yard (ft.)	a Side Yard (ft.)		a Rear Yard (ft.)		
				inter- ior	cor- ner	lane	no lane	
Other Permitted and Conditional Uses	30,000	100	30	15	15	25	25	55
	* unless otherwise noted							

Explanations and Exceptions to the Bulk Requirements Table VII - II are as follows:

- (a) Buildings, structures and hedges adjacent to major provincial highways and centers of intersections of same shall have a setback in accordance with the Highway Protection Act or the Department of Highways Act or as varied from time to time.
- (b) Twelve thousand (12,000) square feet of site area for the first three (3) dwelling units and one thousand (1,000) additional square feet of site area for each additional dwelling unit.

## **GENERAL PROVISIONS**

### **INTENT**

- 6. (1) The following provisions apply to the Institutional Zone except wherein otherwise provided:

### **MINIMUM DWELLING SIZE**

- 6. (2) The minimum floor area of a dwelling unit shall be four hundred (400) square feet.

### **SIGN REGULATIONS**

- 6. (3) The regulations of this section are intended and designed to establish a minimum control of signs. Such control is deemed essential to promote the health, safety, and general welfare by reducing hazards to pedestrian and vehicular traffic, and by preventing unsightly and detrimental development having a blighting influence

## **INSTITUTIONAL ZONES**

upon residential, and institutional uses.

The following signs shall apply in the institutional zone except wherein otherwise stated:

- (a) Not more than two (2) lighted or unlighted identification and business signs, each not exceeding twenty-five (25) square feet in sign surface area and having a maximum height of fifteen (15) feet shall be permitted for any building or use;
- (b) Advertising signs shall not be permitted within this zoning district;
- (c) Free standing signs shall be five (5) feet from site lines;
- (d) No sign or sign structures shall be erected at any location where it may interfere with, obstruct the view of, any street, highway intersection or railway grade crossing or be confused with any authorized traffic sign, signal or device;
- (e) It shall be unlawful to erect or maintain any sign on, over or above any land or right-of-way under the jurisdiction of the Village unless such right is established by agreement with the Village, and all signs shall adhere to all the setback requirements of the zoning district in which they are located;
- (f) The placing of business or identification signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate authority; and
- (g) The following signs shall not be subject to the provisions of this PART, except wherein otherwise noted: flags, political, civic, educational, religious, temporary, directional and real estate signs.

## **PARKING**

- 6. (4) For each permitted or conditional use there shall be adequate parking spaces provided for employees and visitors to the satisfaction of Council and one parking space provided for each dwelling unit on the same zoning site as the principal use, excluding personal care rooms. In the case of senior citizen multiple-family dwelling there shall be decimal five (0.5) parking spaces per dwelling unit provided.

## **AREA AND YARD REQUIREMENTS**

## **INSTITUTIONAL ZONES**

6. (5) Except as herein provided, the following special provisions shall apply to ensure adequate site and yard requirements:
- (a) Where a site is occupied for a use permitted in this zone and has no buildings or structures thereon, the required yards for the zone within which it is located shall be provided and maintained;
  - (b) Yards provided for a building or structure, existing on the effective date of this Zoning By-law or amendments thereto, shall not be reduced, or further reduced, if already less than the minimum requirements of this PART unless varied; and
  - (c) All yards and other open space required for any use shall be located on the same site as the use.

#### **PROJECTION INTO REQUIRED YARDS**

6. (6) Required yards shall be unobstructed from ground level to the sky, except as set forth in the BULK TABLES of this PART and as follows:
- (a) Eaves and chimneys may project into any required front, side or rear yard, a distance of not more than three (3) feet, provided that in no case shall an eave or chimney project within three (3) feet of a side site line;
  - (b) Open unenclosed porches, platforms, not covered by a roof or canopy, which do not extend above the level of the first storey of the building, may extend or project into any required front, side or rear yard not more than twelve (12) feet provided the width of a required side yard is not reduced to less than three (3) feet;
  - (c) Fences, hedges and lamp posts shall not exceed a height of six (6) feet above finished grade except in the case of fences required under various Government Department regulations. A fence, hedge, trellises or protection around ramps shall be permitted in any required front yard in which case the height shall not exceed three and one-half (3-1/2) feet.
  - (d) Landscape features, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side or rear yard provided they do not produce a hedge effect contrary to the provisions of clause (c) above.

#### **INSTITUTIONAL ZONES**



### **HEIGHT OF BUILDINGS**

6. (7) The maximum height of principal buildings shall be three (3) storeys (40 ft.), accessory buildings and structures shall be fifteen (15) feet. These maximum heights of buildings and structures may be reduced by Council if there is danger of the buildings or structures being hit by low flying aircraft.

### **HEIGHT EXCEPTIONS**

6. (8) The provisions of this PART shall not apply to limit the height of any ornamental dome, chimney, tower, electrical or telephone transmission line, television or radio mast, steeple, water storage tank, electrical apparatus or the mechanical operation of the building provided that no roof structure or any space above the height limit shall be permitted for the purpose of providing usable floor area or is in danger of being hit by an aircraft during its landing or take-off phase of flight.

### **NOXIOUS OR OFFENSIVE USES**

6. (9) Notwithstanding anything herein contained, no use shall be permitted in the Institutional Zone which may be noxious or offensive by reason of the emission or production of odor, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise.

### **MULTIPLE USES**

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

### **HABITABLE BUILDINGS LOCATION WITH RESPECT TO SANITATION FACILITIES**

6. (11) New dwellings or buildings where people spend their work day on a daily basis shall not be located within one thousand three hundred and twenty (1,320) feet of a waste disposal ground or one thousand five hundred (1,500) feet of a sewage lagoon property or as recommended by the local Health Inspector.

### **CAMPGROUNDS PARK DEVELOPMENT PROVISION**

6. (12) All design plans for a campground must be submitted to Council for their consideration and approval prior to the issuance of a Development Permit.

## **INSTITUTIONAL ZONES**

**LOCATION OF INSTITUTIONAL USES WITH RESPECT TO COMMERCIAL  
PROPANE AND BULK OIL STORAGE BUILDINGS AND STRUCTURES**

6.     (13)   Institutional uses shall be set back from commercial propane and bulk oil storage buildings and structures the same distance that these buildings and structures are required to be set back from Institutional buildings under the Canadian Transport Commission and/or The Manitoba Fire Commissioners Office.

**INSTITUTIONAL ZONES**

## **PART VIII - LIMITED AGRICULTURAL ZONE**

### **INTENT AND PURPOSE**

1. The Limited Agriculture Zone established in this By-law is intended to provide sufficient land in suitable locations to allow rural uses to occur but in such a fashion as to be easily converted to urban development upon need in The Area in keeping with the provisions of the Development Plan.

### **ZONE**

#### **"AL" LIMITED AGRICULTURE ZONE**

2. This Zone primarily provides for appropriate land in The Area's fringe for the development of agricultural uses.

### **APPLICATION OF THE BY-LAW TO THE LIMITED AGRICULTURE ZONE**

3. The general provisions applying to the LIMITED AGRICULTURE ZONE are contained within this PART. Also applying to this zone are the provisions of PART I - "DEFINITIONS", PART II - "ADMINISTRATION", PART III - "ZONING" and "APPENDIX A".

### **USE REGULATIONS**

#### **USES PERMITTED**

4. (1) No land shall be used or occupied and no structure shall be erected, altered, used or occupied hereinafter for any use in the Agriculture Zone, other than a use listed in TABLE VIII - I, "LIMITED AGRICULTURE USE TABLE", with the following exception:
  - (a) Uses lawfully established prior to the effective date of this By-law.

#### **CONDITIONAL USE**

4. (2) Any use listed as a "CONDITIONAL USE" in TABLE VIII - I shall comply with the regulations as set forth in section 3, PART II - "ADMINISTRATION".

## **LIMITED AGRICULTURAL ZONE**

**ACCESSORY USES, BUILDINGS AND STRUCTURES**

4. (3) In the Limited Agriculture Zone, accessory uses, buildings or structures shall be limited to the following:
- (a) Farm dwelling to include only a single-family dwelling or a mobile home when on the same site with a permitted or conditional agricultural activity;

**LIMITED AGRICULTURE USE TABLE VIII-I**

LEGEND: P – Permitted C - Conditional - - Use Not Permitted	ZONES
USES:	“AL”
Accessory Uses, Buildings and Structures (see Sections 4(3) and 5(3) of this PART)	P
Agricultural Specialized Uses including Nurseries, Market Gardening, Commercial Greenhouses, Public and Private Stables, not subject to registration under the Clean Act	P
Agricultural General Uses comprising Market Gardening, Field Crops and Tame Forage production which, in the opinion of Council, are not obnoxious or detrimental to the public welfare	P
Auction Market	C
Cemeteries	C
[Churches (B/L 411/89)]	C]
Existing Use legally established prior to the adoption of this By-law	P
Exhibition Grounds	C
Golf Courses	C
Game Farm, subject to registration under the Clean Environment Act	C
Kennel, Pounds and Animal Clubs	C
Livestock Production Operations in existence at the time of approval of the Zoning By-law	C
Parks, Picnic Areas, Playgrounds	P
Signs (see Section 6.(5) of this PART)	P
Signs, Advertising	C
Veterinary Hospital	P`

**LIMITED AGRICULTURAL ZONE**

4. (3) (b) Farm buildings or structures for the operation and maintenance of an agricultural activity;
- (c) Storage of goods used in or produced by agricultural activities on the same site with such activities, unless such storage is excluded by the zone regulations;
- (d) A private garage, carports, covered patio, toolhouse, shed, and other similar buildings for the storage of domestic equipment and supplies;
- (e) Home Occupations;
- (f) Signs as permitted and regulated in Section 6.(5) of this PART;
- (g) Residential care facilities providing meals, residential services, care and supervision for eight or fewer children who are under the care of a child caring agency as defined by the Child Welfare Act or four or fewer adults who may be post mentally ill, mentally retarded or otherwise developmentally delayed; and
- (h) Staff dwellings where, in Council's opinion, they are necessary.

### **BULK REGULATIONS**

5. (1) The Agricultural bulk requirements shall be as set forth in TABLE VIII - II, LIMITED AGRICULTURE BULK TABLE.

### **SITE SIZE REGULATIONS**

- 5 (2) The site size requirements shall be as set forth in TABLE VIII - II, except as provided in Section 10, PART II, "ADMINISTRATION".

### **ACCESSORY BUILDING STRUCTURES AND USES REGULATIONS**

5. (3) Where this By-law provides that any premises may be used or a building or structure may be erected or used for a purpose, the purpose includes any building or use accessory thereof.

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

- (a) Where the accessory building is attached to a main building, it shall be

### **LIMITED AGRICULTURAL ZONE**

subject to, and shall conform to, all regulations of this By-law applicable to the main building;

- (b) Detached accessory buildings shall not be located in any yard, except a side or rear yard or as provided for elsewhere herein;

**LIMITED AGRICULTURAL BULK TABLE VIII-II**

PERMITTED OR CONDITIONAL USES	REQUIREMENTS					
	MINIMUM					MAXIMUM
	Site Area (acres)*	Site Width (ft.)	a Front Yard (ft.)	a Side Yard (ft.)	a Rear Yard (ft.)	Site Coverage %
Accessory Uses, Building Structures (Also see Section 4(3) 5(3) of this PART)	-	-	40	15	10	10
Agricultural, Specialized Uses including Nurseries, Commercial Greenhouses, Public and Private Stables not subject to registration under the Clean Environment Act, Market Gardening	5	300	40	15	15	100
Agricultural General: Field Crops, Tame Forage Production	30	660	40	50	50	100
Auction Market	2	150	40	15	15	70
Cemetery	2	150	25	15	25	60
[Churches ( <b>B/L 411/89</b> )	sq.ft. 33,000	130	30	15	25	25]
Exhibition Grounds	5	300	40	15	25	90
Existing Single-Family Dwellings	sq.ft. 15,000	100	30	15	25	45
Golf Courses	50	575	40	15	15	90
Game Farms	5	300	30	30	15	90
Kennels, Pound and Animal Clubs	5	200	50	15	25	70

**LIMITED AGRICULTURAL ZONE**

**LIMITED AGRICULTURAL BULK TABLE VIII-II**

PERMITTED OR CONDITIONAL USES	REQUIREMENTS					
	MINIMUM					MAXIMUM
	Site Area (acres)*	Site Width (ft.)	a Front Yard (ft.)	a Side Yard (ft.)	a Rear Yard (ft.)	Site Coverage %
Livestock Production operations in existence at the time of the approval of the Zoning By-law	40	660	125	25	25	90
Parks, Picnic Areas, Playgrounds	0.5	100	30	15	25	50
Public Utilities and Services	sq.ft. 5,000	50	30	15	25	20
Veterinary Hospitals	2	150	50	30	50	30
Other Permitted and Conditional Uses	1.5	200	125	15	25	45
*unless otherwise noted						

Explanations and Exceptions to the Bulk Requirements Table VIII - II are as follows:

- (a) Buildings, structures and hedges adjacent to provincial roads, major provincial highways and centers of intersections of same shall have a setback in accordance with the Highway Protection Act and the Highway Department Act or as varied from time to time.

Cont'd

5. (3) (c) No detached accessory building shall be located closer than six (6) feet to any main building on the same site;
- (d) No detached accessory building for agricultural use shall be located closer than twenty (20) feet to any residential dwelling;
- (e) In no instance shall an accessory building be located within a dedicated easement right-of-way; and
- (f) No accessory buildings shall be erected prior to erection of the main building except where it is necessary for the storage of the tools and materials for use during construction of the main building.

**LIMITED AGRICULTURAL ZONE**

## **GENERAL PROVISIONS**

### **INTENT**

6. (1) The following provisions apply to the Limited Agriculture Zone except wherein otherwise provided:

### **AREA AND YARD REGULATIONS**

6. (2) Except as herein provided, the following special provisions shall apply in this zone to ensure adequate site and yard requirements:
  - (a) Required yards provided for a building or structure, existing on the effective date of this Zoning By-law or amendments thereto, shall not be reduced, or further reduced, if already less than the minimum requirements of this PART unless varied; and
  - (b) All yards and other open space required for any use shall be located on the same site as the use.

### **HEIGHT OF BUILDINGS**

6. (3) The maximum height of principal buildings shall be three (3) storeys to a maximum of forty (40) feet and of accessory buildings and structures shall be a maximum height of (15) feet. These maximum heights of buildings and structures may be reduced by Council if there is a danger of the buildings or structures being hit by low flying aircraft.

### **HEIGHT EXCEPTIONS**

6. (4) The provisions of this PART shall not apply to limit the height of any ornamental dome, chimney, tower, electrical or telephone transmission line, television or radio mast, steeple, water storage tank, electrical apparatus or the mechanical operation of the building provided that no roof structure or any space above the height limit shall be permitted for the purpose of providing usable floor area or is in danger of being hit by an aircraft during its landing or take-off phase of flight.

### **SIGN REGULATIONS**

6. (5) The regulations of this section are intended and designed to establish a minimum

## **LIMITED AGRICULTURAL ZONE**



control of signs. Such control is deemed essential to promote the health, safety, and general welfare by reducing hazards to pedestrian and vehicular traffic, and by preventing unsightly and detrimental development having a blighting influence upon the Village of Erickson.

The following shall apply in this zone of this PART except wherein otherwise stated:

- (a) No more than one (1) lighted or unlighted business and identification sign, not exceeding thirty-two (32) square feet in sign surface area and having a height of no more than fifteen (15) feet shall be permitted for any building or use permitted in this zone;
- (b) Advertising signs shall be a conditional use;
- (c) No free standing sign shall be closer than five (5) feet to a site line;
- (d) No sign or sign structures shall be erected at any location where it may interfere with, obstruct the view of, any street, highway intersection or railway grade crossing or be confused with any authorized traffic sign, signal or device;
- (e) No rotating beam or flashing signs shall be permitted in this zone without the approval of the Council. In any event, no flashing sign shall be permitted within three hundred (300) feet of any residential zone or Provincial Roads and Provincial Trunk Highways;
- (f) All signs and sign structures shall be kept in repair and in proper state of preservation. Signs which have become obsolete because of discontinuance of the business service or activity, and have not been removed or relocated within thirty (30) days following such condition, may be removed by the Council at the owner's expense;
- (g) It shall be unlawful to erect or maintain any sign on, over or above any land or right-of-way under the jurisdiction of the Village unless such right is established by agreement with the Village, and all signs shall adhere to all the setback requirements of this zone;
- (h) The placing of advertising, business or identification signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate provincial authority; and

#### **LIMITED AGRICULTURAL ZONE**

- (i) The following signs shall not be subject to the provisions of this By-law, except wherein otherwise note: flags, political, civic, educational, religious, temporary, directional and real estate signs.

### **MINIMUM DWELLING SIZE**

- 6. (6) The minimum floor area of a single-family dwelling, farm dwelling, staff house or mobile home shall be six hundred (600) square feet per dwelling unit.

### **LIVESTOCK PRODUCTION OPERATIONS**

- 6. (7) A conditional use permit shall be required for the expansion of an existing Livestock Production Operation producing in excess of five (5) Livestock Waste Units which shall state the use of the land, buildings or structures and the capacity, in terms of number of animals, the operation and the method of waste disposal, and may require a letter of acceptance from the Environmental Control Branch.

### **LOCATION OF BARNS AND ANIMAL CONFINEMENT AREAS**

- 6. (8) Barns and animal confinement areas associated with livestock production operations shall not be located within six hundred (600) feet of a residential or institutional zone. This excludes barns associated with agricultural society grounds and exhibition grounds.

### **CATEGORY OF LIVESTOCK PRODUCTION OPERATIONS REQUIRING REGISTRATION UNDER THE CLEAN ENVIRONMENT AND THEREFORE A CONDITIONAL USE IN THIS ZONING BY-LAW**

- 6. (9) All operators of new or expanding livestock production operations falling into the following category shall register the operation.

Any operation:

- (a) producing waste in excess of ten (10) Livestock Waste Units and located within a residential or recreation area.

### **LIVESTOCK WASTE UNIT OR L.W.U.**

- 6. (10) TABLE VIII - III OF LIVESTOCK WASTE UNITS - L.W.U. to be used in determining the number of L.W.U. produced by a Livestock Production Operation.

## **LIMITED AGRICULTURAL ZONE**

**MULTIPLE USES**

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

**HABITABLE BUILDING LOCATION WITH RESPECT TO SANITATION FACILITIES**

6. (12) New dwellings or buildings containing dwelling units shall not be located within one thousand three hundred and twenty (1,320) feet of a waste disposal ground or one thousand five hundred (1,500) feet of a sewage lagoon property or as recommended by the local Health Inspector.

**LIVESTOCK WASTE UNITS CONVERSION TABLE NO. VIII - III**

<u>TYPE OF OPERATION</u>	<u>LIVESTOCK WASTE UNITS</u> <u>(L.W.U.)</u>
<u>Dairy Cattle</u>	
1 Milk Cow	1.0
1 Milk Cow plus Dry Cows	1.2
1 Milk Cow plus Dry Cows replacement heifers, calves	1.4
<u>Beef Cattle</u>	
1 Beef Animal of Feedlot Capacity	0.36
1 Beef Cow plus replacement heifers, calves (All year Dry Lot Capacity)	0.7
1 Beef Cow plus replacement heifers, calves (Winterlot Capacity)	0.42
1 Beef Cow plus bulls, replacement heifers, calves (Summer pasture only)	0.28
<u>Swine</u>	
1 Sow (Farrow-Finish) plus boars, replacement gilts, suckling pigs to market	2.0
1 Sow (Farrow-Weanling) plus boars, replacement gilts, suckling pigs to 40 pounds	0.8
1 Feeder Pig (40 pounds to market) Feeder Barn Capacity	0.2
<u>Chickens</u>	

**LIMITED AGRICULTURAL ZONE**

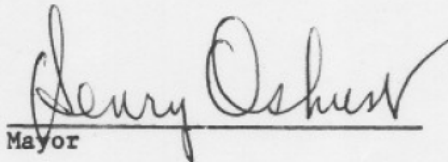
**LIVESTOCK WASTE UNITS CONVERSION TABLE NO. VIII - III**

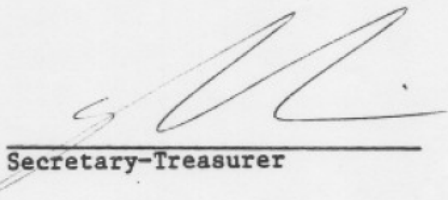
<u>TYPE OF OPERATION</u>		<u>LIVESTOCK WASTE UNITS</u> <u>(L.W.U.)</u>
100	Laying Hens	0.9
100	Chicken Broilers	0.53
100	Hens in Breeder Flock	1.2
<u>Turkeys</u>		
100	Turkey Broilers	0.85
100	Turkey Feeders	1.5
100	Turkey Hens in Breeder Flock	2.2
<u>Ducks</u>		
100	Ducks	1.0
<u>Geese</u>		
100	Geese	1.1
<u>Horses</u>		
1	Horse	0.5
<u>Sheep</u>		
1	Ewe, plus rams, Lambs	0.1
<u>Rabbits</u>		
10	Does, plus bucks, litters	0.4

**LIMITED AGRICULTURAL ZONE**

VILLAGE OF ERICKSON

DONE AND PASSED in Council duly assembled at the Village of Erickson,  
Manitoba, this 20th day of JANUARY A.D. 1987.

  
Mayor

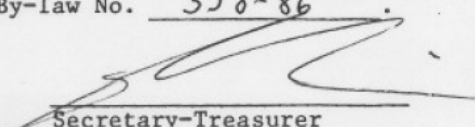
  
Secretary-Treasurer

Received First Reading on this 19th day of AUGUST A.D. 1986.

Received Second Reading on this 16th day of SEPTEMBER A.D. 1986.

Received Third Reading on this 20th day of JANUARY A.D. 1987.

I K.G. JENKINS Secretary-Treasurer of The Village of Erickson DO HEREBY  
CERTIFY the above to be a true and correct copy of By-law No. 358-86.

  
Secretary-Treasurer  
Village of Erickson