

[2020]

LAST UPDATED: June 23, 2020

City of Selkirk
Zoning By-law 4968

An Office Consolidation of
The City of Selkirk
Zoning By-law
By-law No. 4968



[NOTICE:]

All persons making use of this Consolidation are reminded that it has no legislative sanction; that the Amendments have been embodied only for the convenience of reference; and that the original By-law and Amendments should be consulted for all purposes of interpreting and applying the law.

Adopting By-law	Changes and Amendments	Content Affected		Remarks
		Text	Map	
5032	Rezoned from “A-UR” to “C4”		X	
5037	Various amendments to Parts 3, 5 to 9 & 11	X		B/L amends Part 10 in error. Should be Part 11.
5058	Rezoned from “A-UR” to “C4”		X	B/L doesn’t have a Schedule.
5098	Rezoned from “PR” to “C4”		X	
5102	Amend Part 4 & Part 6 – Tables 12 & 13 by adding a “RC” Comprehensive Residential Zone	X		
	Amend Part 6 – Table 12 by adding “Residential – single family” as a Conditional Use in the R3 Zone	X		
	Rezoned from “A-UR” to “R3”		X	
	Rezoned from “A-UR” to “RC”		X	
5118	Amend Table 12 by adding Nursing Homes	X		
5119	Amend Table 14 by adding eat-in restaurants as permitted in “C4”	X		
5187	Part 3 General Provisions 3.25.2.9 Wheelchair landings & ramps.....	X		
5114	Rezoned from “R” to “R3”		X	
5141	Rezoned from “A-UR” to “C4”		X	
5146	Rezoned from “R” to “R3”		X	
5165	Rezoned from “PR” to “C4”		X	
5183	Rezoned from “RC” to “R3”		X	
5187	Section 3.25 wheelchair ramps permitted projection	X		
5208	Rezoned from “R” to “R3”		X	
5218	Rezoned from “OS” to R3”		X	
5225	Rezoned from “R3” to “RC”		X	
5253	Rezoned from “M1” to “R3”		X	
5254	Rezoned from “R” to “R3”		X	
5256	Rezoned from “PR” to “R3”			
5286	Rezoned from “PR” to “C3”		X	Lots 20/33, Block 16, Plan 2331
5290	Introduce “MP” Zone, various text amendments, and map amendment	X	X	*1-7 & 10-12, Plan 28708
5291	Various Text Amendments	X		Minor Correction under Subsection 82(2) TPA

Adopting By-law	Changes and Amendments	Content Affected		Remarks
		Text	Map	
5298	Rezoned from “A-UR” & “RMH” to “R” & “R3”		X	Portions of river lots 50 & 51 (Annie St. and Purvis Blvd).
5311	Rezoned from “M1” to “MP”		X	Lots 5/12, Plan 60001
5320	Rezoned from “A-UR” to “RS” and “R3”		X	Portions of Lots 48, 49, 50 (Annie St. and Purvis Blvd).
5329	Section 3.27 Signs Updated; Definitions for Signs Updated; Section 10.6 Downtown Sign Standards added	X		
5332	Updated Residential Bulk Regulations Table for Townhouse / Row house development and Two-Family Development	X		
5333	Housekeeping By-law making various changes throughout by-law including: public utilities, industrial use table, parking req’s, and 15% minor variance	X	X	
5328	Rezone 223 Sutherland from PR Parks and Recreation to C3 Strip Commercial		X	

**The City of Selkirk
In the Province of Manitoba
Zoning By - Law Number 4968**

Being a By – Law to regulate the use and development of land within the City of Selkirk.

WHEREAS Section 39 (1) of the Planning Act, Chapter P80, January 2, 1999, provides that a Zoning By – Law may be enacted by the Council of a municipality;

AND WHEREAS, it is deemed desirable and expedient to repeal By – Law number 4560, and all amendments thereto and substitute therewith a new Zoning By – Law;

RESOLVED that the Council of the City of Selkirk, in meeting duly assembled, enacts as follows:

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1. INTRODUCTION

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1.1. TITLE

- 1.1.1 This By-law may be cited as "The City of Selkirk Zoning By-law".

1.2. AREA

- 1.2.1 The provisions of this zoning by-law shall apply to all lands within the limits of The City of Selkirk in the province of Manitoba, as shown on the Zoning Map in Appendix A to this by-law.

1.3. INTENT AND PURPOSE

- 1.3.1 The provisions established by this zoning by-law, which have been adopted by The Council of the City of Selkirk, are deemed necessary in order to:
- 1.3.1.1. implement the objectives and policies as outlined in Selkirk and District Planning Area Board Development Plan;
 - 1.3.1.2. define and limit the powers and duties of the Board, Council and Development Officers; and
 - 1.3.1.3. define and prescribe development standards including, but not limited to the following:
 - buildings and structures constructed and located hereafter, in accordance with the Buildings and Mobile Homes Act;
 - existing buildings and structures structurally altered and/or relocated hereafter;
 - uses of buildings, structures and land established hereafter; and
 - changes of use of buildings, structures and land hereafter.

1.4. INTERPRETATION

- 1.4.1. The provisions of this zoning by-law shall be interpreted to be the minimum requirements except where the abbreviation for or word "maximum" is used, in which case the maximum requirement shall apply.
- 1.4.2. Reference to the "Board" shall refer to the Selkirk & District Planning Area Board.
- 1.4.3. "Shall" is mandatory.
- 1.4.4. Units of measure are imperial.

1.5. RELATION TO OTHER BY-LAWS AND REGULATIONS

- 1.5.1. In the event of conflict between this zoning by-law and amendments thereto, and any restrictions imposed by a government authority having jurisdiction to make such restrictions, the most restrictive shall apply.

1.6. REFERENCES TO STATUTES

- 1.6.1. References to statutes within this zoning by-law, unless otherwise specified, are Statutes of the Province of Manitoba and amendments thereto.

1.7. VALIDITY

- 1.7.1. Should any section or part of a section of this zoning by-law or appendix attached hereto be declared invalid by a court of competent jurisdiction, the same shall not affect provisions of the zoning by-law as a whole or any part thereof beyond that which was declared invalid.

2. ADMINISTRATION

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2.1. SELKIRK & DISTRICT PLANNING AREA BOARD RESPONSIBILITIES

The Selkirk & District Planning Area Board is responsible for the following:

- 2.1.1. administration and enforcement of this by-law;
- 2.1.2. acting as an appeal board in accordance with *the Planning Act*;
- 2.1.3. administration and enforcement of *the Planning Act*, where applicable;
- 2.1.4. establishment of planning advisory committees in accordance with *the Planning Act*; and
- 2.1.5. establishment of a schedule of application fees and permit charges for the following:
 - conditional use orders;
 - development plan amendments;
 - subdivisions;
 - variation orders;
 - zoning by-law amendments;
 - zoning confirmation letters;
 - zoning compliance certificate;
 - zoning memoranda; and
 - other appropriate documents.

2.2. THE CITY OF SELKIRK COUNCIL RESPONSIBILITIES

Subject to the provisions of *the Planning Act*, the Council of The City of Selkirk is responsible for the following:

- 2.2.1. enactment of this By-law;
- 2.2.2. administration and enforcement of the Planning Act, where applicable;
- 2.2.3. adoption or rejection of proposed amendments or the repeal of this by-law;
- 2.2.4. approval or rejection of conditional uses and variation orders, and/or revocation of existing conditional uses and variation orders.

2.3. DEVELOPMENT OFFICERS' RESPONSIBILITIES

- 2.3.1. The Board shall appoint development officers who, subject to 3.30.4, shall carry out the administration and enforcement of this by-law on behalf of the City of Selkirk.

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3.30.	VARIATIONS
3.31.	WRECKING FACILITIES; AUTOMOTIVE & EQUIPMENT
3.32.	ZONING COMPLIANCE CERTIFICATES
3.33.	ZONING CONFIRMATION LETTERS
3.34.	ZONING MEMORANDA

3.1. INTENT

- 3.1.1. The general provisions contained herein apply to all zones, except as otherwise specified herein.

3.2. ACCESSORY USES, BUILDINGS AND STRUCTURES

3.2.1. Attached Accessory Structures

Where an accessory structure is attached to the main / principal building on a site by a roof, an enclosed structure, a floor - except a slab on grade or a foundation, it is to be considered as part of the main / principal building and shall be subject to the bulk regulations for main / principal buildings. An unenclosed deck not more than two feet above normal grade will not be included as site coverage or building separation.

3.2.2. Construction Prior to Principal Building

Accessory buildings or structures may *not* be constructed prior to obtaining a development permit for the principal building, notwithstanding 3.29. (B/L 5291)

3.2.3. Location

3.2.3.1. Building Separation from Principal Building

Detached accessory buildings, *excluding detached decks, above ground pools and hot tubs*, shall be located a minimum of 8 feet clear of all projections from the principal building. (B/L 5291)

3.2.3.2. Common Walls

Buildings containing more than one unit with common party walls shall be considered as 1 building occupying 1 site for the purpose of side yard regulations. eg. duplexes or row housing.

3.2.3.3. Easement or Right-of-way

Detached accessory buildings and structures shall not be located within a dedicated easement or right-of-way.

3.2.3.4. Front Yards

Detached accessory buildings and structures shall be located in accordance with the Bulk tables for each zoning district.

3.2.4. Number

The number of accessory buildings allowed per certificate of title may vary from zone to zone according to allowances within the bulk tables and building separation requirements of this zoning by-law.

When the number of accessory buildings allowed per certificate of title is limited by development agreement enforced by the City, increases in the number of accessory buildings shall require amendments to the development agreement.

3.2.5. Uses

Accessory uses, buildings and structures may be permitted when on the same site as a permitted or conditional use as per Table 1.

Table 1**Accessory Uses, Buildings and Structures**

A = Agricultural R = Residential C = Commercial M = Industrial
PR = Parks and Recreation OS = Open Space I = Institutional
P = Permitted C = Conditional - = Use is NOT Permitted

Accessory Uses, Buildings and Structures	A	R	C	M	PR	OS	I
Aircraft landing strips and related storage facilities –	C	-	-	-	-	-	-
Bed and Breakfast	C	C	C	-	-	-	-
Buildings or structures necessary for the operation and maintenance of primary use i.e. garage, carport	P	P	P	P	P	C	P
Greenhouse – private	P	P	-	-	P	-	-
Off-street parking and/or loading	P	P	P	P	P	P	P
Patio - detached, uncovered deck	P	P	P	-	P	-	-
Production, processing, cleaning, servicing, altering, testing or storage buildings or structures incidental to general agricultural, commercial or industrial use	P	C	P	P	-	-	-
Recreation building or structure i.e. playhouses, swings, Gazebo, picnic shelter, trampoline	P	P	P	-	P	C	C
Signs (<i>see 3.27.</i>)	P	P	P	P	P	P	P
Single family dwelling - accessory to primary use; may include one staff dwelling (<i>B/L 5037</i>)	P	-	P	P	P	-	-
Single family dwelling - accessory to primary use; may include additional staff dwellings (<i>B/L 5037</i>)	C	-	C	C	C	-	-
Storage Containers (<i>B/L 5291</i>)	C	-	C	P	-	-	-
Storage - exterior: (<i>see 3.10.</i>)							
- domestic equipment and supplies	P	P	P	P	P	P	P
- goods used in or produced by primary use	P	C	P	P	P	P	P
- machinery and equipment used by primary use	P	C	P	P	-	P	P
Swimming pools / hot tubs – private	P	P	P	-	-	-	P
Uses not listed	C	C	C	C	C	C	C

3.3. AMENDMENTS

- 3.3.1. Amendments to this zoning by-law may be initiated by Council or by the owner or owner's agent(s) of the area proposed to be changed.
- 3.3.2. Applications to amend the zoning by-law, including required information and fees, shall be filed with the Board.
- 3.3.3. Applications to amend the zoning by-law shall be processed, and if approved, enacted in accordance with *the Planning Act*.
- 3.3.4. Approved amendments to the zoning by-law may, at Council's discretion, require that the owner enter into a development agreement in accordance with *the Planning Act*.

3.4. BED AND BREAKFAST

- 3.4.1. Business Licenses and Development Permits
Bed & Breakfast establishments shall be required to obtain a business license from the City.
- 3.4.2. Character – Secondary Use
The Bed & Breakfast shall be operated by a live-in owner as an accessory use and shall not change the principal residential character or external appearance of the dwelling.
- 3.4.3. Guest Bedroom Number
Bed & Breakfast establishments shall be limited to 4 guest bedrooms per dwelling.
- 3.4.4. Length of Stay
The length of stay shall not exceed 10 consecutive days.
- 3.4.5. Parking
One additional parking space, in the rear or side yard only, shall be provided for each guest bedroom.
- 3.4.6. Signs
Only one (1) non-illuminated, non-flashing sign with a maximum permitted area of 4 square feet.
- 3.4.7. Traffic
The Bed & Breakfast shall not generate traffic beyond what is normally characteristic of the area.

3.5. BULK REGULATIONS

- 3.5.1. Separation Distances
Separation distances shall be measured from building face to building face notwithstanding 3.2.3.1.

3.5.2. Site Coverage

Site coverage shall be the percentage of the lot area covered by the ground floor area of all buildings located thereon. For the purpose of site coverage calculations, a building shall mean any structure consisting of a wall, roof and floor, or a structural system serving the same purpose, excluding concrete slabs or driveways.

3.5.3. Yard Requirements**3.5.3.1. Distance Measure**

Yard measurements within the bulk tables shall be measured from the building face to the property line.

3.5.3.2. Yard Reductions

See 3.26.2. Bulk Requirements Reduced by Public Utilities and 3.28.1. Subdivision Bulk Regulations.

3.6. CONDITIONAL USES

3.6.1. Application to use land for a use listed as a conditional use in this zoning by-law may be filed by the owner or owner's agent subject to owner's signature.

3.6.2. Application for approval of a conditional use, including required information and fees, shall be filed with the Board.

3.6.3. Applications for conditional use shall be processed, approved or rejected, and may be revoked in accordance with *the Planning Act*.

When approving a conditional use as provided herein, Council may prescribe such additional conditions, beyond those specified in the zoning by-law and development plan, as are in its opinion necessary to secure the objectives of the zoning by-law and development plan; and the Council may revoke the conditional use authorized for violation of any conditions imposed by it, in accordance with *the Planning Act*.

3.7. DEVELOPMENT PERMITS**3.7.1. Application Requirements**

3.7.1.1 The applicant shall provide the complete legal description of the subject property.

3.7.1.2. The applicant shall provide:

- the proposed use of each building and structure;
- current copies of relevant titles, easements and caveats;
- surveyor's certificate prepared by a Manitoba Land Surveyor;
- existing conditions of the site;
- number of dwelling units or rental units within the proposed building; and other information as required.

3.7.1.3. The applicant shall provide 3 complete sets of blueprints of proposed construction illustrating:

- site plan including:
 - proposed setbacks from property lines of new construction and all existing buildings or structures on the site
 - proposed parking and loading spaces
 - proposed open space;
- foundation - dimensioned and fully detailed;
- building section - indicating all building materials;
- floor plans - all levels;
- elevations of completed structure.

3.7.1.4. Proposals on flood prone or hazard prone land shall not be issued permits prior to submission as per 3.7.1.1., 3.7.1.2., 3.11., and the following:

- cross section through proposed building or structure or fill area;
- cross section through riverbank or the like, indicating geodetic elevations; and
- geotechnical engineering report as per 3.12., stating that proposed development will not:
 - impede surface or subsurface water flow;
 - de-stabilize land including waterway bed; or
 - adversely alter waterway channels.

3.7.1.5 At the Discretion of the designated officer or Council, a staking certificate may be requested prior to foundation being poured, where building location is in proximity to property lines and presents potential for encroachment into required yards. (B/L 5291)

3.7.2. Combined Permit

A development permit may include a building permit and an occupancy permit.

3.7.3. Development Permits Required

No person shall construct, locate, relocate or structurally alter a building or structure unless in conformity with an approved development permit. No person shall alter land levels where it may affect surface drainage or bank stabilization. No person shall use nor change or intensify a use, unless in conformity with an approved development permit.

Development Permits are required for the following:

- 3.7.3.1. addition, extension, structural alteration or conversion of any building or structure; with the exception of 3.7.4.;
- 3.7.3.2. change of use of land, buildings, or structures, except when a change is from one agricultural activity to another;
- 3.7.3.3. relocation, removal or demolition of any building or structure;
- 3.7.3.4. signs as per 3.27;
- 3.7.3.5. temporary uses, buildings or structures;

- 3.7.3.6. use of vacant buildings or structures, except in the case of farm buildings or structures used principally for agricultural activities; and
- 3.7.3.7. works done on or within floodprone or hazard prone lands such as:
- building construction or demolition;
 - deposit, removal, alteration or disturbance of any material;
 - drainage alteration - surface or subsurface; and
 - diversion of waterway or waterway channels.
- 3.7.3.8 Temporary tents that are 900 square feet or larger, used for special events only, and erected for not more than 14 consecutive days or 45 days per calendar year per site will require engineered stamped drawings. Temporary tents are exempt from all zoning requirements (e.g. site coverage, height, setbacks, etc.). (B/L 5291)**
- 3.7.4. Development Permits Not Required
- Development Permits are not required for the following, when in compliance with this zoning by-law:
- 3.7.4.1. accessory uses, buildings or structures not exceeding 120 square feet;
- 3.7.4.2. driveways which are private and accessory to the principal use, building or structure;
- 3.7.4.3. landscaping where the existing grade and natural surface drainage pattern is not materially altered;
- 3.7.4.4. patios and decks that are accessory to a development and detached from the main or principal dwelling, provided that they are less than 2 feet above normal grade; and are located within the limits of the bulk tables and comply with projections and obstructions into yards;
- 3.7.4.5 regular building maintenance and repair that does not include structural alterations;
- 3.7.4.6 signs as per 3.27.5.
- 3.7.4.7 Temporary tents that are under 900 square feet, used for special events only, and erected for not more than 14 consecutive days or 45 days per calendar year per site. Temporary tents are exempt from all zoning requirements (e.g. site coverage, height, setbacks, etc.). (B/L 5291)**
- 3.7.5. Development Permits Issued "Prior to"
- Development permits for buildings or structures that were in compliance with the zoning by-law prior to the effective date of this zoning by-law shall be permitted if acted upon within 12 months of issuance.
- 3.7.6. Expiration of Development Permit
- Development permits shall expire 12 months from the date of issuance if:
- work has not commenced within that time period; and / or
 - work has not continued at a reasonable pace thereafter.

3.7.7. Inspection of Premises

Development officers may at all reasonable times and with the consent of the owner or occupier, but subject to the Planning Act, enter upon any land, building or structure within the jurisdiction of the Board for the purpose of implementing this zoning by-law.

3.7.8. Owner's Duties

3.7.8.1. Compliance with Zoning By-law

Neither the granting of a development permit nor the approval of the blue prints, specifications or inspections made by development officers shall relieve the owner of the responsibility of complying with the requirements of this zoning by-law or with any relevant by-laws of the City.

3.7.8.2. Inspection by Development Officer

Owners shall not obstruct the development officer in his discharge of duties as per 3.7.7.

3.7.8.3. Other Licenses and Permits

Every owner shall be responsible for obtaining required permits or licenses for, but not limited to the following:

- blasting;
- buildings;
- electrical;
- environmental approvals;
- grades;
- highways;
- occupancy;
- plumbing;
- sewers or water supply systems;
- signs;
- streets;
- water rights for wells; and
- other government department approvals as required.

3.7.8.4. Work at Variance

Every owner shall notify the development officer and obtain approval prior to doing any work at variance with that for which a development permit was issued.

3.7.9. Street Frontage

Notwithstanding any other provisions contained in this By-Law, no use permitted under this By-Law shall be established, erected or constructed unless the parcel of land on which it is located, has frontage on a street.

3.7.10. Suspension or Revocation of Permit

The development officer may suspend or revoke a development permit if:

- the applicant fails to comply with the terms and conditions of the permit issued; or
- any person undertakes, causes or permits development on the site which is contrary to the terms and conditions of the permit issued.

Development shall be discontinued forthwith upon receiving written notice from the development officer and shall not resume until a permit has been issued or reinstated.

3.8. DEVELOPMENT STANDARDS

3.8.1. Developments within all zones shall comply with the development standards as established by Council in development agreements.

3.8.2. Local heritage buildings shall comply with any City or Provincial heritage regulations.

3.9. ENFORCEMENT

3.9.1. Enforcement

Enforcement of this by-law shall be in accordance with *the Planning Act*.

3.9.2. Existing Violations

The adoption of this by-law shall not prevent any actions to abate, nor pending or future prosecution of, violations under the former zoning by-law, provided said violations are also violations of this zoning by-law.

3.10. EXTERIOR STORAGE

3.10.1. Exterior Storage Fencing Requirements

Fencing requirements for exterior storage resulting from permitted or conditional uses within the commercial and industrial zones shall be as per 3.10.2., notwithstanding

3.10.1.1.

3.10.1.1. Commercial Zone Exemptions

Commercial activities requiring exterior storage of equipment or machinery for retail or wholesale sales shall be exempt from the fencing requirements under 3.10.2. For compounding purposes storage requirements shall be as per 3.10.2.

3.10.2. Fencing

3.10.2.1. Design (B/L 5333)

Any permitted or conditional use requiring outside storage shall be enclosed on all sides with a fence, which will have a minimum height of 6 feet to a maximum height of 8 feet. For properties within the M1, M2 or MP zone, two feet of barbed wire may be added to the top of such fences, for a total maximum height of 10 feet. In addition, where an industrial zoned property abuts a residential zoned property the fence

shall be opaque, and, barbed wire is only permitted on top of a fence that is at least 8 feet tall.

Maintenance and materials shall be as per 3.10.2.2 and 3.10.2.3

3.10.2.2. Maintenance

A caveat may be filed against the title in order to ensure that the fence is maintained to municipal standards. The maintenance plan may require the posting of a performance bond.

3.10.2.3. Materials - Permitted

Permitted fencing materials include the following:

- painted or pressure wood;
- concrete;
- ornamental block;
- brick;
- metal;
- combination thereof; or
- any other material, subject to:
 - illustration by a certified professional engineer or architect,
 - approval by the Development Officer of the Selkirk & District Planning Area Board.

The above fencing shall be uniformly painted and maintained.

3.10.2.4. Materials - Not Permitted

The following material shall not be permitted in the construction of fencing:

- railway ties;
- barbed wire (except in the M1, M2 or MP zone); or
- utility poles.

3.11. FLOOD PRONE OR HAZARD PRONE LANDS

Flood prone lands are those lands which are subject to flooding at the 100 year flood level as specified by the Water Resources Branch, with exceptions as listed below.

- Where levels exceed the 100 year flood level, the record flood level shall apply.
- Where lands are adjacent to the Red River, the 160 year flood level or 1997 Red River flood levels as per zoning map in Appendix A, whichever is the higher, shall apply.
- Where land is protected by flood control works, the flood level specified by the Water Resources Branch shall apply.

Hazard prone lands shall include lands:

- within a horizontal distance of 350 feet of the normal high water mark of the Red River; or
- that are subject to subsidence or are low-lying, marshy or unstable, or are otherwise unsuitable or hazardous for a proposed purpose by virtue of its soil or topography.

3.11.1. Application Requirements

3.11.1.1. Permanent Buildings or Structures

Permanent buildings or structures shall not be located on flood prone or hazard prone lands unless in accordance with 3.7.1.4.

3.11.1.2. Temporary Buildings or Structures

Temporary or movable buildings or structures may be located on or within flood prone or hazard prone lands subject to 3.7.1.4. and the developer entering into a development agreement with the City.

3.11.2. Bank Stabilization

Bank stabilization works shall not be permitted, unless in accordance with 3.7.

3.11.3. Clearing and Cultivation

Clearing of natural vegetation and cultivation of land shall not be permitted within a horizontal distance of 50 feet of the normal high water mark of the Red River, unless in accordance with 3.7.1.4.

3.11.4. Deposition of Material

Deposition of material shall not be permitted within a horizontal distance of 350 feet of the normal high water mark of the Red River, unless in accordance with 3.7.1.4.

3.11.5. Permanent Buildings or Structures - Construction

3.11.5.1. Basements

Basements in flood prone lands shall:

- not contain habitable space unless flood protection has been provided;
- not be used for storage of immovable materials or hazardous materials that are buoyant, flammable, explosive or toxic;
- not contain electrical circuit breaker panels;
- be provided with a sump pit; and
- have back-up valves in the sewer pipes or pipes leading to the holding tank, disposal field or the City of Selkirk sewer system.

3.11.5.2. Basement Floor Elevations

Basement floor elevations in flood prone lands shall:

- not be lower than 2 feet below flood protection level if the fill material is pervious such as sand; or

- not be lower than 5.5 feet below flood protection level if the fill material is impervious such as clay.

3.11.5.3. Flood Protection

Permanent buildings or structures shall be protected from flooding by raising the building site to the flood protection level. Flood protection levels shall be as listed below and as applicable.

- 100 year flood level plus 2 feet; or
- 160 year flood level or 1997 Red River flood levels as per zoning map in Appendix A plus 2 feet and as specified by the Water Resources Branch.

3.11.5.4. Flood Protection - Exemptions

The following may be exempt from flood protection requirements subject to the developer entering into a development agreement with the City:

- structural alterations to legally existing buildings or structures; and
- buildings or structures accessory to legally existing buildings or structures.

3.11.5.5. Surrounding Fill

The level of surrounding fill at the building line shall not be less than the flood protection level and shall be included in the Geotechnical Reports in accordance with 3.12.

3.12. GEOTECHNICAL REPORTS

3.12.1 Required geotechnical reports shall be prepared by a certified professional geotechnical engineer. Depending on the requirements of the study, the information contained in the report may include:

- test borings
- ground water tests
- Topographic condition
- bank erosion and stability;
- soil conditions
- surface erosion

3.12.2 *Geotechnical reports may be requested at the discretion of a designated officer or Council for any structure within 350 feet of a waterway. (B/L 5291)*

3.13. HEIGHT EXCEPTIONS

3.13.1. Height restrictions within the Bulk Tables do not apply to the following:

- antennae;
- chimneys;
- communication towers, eg. television or radio towers*; **(B/L 5037)**
***Where a communication tower is proposed to be located adjacent to a zone boundary, the more restrictive zoning requirements for setbacks are to apply. (B/L 5037)**
- electrical apparatus or the mechanical operations of the building provided that no roof structure or space is usable floor space;
- electrical or telephone transmission lines;
- elevator shafts or stairway enclosures;
- flag poles;
- gravel piles or the like;
- lightning rods;
- lighting standards;
- mechanical equipment enclosures;
- ornamental domes;
- satellite dishes;
- silos;
- skylights;
- solar collectors;
- steeples;
- ventilators;
- water storage tanks; and
- windmills.

3.13.2. Notwithstanding 3.13.1. above, limitations prescribed or practices recommended by Transport Canada with respect to height limitations and appropriate lighting in the vicinity of airfields shall prevail.

3.14. HOME OCCUPATIONS AND HOME INDUSTRIES (B/L 5037)

3.14.1. General Characteristics

Certain uses carried out within the confines of a residential dwelling unit or within an accessory building on a property zoned as Agricultural, Residential or Commercial, may be permitted if such uses are incidental to the primary use of the property, subject to the following criteria.

3.14.2. Classification of Home Occupations and Home Industries

Because of their diversity it is not possible to list all businesses that would be classified as either a Home Occupation or a Home Industry. The following list provides examples of Home Occupations and Home Industries. This list should be used only as a guide to

judge the suitability of occupations not on the list. Uses of a similar nature would be considered as well.

3.14.2.1. Home Occupations

- Computer sales and programming
- Consulting service (engineering, computer, planning)
- Bookkeeping, accounting, investment counselling
- Business office associated with a permitted Home Industry
- Craft manufacturing & sales (paintings, stained glass, pottery, ceramics, jewellery)
- Drafting, computer graphics, interior design
- Dress making, sewing
- Electronics, and small household appliance sales and repair
- Photography
- Real estate and insurance
- Tutoring, music, dance and singing training
- Personal Services (hairdressing and barbering, licensed massage therapists, reflexology).

3.14.2.2. Home Industries

In addition to all businesses classified as Home Occupations, the following examples are types of business that would also be classified as Home Industries.

- Automobile repairs
- Agricultural commercial
- Building trades (carpentry, electricians, plumbing)
- Car brokerages *
- Commercial printing
- Small engine and equipment sales and repair
- Large household appliances (stoves, dryers, etc.)
- Printing services
- Upholstery (household & auto)
- Mobile signs

** Maximum 2 D-registered vehicles on premises at any one time. None to be on display.*

3.14.3. Required Conditions:

Home Occupations:

3.14.3.1. Character - Secondary Use

The home occupation shall be operated as an accessory use only, and shall not change the principal character or external appearance of the dwelling involved.

3.14.3.2. Employees

Home occupations shall be carried on solely by the members of the family residing at the same dwelling unit and shall not employ other persons.

3.14.3.3. Floor Area

The home occupation within the dwelling unit or accessory building shall not exceed 20% of the total floor area of such residence.

3.14.3.4. Hazardous Materials

No toxic matter, explosive, flammable, combustible, corrosive, radioactive or other restricted material may be used, stored or produced.

3.14.3.5. Location

Home occupations must be carried out within the confines of the occupant's residential dwelling unit or its accessory building.

3.14.3.6. Noise

There shall be no mechanical or electrical equipment used which creates undue noise, or visible or audible interference in radio or television reception within adjacent dwellings.

3.14.3.7. Parking

A home occupation shall not require parking in excess of that which is characteristic of the zone within which it is located.

3.14.3.8. Pedestrian or Vehicular Traffic

The home occupation shall not generate undue pedestrian or vehicular traffic beyond that characteristic of a residential neighbourhood.

3.14.3.9. Public Nuisance

The home occupation shall not become offensive or obnoxious or create a public nuisance.

3.14.3.10. Sales

Articles sold or offered for sale are limited to those that are:

- produced therein; or
- produced elsewhere, but are pre-packaged and held on a temporary basis for distribution to customers.

3.14.3.11. Storage

There shall be no exterior storage of business equipment, materials, merchandise or inventory.

Home Industries:

3.14.3.12. Home Industries will only be permitted within Agricultural, Commercial and Residential zones.

3.14.3.13. Home Industries must be carried out within the confines of an accessory building, except for a business office which may be permitted in the residential dwelling.

3.14.3.14. There shall be no exterior storage of business equipment, materials, merchandise or inventory, notwithstanding Section 3.10

3.14.3.15. Employment is restricted to a maximum of two residents of the premises.

3.14.3.16. Signs for home industries shall be limited to 1 identification sign:

- a maximum of 0.37 sq. m. (4.0 sq. ft.);
- non-illuminated; and
- compatible with the residential character of the area.

3.14.3.17. Additional parking requirements for customers may be provided in the rear yard. No additional parking spaces will be permitted in any front yard or side yard.

3.14.3.18. The home industry shall not generate pedestrian or vehicular traffic in excess of that which is characteristic of the zone in which it is located.

3.14.3.19. No toxic matter, explosive, flammable, combustible, corrosive, radioactive, or other restricted material may be used, stored, or produced.

3.14.3.20. The home industry shall have all outdoor lighting located and arranged on the property so that no rays of light are directed at any adjacent property.

3.14.3.21. In no case shall the Home Industry be open to the public at times earlier than 8:00 a.m. nor later than 10:00 p.m. unless agreed to by Council.

3.14.4. Zoning Use Tables

The individual Zone Use Tables in Sections 5 to 9 outline which uses will be allowed as permitted or conditional uses. Permitted uses will not require Council's approval, while Conditional uses must follow the procedure outlined in Section 3.6 of this By-law.

3.14.5. Business Licence

Permits for Home Occupations and Home Industries must be obtained from the Municipality prior to the commencement of the business.

3.15. INGRESS AND EGRESS REGULATIONS

Except as may otherwise be provided herein, the following provisions shall apply to ingress and egress driveways, namely:

- 3.15.1 Ingress and egress to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways at least 15 feet but not more than 25 feet in perpendicular width.
- 3.15.2 The maximum width of any joint ingress and egress driveway measured along the street line shall be 35 feet.
- 3.15.3 The minimum distance between any two driveways on one lot, or, between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 30 feet.
- 3.15.4 The minimum angle of intersection between a driveway and a street line shall be 60 degrees.

3.16. LANDSCAPE FEATURES

- 3.16.1. Exterior Storage: See 3.10.

3.16.2. Fences / Hedges

Fences shall not include electric fences or barbed wire fences except in agricultural zones. Fences and the like shall be permitted in all yards and shall be limited in height as per Table 2.

Table 2
Fence Height

A = Agricultural R = Residential C = Commercial
M = Industrial PR = Parks & Recreation OS = Open Space I = Institutional

Zone	Front Yd. Maximum or Range	Side Yd. Maximum or Range	Rear Yd.. Maximum
A	Unlimited	Unlimited	Unlimited
R	4 ft.	6.5 ft.	6.5 ft.
C	4 ft.	6.5 ft. to 8 ft.	6.5 ft. to 8 ft.
M	6.5 ft. to 8 ft.	6.5 ft. to 8 ft.	6.5 ft. to 8 ft.
PR, OS	4 ft.	6.5 ft. to 8 ft.	6.5 ft. to 8 ft.
I	6.5 ft. to 8 ft.	6.5 ft. to 8 ft.	6.5 ft. to 8 ft.

* For properties within the M1, M2 or MP zone, two feet of barbed wire may be added to the top of the fences, for a total height of 10 feet. Where the industrial zoned property abuts a residential zoned property, barbed wire is only permitted on top of a fence that is at least 8 feet tall and the fence must be opaque.

3.16.3. Highway Allowance

Landscape features shall be set back in accordance with *the Highway Protection Act*.

3.17. LIVESTOCK

3.17.1 Restrictions

3.17.1.1. Hog operations will not be permitted within the boundaries of the City. The number of animals on each lot must not exceed 1 animal unit per 2.5 acres. See Animal Unit Table 11.

3.17.1.3. No livestock will be permitted on lots smaller than 4 acres.

3.18. LOADING SPACES

3.18.1. Access

Accessory off-street loading areas shall have access to a street or public lane.

3.18.2. Loading Space Requirements

Where any new development occurs or when an existing development involving the receiving, shipping, loading or unloading of goods, wares, merchandise or raw materials, other than farming, is enlarged or increased in capacity, off-street loading spaces shall be provided and maintained in accordance with Table 3.

Table 3
Loading Space Table

Use	Floor Area	Number of Loading Spaces required
Colleges, Trade Schools, Clubs, religious institutions, nursing homes and personal care homes, hospitals	$< 10,000 \text{ ft}^2$ $10,000 \text{ ft}^2 - 200,000 \text{ ft}^2$ $> 200,000 \text{ ft}^2$	0 1 2, plus 1 additional space for each 200,000 ft ² or part thereof.
Financial Institutions, clinics, business or professional offices, banquet halls, parish halls, curling rinks and similar recreation facilities	$< 20,000 \text{ ft}^2$ $20,000 \text{ ft}^2 - 200,000 \text{ ft}^2$ $> 200,000 \text{ ft}^2$	0 1 2, plus 1 additional for each 200,000 ft ² or part thereof.
Uses not defined above and primarily concerned with the handling of goods	$< 20,000 \text{ ft}^2$ $> 20,000 \text{ ft}^2$	1 2, plus 1 additional space for each 20,000 ft ² or part thereof.

3.18.3. Dimension

Minimum dimensions for loading areas shall be 12ft. x 30 ft. with a minimum vertical clearance of 14 ft.

3.18.4. Location

All required accessory off-street loading shall be located on the same zoning site as the use served, unless permitted by variance to locate elsewhere.

3.18.5. Standards

See 3.21.7.

3.19. MOBILE HOME DEVELOPMENT

3.19.1. The control, development and operation of mobile homes and mobile home parks are regulated by the provisions of the City of Selkirk Mobile Home Park By-law.

3.20. NON-CONFORMANCE

3.20.1. Certificates

A Zoning compliance certificate may be issued upon application of any person having an interest therein, describing the land, building or structure, or the use or intensity of use of land or a building or structure that was lawfully in existence at the date of the enactment of this zoning by-law, and stating that it may continue to exist although it does not conform to the zoning by-law in accordance with *the Planning Act*.

3.20.2. Change in Ownership

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

3.20.3. Existing Lots

Parcels of land with less than minimum area or width that were registered at the Land Titles Office at the effective date of this zoning by-law, shall be deemed to be legal non-conforming parcels and subject to all applicable zoning regulations.

3.20.4. Existing Buildings or Structures

All buildings and structures legally existing at the effective date of this zoning by-law are deemed to conform to the bulk regulations.

3.20.4.1. Accessory Buildings

Buildings accessory to existing legal non-conforming uses, buildings or structures shall be permitted provided that such are in compliance with bulk regulations.

3.20.4.2. Structural Alteration or Relocation

Any structural alteration or relocation of existing non-conforming buildings shall conform to *the Planning Act*.

3.20.5. Existing Uses

A non-conforming use of land, building or structure may continue, if the use was legal at the effective date of this zoning by-law and if the use was not discontinued for a period exceeding 12 consecutive months.

Legal non-conforming uses may be altered by variation order in accordance with *the Planning Act*.

3.20.6. Existing Violations

See 3.9.2.

3.21. PARKING

3.21.1. Access

An accessory off-street parking area shall be provided with a driveway having access on to a street or to a public lane. The minimum width shall be 15 feet.

3.21.2. Calculation - Number of Required Spaces

Accessory off-street parking spaces shall be provided and maintained at the time of construction of any principal building or structure in accordance with Tables 4 and 5. Any expansion of a use at a later date shall comply with the requirements in Tables 4 and 5.

Table 4
Parking Space Table

Use	Number of Parking Spaces required	Parking Group Number
Single - Family and two family dwellings	1 per dwelling unit; maximum of 4 spaces per unit	1
Multiple - family dwellings		
a) Multiple-family (Townhouse) dwellings with no common parking area	1 per dwelling unit	
b) Multiple-family dwelling	1 per dwelling unit	
c) Multiple-family dwelling for disabled persons	1 per 5 dwelling units	
Boarding, rooming and lodging houses	1 per rooming unit	
Athletic fields	1 for each 5 seats	2
Religious facilities		
a) churches, chapels, sanctuaries and similar places of worship, including offices for the administration of a religious institution, but not a parish hall (for parish hall, or similar facility used for receptions, banquets or entertainment, see Parking Group No. 6)	1 for each 5 seats in the principal assembly area, but not less than 10 spaces	
b) Funeral chapels		
Convents, seminaries, monasteries and retreats	1 for every 20 resident persons	
Schools, including public, parochial, private and secondary schools:		3
a) elementary - junior high*	1 for each faculty member plus 1 for each 4 employees	
b) senior - high*	1 for each faculty members plus 1 for each 4 employees plus 1 for each 10 students	
c) school auditoriums*	1 for each 6 fixed seats	
* In a building where a) and c), or b) and c) occur, the clause requiring the largest number of parking spaces shall apply		

Use	Number of Parking Spaces required	Parking Group Number
Day care centre, Day Care home, Care Home, Rehabilitation home	1 guest parking space per 20 residents, plus 1 for every 3 employees on the maximum shift	4
Libraries and museums	1 for each 1,000 ft. ² of gross floor area, but not less than 2 spaces	5
Places of assembly (except Parking Group No's 2,3 and 10), including the following: arenas, auditoriums, banquet halls, billiard parlours, cinemas, clubs, lodges and similar organizations, community centres, dance halls, eating or drinking places (except drive through establishments), parish halls, public auction rooms, rinks (indoor or outdoor ice skating rinks, roller skating rinks), stadiums and swimming pools	1 for each 100 ft ² of gross floor area, but not less than 2 spaces	6
Hotels, apartment hotels	2 for every 3 guest rooms plus 1 for every 8 seats in all auxiliary rooms, including eating or drinking places, beverage rooms, cocktail bars, banquet halls and meeting rooms	7
Motels	1 per dwelling unit, plus 1 for every 8 seats in all auxiliary rooms, as required for hotels above	
Government administrative buildings	1 for each 550 ft ² , inclusive of assembly and conference rooms containing not more than 2,000ft ² of floor area, but not less than 2 spaces	8
Offices, office buildings	1 for each 750 ft ² of floor area, but not less than 2 spaces per tenant	9

Use	Number of Parking Spaces required	Parking Group Number
Bowling alley, curling rinks Tennis courts	5 per lane or curling sheet of ice 1 per court	10
General retail and service establishments (except eating or drinking establishments), wholesale establishments dealing directly with consumers, banks, medical and dental clinics and laboratories Drive in banks, drive through restaurants, stores and vendors, automobile washing establishments	1 for each 250 ft ² of floor area, but not less than 4 spaces per establishment queuing space for 5 vehicles	11
Miscellaneous uses: manufacturing plants, food products and other processing industries, laboratories (except medical or dental laboratories) and other industrial uses including warehouses	1 for every 1,000 ft ² of floor area	12
Colleges, and trade schools	1 for every 5 classroom seats	13
Shopping centres	1 per 200 ft ² of gross leasable floor space	14

3.21.2.1 Where different types of uses are located within a building (for example: retail and service uses in a hotel or office building, or offices combined with warehousing uses), the number of parking spaces required shall be the aggregate of the spaces required for each use established on the zoning site.

Table 5
Accessible Parking Space Table (B/L 5333)

Total Number of Spaces Required by Table 4	Minimum Number of Accessible Spaces
1-50	1
51-100	2
101 to 150	3
151 to 200	4
201 to 300	5
301 to 400	6
401 to 500	7
501 to 1000	2% of total
1001 and over	20 plus 1 for each 100 over 1000

3.21.3. Calculation - Methodology

3.21.3.1. Assembly Places

- Benches or Pews
Where benches, pews or other similar seating facilities are used, each 20 inches of such seating shall be counted as 1 seat.
- Combined - Fixed Seats and Open Assembly Area
Where both fixed seats and open assembly area are combined, the requirements for each shall be calculated separately and added together.
- Movable Seats
Where movable seats or chairs are used, 1 seat per 6 ft² of assembly area shall be required.

3.21.3.2. Floor Area - Gross

Where floor area is the unit for determining the required number of accessory off-street parking spaces, said unit shall mean the gross floor area, not including any area used for parking within the principal building and shall not include any area used for incidental service storage, installations of mechanical equipment, penthouse housing ventilators and heating systems, and similar uses.

3.21.3.3. Fraction of a Parking Space

Where the calculation of the number of accessory off-street parking spaces required results in a fractional parking space, any fraction less than 1/2 of a parking space may be disregarded, but any fraction greater than 1/2 of a parking space shall be counted as 1 parking space.

3.21.3.4. Mixed Uses

Where different types of uses are located within a single building, the number of parking spaces required shall be the aggregate of the spaces required for each use established on the zoning site.

3.21.4. Dimension

3.21.4.1. Angle Spaces

Except where the angle of parking varies from that shown below, minimum dimensions for parking areas shall be as per Table 6. Angle parking shall be measured between the centreline of the parking space and the centre line of the aisle.

Table 6
Angle Space Dimensions

Size of Space - Min.	Aisle Width – Min.	Parking Angle Degrees	Vertical Clearance
8ft x 20 ft	20 ft	75 - 90	7 ft
8ft x 20 ft	18 ft	50 - 74	7 ft
8ft x 20 ft	12 ft	< 50	7 ft

3.21.4.2. Handicapped Parking Spaces

Handicapped parking spaces shall have a width of 12 ft.

3.21.4.3. Parallel Spaces

Minimum dimensions of parallel parking spaces shall be 8 ft x 23 ft, except for open end spaces wherein the length may be 20 ft.

3.21.4.4. Queuing Spaces

The length of queuing spaces shall be 20 ft.

3.21.5. Location (B/L 5333)

3.21.5.1. All required accessory off-street parking shall be located on the same zoning site as the use served, unless permitted by either sections 3.21.5.2 or 3.21.5.3.

3.21.5.2 For properties in the areas listed below, zero (0) off-street parking spaces are required, so long as the property is zoned "C2" Central Commercial or "C3" Strip Commercial, is within 121.92 meters (400 feet) of a City public parking lot, and does not contain more than two (2) residential units.

- Manitoba Avenue, east of Main Street and west of Eveline Street.
- Eveline Street, north of Eaton Avenue and south of Superior Avenue.
- Main Street, north of Britannia Avenue and south of Robinson Avenue, excluding the properties at 335 Main St. and 366 Main St.

3.21.5.3 Properties located along the north part of Manitoba Avenue, west of Main Street and east of Jemima Street, zero (0) off-street parking spaces are required, so long as the property is zoned "C2" Central Commercial and does not contain more than two (2) residential units.

3.21.6. Small Car (compact)

A maximum of 25% of the total number of parking spaces may be reduced in length to 16 ft. and designated for small cars only.

3.21.7. Standards

Development standards may be established between the developer and the City, that may include requirements as listed hereunder:

3.21.7.1. Fencing

Notwithstanding 3.13. where a parking area abuts a residential zone, an opaque fence as per table 2 and section 3.16. shall be erected and maintained along the abutting lot line.

3.21.7.2. Lighting

Lighting used to illuminate accessory off-street parking areas shall be arranged and shielded so as not to reflect directly onto residential lots.

3.21.7.3. Screening

Screening may be required along the interior of required yards by one of the following:

- landscape greenery;
- light-proof fencing; or
- landscape berm.

3.21.7.4. Surfacing

All off-street parking and loading areas, including driveways, access aisles and manoeuvring areas, shall be surfaced as per City standards.

3.21.7.5 Drainage

All parking areas and driveways shall be drained so as to control the pooling of water and to prevent the flow of surface water onto adjacent lots or public sidewalks.

3.22. PLANNED UNIT DEVELOPMENTS

Planned Unit Developments (PUD) which may be composed of a mixture of residential types, institutional, commercial, open space and recreation uses may be permitted in Residential and Commercial zones subject to the following regulations:

3.22.1 Site Plan

An overall site plan shall be prepared showing landscaping design as well as the physical layouts of all structures and roads.

3.22.2. Exceptions to Zone Requirements

Specific zone regulations shall not apply to Planned Unit Developments. Uses permitted within a PUD include: residential, commercial, recreation and open space. However, the project shall produce an environment of stable and desirable character, and shall incorporate at least equivalent standards of building separation, parking, height and other requirements and provisions of this By-law. While areas zoned as “Open Space”, may be incorporated into Planned Unit Developments, only those structures permitted in the “Open Space” zones will be allowed.

3.22.3. Minimum Site Area

The minimum site area shall be 1 acre.

3.22.4 Required Open Space

A minimum of 50% of the land area must be common open space or for common recreational use.

3.22.5. Allowable Density

The density of development shall not be increased from the normal density per gross acre permitted in that zone.

3.22.6. Title Registration

Planned Unit Developments shall be regulated through a site plan agreement or development agreement which is caveated against the title at the Winnipeg Land Titles Office.

3.23. PONDS AND FOUNTAINS

Ponds and fountains on the property of a single family dwelling, which are lined and have a water depth exceeding 2ft., shall be deemed private pools and shall be subject to the:

- Manitoba Building Code regulations;
- Bulk requirements for accessory buildings and structures and
- Section 3.16. Landscape features

3.24. POOLS AND HOT TUBS

Private swimming pools and hot tubs shall comply with the regulations listed hereunder.

- 3.24.1. Location
Private swimming pools shall be located only in rear and side yards according to bulk regulations for accessory uses, building or structures.
- 3.24.2. Notwithstanding 3.24.1., no swimming pool or any portion thereof shall be located directly under electrical service wires.
- 3.24.3. Fencing
Private swimming pools and hot tubs shall be completely enclosed in compliance with the Manitoba Building Code.
- 3.24.4. Gates
Gates shall be a minimum height of 5ft. and shall be self-closing with a lockable latch to prevent unauthorized entry.
- 3.24.5. Pool Equipment
Pool filters, pumps and heaters and the like, shall be located as per 3.25.

3.25. PROJECTIONS AND OBSTRUCTIONS INTO REQUIRED YARDS

- 3.25.1. The following may project into the required yards the amount as indicated below, notwithstanding all applicable Manitoba fire and building code restrictions.
Notwithstanding the dimensions shown below any projection of any structure shall not be closer than one foot from the property lines, regardless of the projections permitted below, except for projections in the commercial zones unless approved by variation.

Required yards shall be provided and maintained unobstructed from ground level to the sky, except as follows:

- 3.25.1.1 **Cantilevers (no more than a total maximum of 2 feet projection and no more than 10 feet along a building wall), chimneys/chases, eaves, and fireplaces** may project into any required yard not more than 3 feet provided that the projection is not closer than **1 foot** from the side or rear lot line. **(B/L 5291 - Minor Correction under Subsection 82(2) of *The Planning Act*)**
- 3.25.1.2 **Fire escapes** may project into any required front, side or rear yard not more than four (4) feet; provided that any projection is not closer than one foot from the side or rear site line.
- 3.25.1.3 **Open, unenclosed stairways or balconies**, not covered by a roof or canopy, may project into a required rear yard not more than four (4) feet and **balconies** may extend into a required front yard not more than thirty (30) inches.
- 3.25.1.4 **Open, unenclosed decks, platforms or porches**, not covered by a roof or canopy, ***not higher than two feet above the average level of***

the grade of the site and attached to the main building, may project into any required *side* or *rear* yard provided that any projection is not closer than one foot from the side or rear site line. (B/L 5037)

- 3.25.1.5 **Open arbours, lighting fixtures, steps, landscape architectural features or guard railing, trellises or uncovered walks** may be located in any required yard provided that any projection is not closer than one foot from the side or rear site line.
- 3.25.1.6 **Fences and hedges** may be permitted in a required front side or rear yard.
- 3.25.1.7 **Air conditioners and pool equipment:** *may project into any side or rear yard to a maximum of 3 feet. No pool equipment is permitted in the front yard. (B/L 5291)*
- 3.25.1.8 Where the yards in the commercial zones are reduced to 0 feet, the encroachments can be to the site line.
- 3.25.1.9 **Wheelchair landings and ramps may be permitted to encroach into side, front and rear yards. In cases whether there is a side yard corner the ramp can be no closer than 10 feet from property line. (BL 5187)**

3.26 PUBLIC UTILITY

3.26.1. Public Utility, Services (B/L 5333)

Bulk regulations and use regulations found throughout this By-law do not apply to a public utility.

3.27. SIGNS (BL 5329)

3.27.1 Application

This section applies to all permanent and temporary signs. No sign may be constructed, erected, re-erected, placed, used or maintained except those that adhere to the provisions set out in this By-law.

3.27.2 General Provisions for Signs

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

- 3.27.2.1 No person or business shall erect, alter, relocate, place or repair, other than normal maintenance, any sign without first obtaining a permit unless exempted by this By-law. For the purpose of this section, normal maintenance includes a change of sign copy.

- 3.27.2.2 No sign or sign structure shall be erected, operated, used, or maintained that:
- a. may be located in such a manner as to materially impede the view of any street or highway intersection; or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad grade crossing or pedestrian corridor as per section 3.27.16 herein;
 - b. may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, including rotating beams, beacons, or flashing illumination resembling an emergency light;
 - c. have flashing elements, beams or rotating beams in connection with any sign displays; and
 - d. are located on, over or above any land or right-of-way belonging to the City, unless such right is established by agreement with the City.
- 3.27.2.3 Signs proposed to be located within a control area of Provincial Roads or Provincial Trunk Highways shall require approval from the appropriate provincial authority;
- Please Note: Manitoba Infrastructures does not allow signs to be placed within the right-of-way of a Provincial Road and Provincial Trunk Highway under provincial jurisdiction (i.e. a “Declared” Highway); and, all signs proposed within a controlled area of a Provincial Road or Highway under provincial jurisdiction (i.e. a “Declared” Highway) must adhere to Manitoba Infrastructure’s Advertising Sign Design and Location Standards.
- 3.27.2.4 Signs proposed to be located within the Downtown Waterfront Overlay Zone shall further comply with the Downtown Sign Standards in Section 10.6 herein.
- 3.27.2.5 Signs proposed to be located within the Selkirk Business Park shall further comply with the MP Business Park Site Development Standards as per section 8.7 herein.
- 3.27.2.6 Signs shall be set back a minimum of 0.6 m (2 ft.) from property lines.
- 3.27.2.7 Where regulations of this By-law are inconsistent with the regulations respecting signs on or near public highways made or

administered by a Provincial authority, the more stringent regulations shall apply.

- 3.27.2.8 For the purposes of this section, where a building is occupied by more than one (1) business (multiple occupancy) and each business has its own exterior access, each business shall be considered a separate use and all exterior signage shall be measured on a per unit basis as per Section 3.27.11.1.e.
- 3.27.2.9 For the purposes of this section, where a building is occupied by more than one (1) business (multiple occupancy) with common exterior access(s) and visibly appear as a single primary building, all exterior signage shall comply with the total area permitted per building face as per Section 3.27.11.1.f.
- 3.27.2.10 Permanent free standings signs shall not be permitted on Manitoba Ave. between Main St. and Eveline Ave.
- 3.27.2.11 Signs that are illuminated or use any form of lighting shall not reflect directly on to adjacent lots and should use indirect lighting methods.

3.27.3 Maintenance

Signs shall be maintained in a proper state of repair. Signs that have fallen into an unacceptable state of repair may be removed or repaired by the City at the expense of the owner.

3.27.4 Abandoned signs

When a sign no longer correctly identifies, directs attention to, or includes any person, advertising, lessor, owner, product, event, or activity available or for a period of ninety (90) days or more, the Designated Officer may serve notice to the owner of the land that either the sign be replaced or the sign itself be removed within thirty (30) days following such condition.

3.27.5 Unspecified Signs

The Designated Officer may permit signs that cannot be clearly defined as any of the types defined in this section, or deemed to be a combination of types. In such cases the designated officer shall determine the sign type and the regulations applicable thereto.

3.27.6 Signs That Do Not Require a Permit

The following types of signs shall not require a permit, but are still subject to the regulations set out in this By-law:

- a. Signs required for direction and convenience of the public including signs that identify rest rooms, designated smoking or non-smoking areas, designated or non-designated parking areas, rules governing the use of a parking area, parking lot directional signs, parking lot entrance and exit signs (limit of 1 each), or warning signs, each not exceeding 0.56 m² (6 ft.²) in area and a maximum of 2 m (6.5 ft.) in height above curb or grade;
- b. One real estate sign per zoning site or unit for which the sign is intended (i.e. for sale or lease sign), free-standing or attached to a fence or hoarding, not exceeding 2.97 sq. m. (12 sq. ft.), with a maximum height of 3.66 m (12 ft.);
- c. Flags or emblems of a political, civic, educational, or religious organization;
- d. Signs that indicate “No Trespassing” or “Private Property”, or similar content for the purposes of indicating that public access is not permitted, and do not exceed 0.28 sq. m. (3 sq. ft.) in area;
- e. Historical plaques or markers authorized by Council including non-advertising memorial signs, commemorative signs, and corner stones, either built in or attached to a building or structure;
- f. Bulletin Boards not exceeding 5.48 sq. m. (18 sq. ft.) in area;
- g. Identification Signs not exceeding 0.37 sq. m. (4 sq. ft.) in area and 0.91 m (3 ft.) in height that indicate the address and / or name of the occupant(s) for single-family dwellings, each dwelling unit of a two-family dwelling, or each unit of a townhouse multiple-family dwelling . Such signs are limited to one (1), and may be illuminated or non-illuminated, free standing or fascia;
- h. Temporary Event Signs and banners, related to civic, non-commercial, health, safety or welfare campaigns, to campaigns by educational or religious organizations not exceeding 2.97 sq. m (32 sq. ft.) in area or 3.66 m (12 ft.) in height;
- i. Construction identification signs not exceeding 2.97 m² (32 ft.²) in total sign surface area;
- j. Projected Image Signs on a temporary basis only for special events, where the projected image utilizes automatic dimming controls that adjust to brightness in direct correlation with ambient light conditions, and, where the light emission is controlled as to not create a visual nuisance, disturb residences or disrupt traffic;

- k. Signs required to be erected or maintained by law or governmental order, rule or regulation, including Official Public Notices;
- l. Election signs during a Federal, Provincial or Municipal election period;
- m. Windows signs; and
- n. Replacement sign inserts / faces on existing sign structures;

3.27.7 Adjacent Lots in Related Use

Where adjacent lots are in related use, the lots have cross-access easements and / or shared parking agreements so that they have the appearance and function of a single lot development, signage that is accessory to a principal use on any of the lots will not be considered “Third Party Advertising” signage.

3.27.8 Permitted Signs, Sign Sizes and Types

Table 7 outlines the total maximum permitted size for all fascia (wall) and freestanding signage located on a property, or the maximum percentage of a building face that signage may cover per zone. Table 8 lists the maximum permitted sizes of individual sign types.

Table 7: Total Maximum Permitted Fascia (Wall) and Freestanding Sign Surface Area per Zone:**A** = Agricultural**R** = Residential**PR** = Parks & Recreation**C** = Commercial**M** = Industrial**I** = Institutional**OS**=OpenSpace

Zone	Type	Height Maximum	Permitted Surface Area per Zoning Site ** Maximum
A	Fascia (Wall)	Wall Height	30% of building face
	Freestanding	12.19 m (40 ft.)	5.94 m ² (64 ft. ²) per business / tenant on multiple use zoning site or 13.93 m ² (150 ft. ²) for single use
R,RS,RR, RC	Fascia (Wall)	Wall Height	0.37 m ² (4 ft. ²)
	Freestanding	0.91 m (3 ft.)	0.37 m ² (4 ft. ²)
R,RS,RR, RC *	Fascia (Wall)	Wall Height	10% of building face
	Freestanding	6.04 m (20 ft.)	5.94 m ² (64 ft. ²)
R3	Fascia (Wall)	Wall Height	10% of building face
	Freestanding	4.57 m (15 ft.)	5.94 m ² (64 ft. ²) per zoning site
C	Fascia (Wall)	Wall Height	30% of building face
	Freestanding	12.19 m (40 ft.)	5.94 m ² (64 ft. ²) per business / tenant on zoning site
M	Fascia (Wall)	Wall Height	30% of building face
	Freestanding	12.19 m (40 ft.)	5.94 m ² (64 ft. ²) per business / tenant on zoning site
PR	Fascia (Wall)	Wall Height	10% of building face
	Freestanding	12.19 m (40 ft.)	5.94 m ² (64 ft. ²)
OS	Fascia (Wall)	Wall Height	10% of building face
	Freestanding	6.04 m (20 ft.)	5.94 m ² (64 ft. ²)
I	Fascia (Wall)	Wall Height	30% of building face
	Freestanding	12.19 m (40 ft.)	5.94 m ² (64 ft. ²) per business/tenant on multiple use zoning site or 13.93 m ² (150 ft. ²) for single use

* a sign accessory to schools, community centres, religious institutions, recreation and medical / care facilities and other non-residential uses.

** NO SINGLE FREE STANDING SIGN SHALL EXCEED 23.78 m² (256 FT.²) TOTAL IN ANY ZONE.

Table 8: Permitted Sign Types and Maximum Sizes

A = Agricultural R = Residential PR = Parks & Recreation
 C = Commercial M = Industrial I = Institutional OS = OpenSpace
 P = Permitted - = Not Permitted CU = Conditional / = Not applicable

Sign Type	A	R	C	M	PR	OS	I	FASCIA		FREESTANDING		OTHER		MAX SIGNS PER ZONE SITE
								Area sq. m (sq. ft)	Height m (ft)	Area sq. m (sq. ft)	Height m (ft)	Area sq. m (sq. ft)	Height m (ft)	
Advertising	P	-	CU	CU	CU	CU	CU	-	-	5.94 (64)	12.19 (40)	/	/	1
Animated	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Auxiliary	P	P	P	P	P	P	P	-	-	10% OF PERMITTED SIGN AREA	/	/	/	1
Bulletin Board	P	P ¹	P	P	P	P	P	1.67 (18)	2.43 (8)	1.67 (18)	2.43 (8)	/	/	1
Business	P	-	P	P	-	-	P	20% OF BUILDING FACE	12.19 (40)	2.97 (32)	12.19 (40)	/	/	/
Directional	P	P ¹	P	P	P	P	P	0.56 (6)	2 (6.5)	0.56 (6)	2 (6.5)	/	/	
Digital Reader Board	-	P ¹	P ³	P	P	P	P	1.39 (15)	6.04 (20)	1.39 (15) OR 25% OF SIGN TOTAL	12.19 (40)	Mobile: 4.64 (50)	Mobile: 3.04 (10)	1
Electronic Message Centre²	CU	-	P ³	P	-	-	P	4.27 (46)	6.04 (20)	4.27 (46)	12.19 (40)	/	/	1

Identification	P	P	P	P	P	P	P	20% OF BUILDING FACE	WALL HEIGHT	5.94 (64) PER BUSINESS / TENANT ON ZONING SITE	12.19 (40)	/	/	/
Mobile	P	P ¹	P	P	P	P	P	/	/	4.64 (50)	3.04 (10)	/	/	As per Section 3.27.12.3
Menu Board	-	-	P	P	-	-	-	4.27 (46)	3.04 (10)	4.27 (46)	3.04 (10)	/	/	2
Temporary Sign	P	P	P	P	P	P	P	2.97 (32)	3.66 (12)	2.97 (32)	3.66 (12)	/	/	1
Awning Sign	P	P	P	P	P	P	P	/	/	/	/	60% OF AWNING FACE	AWNING HEIGHT	/
Canopy Sign	P	P	P	P	P	P	P	/	/	/	/	60% OF CANOPY FACE	CANOPY HEIGHT	/
Banners	P	-	P	P	P	P	P	/	/	/	/	2.97 (32)	BUILDING HEIGHT	2
Marquee	-	-	P	P	P	P	P	/	/	/	/	60% OF MARQUEE FACE	MARQUEE HEIGHT	/
Projecting	-	-	P	P	P	P	P	/	/	/	/	1.11 (12)	BUILDING HEIGHT	2

¹Shall only be permitted for schools, community centres, religious institutions, recreation facilities, and medical / care facilities.

² Shall only be permitted as a Business / Identification Sign and / or a Menu Board Sign.

³ Not in Downtown Waterfront Overlay Zone as per 10.6

3.27.11 Measurement of sign surface area

Sign surface area is calculated as follows:

3.27.11.1 Signs Attached to Buildings and Window Signs

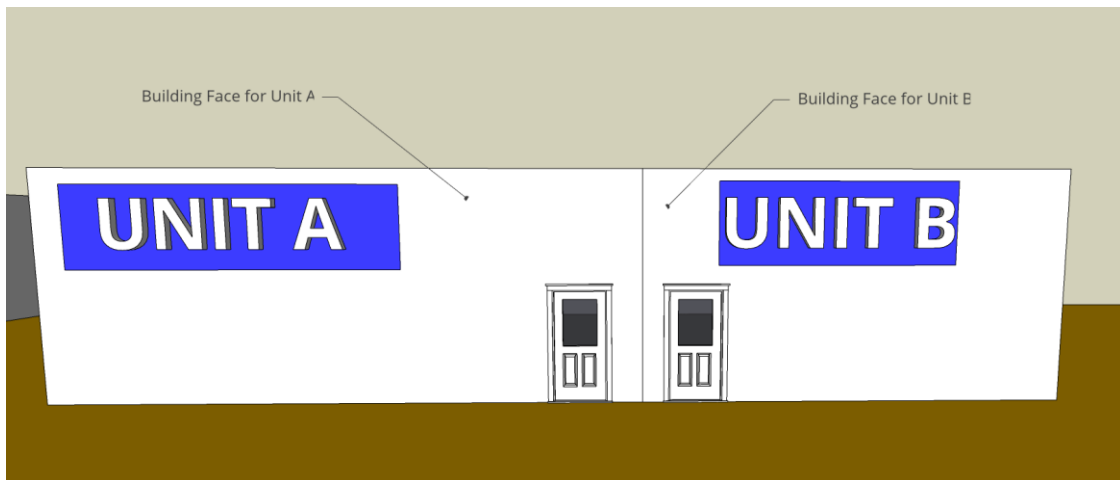
- a. Window signs shall be included as fascia / wall signs for the purposes of determining maximum sign size. Temporary painted window signs shall be included as Temporary Signs.
- b. Sign surface is the total area within the outer edge of the frame or border of a sign.
- c. Sign surface area includes the entire area of the smallest rectangle that encloses the extreme limits of any writing, representation or emblem forming part of the display copy. If the background of the sign is the same colour as the wall on which it is situated, the sign surface area shall include an additional ten percent (10%) beyond the smallest rectangle that encloses the extreme limits of any sign copy.



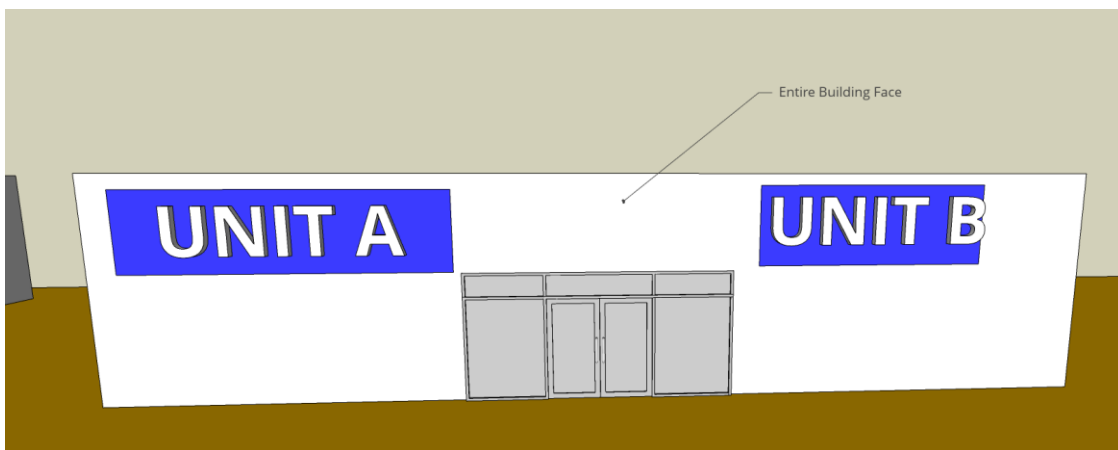
- d. Where a sign has no frame, border or background the area of the sign shall be the area contained within the shortest line surrounding the whole group of letters, figures or symbols of such sign. In the case of a multi-faced sign, only one side of the sign shall be counted.



- e. In calculating wall or window area for purposes of determining maximum sign surface areas, only the first two storeys or 9.14 m (30 ft.) height (whichever is lower) of the principal building per face may be used. Allowable sign surface area may not be transferred to another wall or window. A principle building also includes buildings with a common exterior access(s) for multiply tenants or businesses and visibly appear as a single unit.
- f. Where a building is occupied by more than one (1) business (multiple occupancy), each with its own exterior access, sign size calculations shall be based on the building face for individual units



- g. Where a building is occupied by more than one (1) business (multiple occupancy) with common exterior access(s), sign size calculations shall be based on the building face for the entire building.



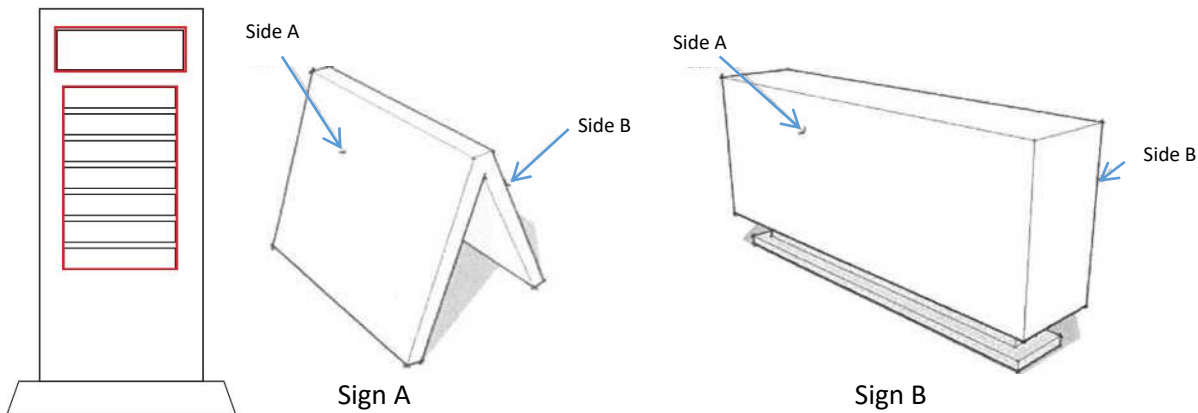
3.27.11.2 Free Standing and Mobile Signs

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

- c. “Digital Reader Board” or “Changeable Copy Sign” areas are not included in calculation of sign surface area provided that they comply with the following:
- is a maximum of 25 percent of the overall size of the sign;
 - incorporates the same background color as the sign;
 - does not exceed 1.39 m^2 (15 ft.^2) in area; and
 - is designed as an integral part of the sign (not an add on).

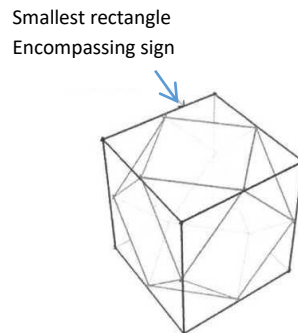
Surface Area Measurement for Freestanding Signs

The two sides of sign "A" are back-to-back but are not parallel. As such, both sides are included in the surface area calculation. The two sides of sign "B" intended to include copy (the larger faces) are back-to-back and parallel. As such, only one side is included in the surface area calculation.



3.27.11.3 Three Dimensional Signs

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



3.27.11.4 Sign Height

- a. The height of the sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of

- the sign; and
- b. a sign that is a flag, an inflatable sign, a banner, or a projected image sign is not subject to a maximum sign height limit.

3.27.12 Regulations for Specific Signs

3.27.12.1 Freestanding Signs

- a. There shall be a limit of one (1) freestanding sign per zoning site;
- b. Where a freestanding sign straddles or is intended to represent more than one zoning site, the maximum size for one (1) sign shall apply;
- c. Any freestanding sign shall be set back from each site line a minimum of 0.61 m (2 ft.) clear of any projections;
- d. Any freestanding advertising billboard sign that is illuminated shall be illuminated by a renewable energy source, and shall not be connected to a separate power source (e.g. power generator, electrical outlet); and
- e. Permanent free standing signs located within the “D/W Downtown Waterfront” Overlay Zone shall have a stone base or be constructed of heavy timber framing.

3.27.12.2 Menu Board Sign

- a. There shall be a limit of two (2) freestanding menu boards per zoning site; and
- b. Any freestanding menu board(s) shall be located to serve a drive thru lane only and not be oriented towards a right-of-way for the purposes of advertising, identification, or business signage.

3.27.12.3 Electronic Message Centre

- a. Maximum number of electronic message centre signs allowed per zoning site is 1;
- b. Shall only be permitted in Commercial, Industrial and Institutional zones;
- c. Shall not be permitted in Residential Zones;
- d. Shall not be located within the downtown as defined in Section 10.6 Downtown Sign Standards;

- e. No owner may place an electronic sign in a Commercial or Industrial Zone site along a site line to a Residential use, or on a wall overlooking such a site line and such signs must be installed in such a way that any illumination does not project to any surrounding residential users;
- f. Shall not be permitted on mobile signs;
- g. Shall not carry live video, contain animated images or project audio, only static images are permitted;
- h. Shall not display graphics which imitate or resemble any traffic control device or emergency light;
- i. All electronic message centre signs shall be equipped with automatic dimming controls that adjust the sign's brightness to no more than 0.3 foot candles in direct correlation with ambient light conditions;
- j. Shall have a minimum dwell time of 6 seconds for any image;
- k. Shall have a maximum transition time of 0.25 seconds between images; and
- l. Shall not display third party advertising, other than non-profit community events.

3.27.12.4 Mobile Signs

The following regulations shall apply to mobile signs:

- a. Mobile signs are permitted in all zones as per Use Table 8;
- b. The maximum sign surface for a mobile sign shall be 4.65 m² (50 ft.²);
- c. Mobile signs shall not be used as permanent means of signage;
- d. The maximum permitted duration for a mobile sign on a site shall be 90 consecutive days, upon which the sign must be removed, or the applicant may seek an extension. Only one 90 day extension will be granted. Further extensions may be considered on a case by case basis at the discretion of and written authorization of the Designated Officer of the City;
- e. Mobile signs located on adjacent sites must be separated from each other by a minimum of 19.81 m (65 ft.) measured along the street right-of-way, unless the narrowness of site frontages or other restrictions in this By-law make that

separation impossible, in which case the two signs must be separated as far as reasonably possible;

- f. A mobile sign must be contained within the zoning lot on which it is located, not encroaching within any right-of-way;
- g. a mobile sign must not be located within 3.05 m (10 ft.) measured from the nearest part of any exit or entrance driveway giving access to a lot;
- h. Electronic message centre signs are prohibited on mobile signs; and
- i. No property owner may erect more than one (1) mobile sign per tenant on a zoning site. The maximum number of mobile signs on any zoning site at any one time may not exceed two (2), regardless of the number of individual tenants located on that zoning.

3.27.13 Flags, Banners, and Inflatable Signs

- a. An owner may locate or erect either a flag, a banner, or an inflatable sign (but not more than one of them) on a zoning site for a period not exceeding 14 consecutive days and not exceed more than two 14-day periods during each calendar year. Any period exceeding this would be subject to obtaining a mobile sign permit and adhere to any applicable conditions as per section 3.27.12.3.

3.27.14 Temporary Signs

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

- a. Temporary event signs are authorized for not more than ninety (90) consecutive days at a time;
- b. Temporary event signs must be removed within (7) days following the date of the event unless otherwise noted;
- c. Temporary event signs that are related to civic, non-commercial health, safety or welfare, educational, or religious campaigns shall not be erected earlier than the official date of the commencement of the campaign;
- d. Temporary signs other than event signs and projected image signs, shall not be illuminated;
- e. The maximum sign surface area of any Temporary Sign shall be 2.97 m² (32 ft.²) and the maximum height shall be 3.66 m (12 ft.), measured from grade to the highest point of the sign, unless otherwise stated;

- f. A temporary sign that is a flag, is inflatable, is painted on a window, or a projected image sign is not subject to a maximum sign size or height limit;
- g. The maximum sign surface area of real estate sign shall be 2.97 m² (32 ft.²) which advertise the sale, rental, or lease of said zoning site and must be removed within 7 days of the conclusion of the purpose for which the sign was erected; and
- h. Temporary Signs located on public property shall be located so as not to obstruct or interfere with regularly scheduled street maintenance, the maintenance of public utilities, or otherwise create a public hazard.

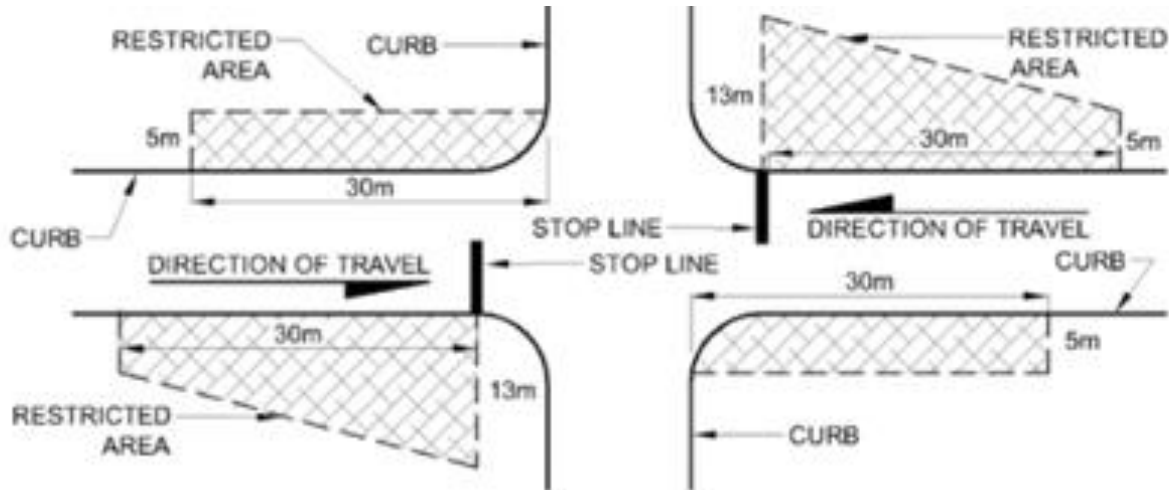
3.27.15 Other Signs

- a. Roof signs are only permitted on mansard style roofs. Such signs may be attached to the sloping portions of the roof, but must not extend beyond the parapet height and must not be located on the horizontal portion of the roof. Such sign size to be calculated as Fascial (Wall) sign;
- b. Fascia signs may have an emblem, logo, or other unique features projecting above the building wall if the sign projection is not more than 0.91 m (2 ft.) above the building wall or parapet wall and the total projection does not exceed 2.32 m² (25 ft.²) and the area of the projection must be counted towards the total sign area allowed;
- c. Up to ten percent (10%) of the maximum permitted sign area of any freestanding sign may be installed as an auxiliary sign;
- d. Projecting signs to have a minimum height above-grade to the bottom edge of projecting signs must be 2.74 m (9 ft.); and
- e. Identification signs for construction sites / projects shall be located within the zoning site, or attached to a fence or hoarding with a maximum height of 3.66 m (12 ft.). The sign is permitted from the date a development application is approved until:
 - i. in the case of a subdivision of five (5) lots or more, eighty percent (80%) of the lots sold, unless otherwise stated by Council; or
 - ii. in the case of all other construction projects, eighteen (18) months after the approval of the initial development application is approved, unless otherwise stated by Council.

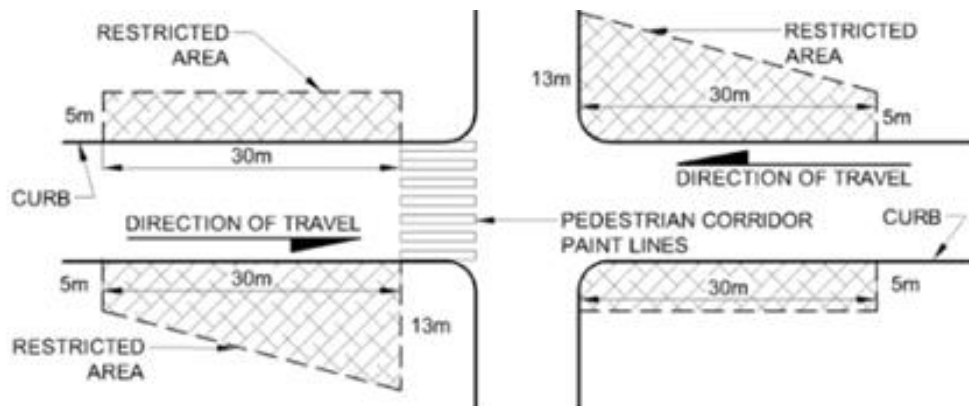
3.27.16 Separation Distance From Traffic Decision Locations

Electronic message centre signs and digital reader boards must not be located within Restricted Areas as depicted in the illustrations as shown below unless the Director of Operations first provides written approval.

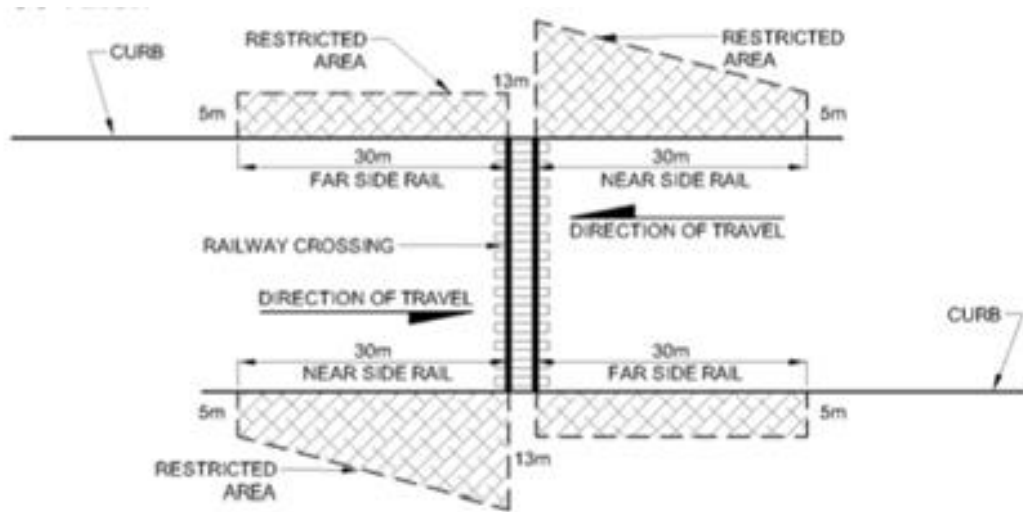
a. Separation Distance From Intersections With Traffic Signals



b. Separation Distance From Pedestrian Corridors



c. Separation Distance From Railway Crossings



3.27.17 Definitions

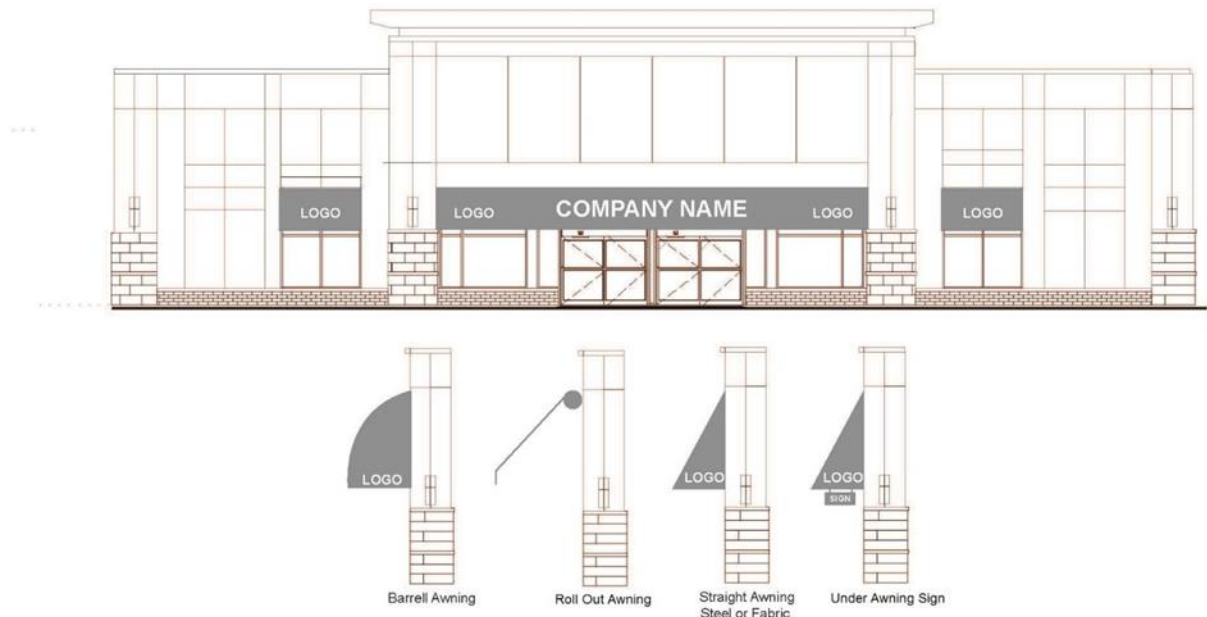
“SIGN” means any devise, object, surface or other component parts which are used or capable of being used as a visual medium to attract attention to a specific subject matter for identification, information or advertising purposes and includes an advertising device or notice.

“Advertising Sign” means a sign directing attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the same zoning site where the sign is maintained (e.g. billboard sign).

“Animated Sign” means a sign which has any visible moving part, flashing or oscillating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, oscillate or visibly alters in appearance. This does not include an Electronic Message Centre Sign.

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

“Awning Sign” means a sign with copy painted or affixed flat to the surface of an awning and does not extend vertically or horizontally beyond the limits of awning. The awning may or may not be illuminated.



“Banner Sign” means a temporary sign made of cloth, plastic or similar lightweight non-rigid material.

“Bulletin Board” means a permanent board to temporarily fasten paper or similar copy to post notices, community events or names associated with events.



“Business Sign” means a sign directing attention to a commodity, service, activity or entertainment conducted, sold or offered upon the same zoning lot on which the sign is located.

“Canopy” means a roof-like structure, un-enclosed by building walls and may be intended to provide shelter. It may be freestanding or project from a building. This definition does not include an awning.

“Canopy Sign” means a sign located, erected or display on a canopy.



“Copy” means the wording, symbols or images on a sign.

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

“Digital Reader Board” means a sign or portion thereof containing text only and that can be electronically changed or rearranged without altering the face or the surface of the sign. The term does not include a sign on which the only copy that changes is an electronic or mechanical indication of time, temperature or price. (ie. Gas price)

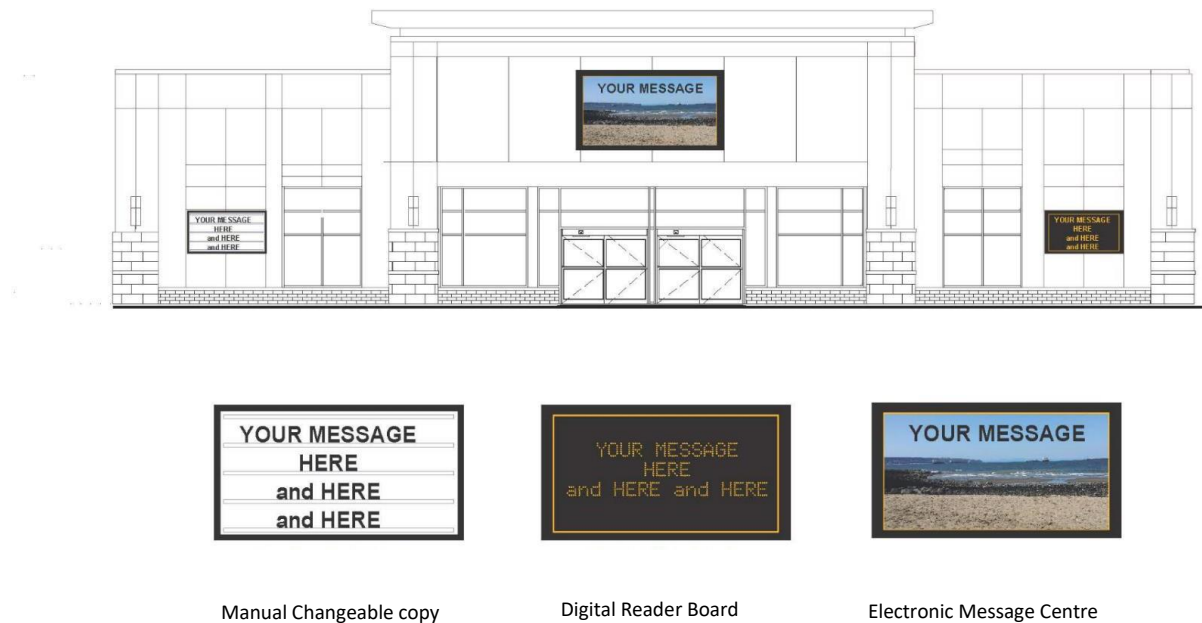
“Directional Sign” means:

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

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

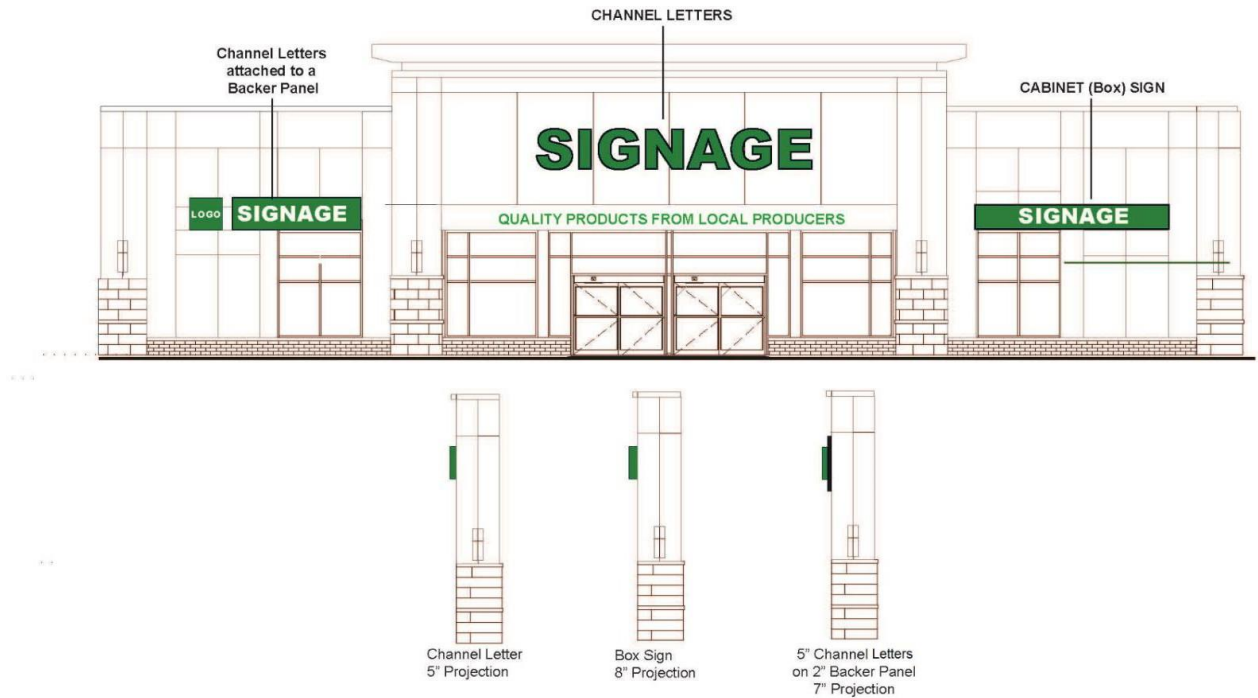
“Electronic Message Centre” means a sign or a component of a sign that can be changed by electrical or electronic means. Electronic signs include those with digital text, static or animated

copy, or signs that use light-emitting diodes, liquid crystal displays, video monitors, or any other electronic technology.



“Entrance Feature Sign” means a sign located, erected or displayed on a property or premises, at an entrance of a development in a residential, commercial, industrial, or institutional zone for the purpose of identifying the development.

“Fascia / Wall Sign” means any sign attached against the surface of, against, or within a recess of a wall, fascia, a column, or other perpendicular portion of a building or structure in a position essentially parallel to said wall, column, or other perpendicular portion. A wall sign includes awning sign, banner sign, canopy sign, fascia sign, marquee sign, and projecting sign, window sign, and shall also mean any sign attached to the walls of two or more buildings and spanning the spaces between said buildings. This sign to include signs located on a parapet, mansard roof and painted signs.



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





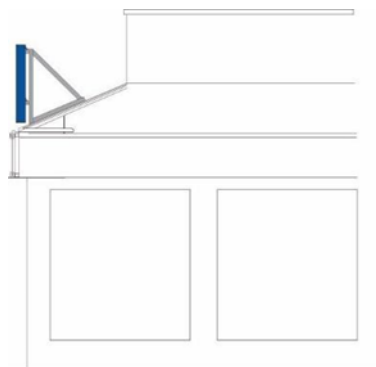
“Identification Sign” means a sign that identifies a business, owner, resident, or institution by name, logo or street address, and which sets forth no other advertisement.

“Illumination” means lighting by any artificial means whatsoever, and shall include direct, indirect, internal or external source of illumination.

“Inflatable Sign” means a sign designed to be inflated and tethered to the ground, building or any other structure.



“Mansard Roof” means any portion of a roof that has two slopes on any side, the lower slope often being steeper than the higher slope.



“Manual Reader Board” means a sign or portion thereof on which the copy or symbols change manually through placement of letters or symbols on a panel mounted in or on a track system.

“Marquee” means a permanent structure attached to the building and projecting over the entrance.

“Marquee Sign” means a sign attached to a marquee.



“Menu Board Sign” means a sign erected as a part of drive-through facility and used to display and order products and services available in association with a drive-through business.

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



“Parapet” means a portion of the building wall that rises above the roof level of the structure.

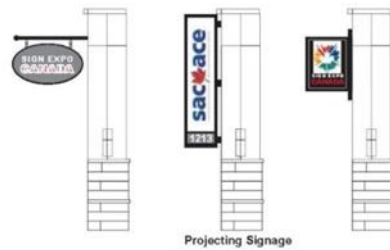


“Portable Sign” means a sign designed to be capable of being readily moved from one location to another typically meant to be carried. This definition shall include but not limited to signs commonly referred to as, T-frame, A-frame, sandwich board or sidewalk signs and includes garage sale or similar type signs.



“Projected Image Sign” means a sign with copy that is projected onto a surface by a projector. The surface on which the projected copy or image is displayed is typically a building wall, the ground, floor, screen, street or sidewalk.

“Projecting Sign” means a sign, other than a fascia sign, the exposed face or faces of which are not necessarily parallel to a wall which is attached to a building and extends as a projection of a line of that building or beyond the surface of that portion of the building to which it is attached.



“Roof Sign” means any sign erected, constructed and maintained wholly upon or over the roof of any building with the principle support of the roof structure. Does not include a Mansard Roof Sign.

“Sign Insert / Face” means the portion of a sign containing copy, logo, or similar images / messages that is removable / replaceable. It does not include the housing or structure of the sign.

“Temporary Sign” means a sign not permanently anchored to a footing below grade or permanently affixed to, or painted on a building, window, structure, or mobile apparatus, with or without a structural frame, and on which the sign expresses relation to an activity, use or event and is intended for a limited period of display. Temporary signs shall include, construction identification signs, open house /real estate signs, event signs, portable signs, banners, inflatable and projected image signs.

“Three Dimensional Sign” or Multi-faced Sign” means a sign that having three or more faces exhibited or intended for display.



“Window Sign” means a sign which is painted on, attached to, or installed upon a window for the purposes of being viewed from outside the premises. (See “Temporary Sign” for temporary painted window sign)

** definition illustrations courtesy of the Sign Association of Canada

3.28. SUBDIVISION

3.28.1. Subdivision Bulk Regulations

Subdivisions according to the Development Plan shall comply with the regulations listed hereunder.

3.28.1.1. Existing Buildings - Yard Requirements – Variation Order required

Where subdivision results in new property lines which reduce yards adjacent to existing buildings below the minimum required by this zoning by-law, yard variations shall be required.

3.28.1.2. Existing Buildings - Yard Requirements - Variation Order not required

Where subdivision does not alter property lines adjacent to existing legal non-conforming buildings, yard variations shall not be required.

3.28.1.3. Unaltered Site Width - Variation Order not required

Where subdivision does not alter widths of existing lots, site width variations shall not be required.

3.28.1.4. Undersized Residual - Variation Order not required

Where subdivision according to *Resource and Agricultural subdivision policy 7 of the Selkirk & District Development Plan* results in a residual parcel being undersized in site area or site width, variation shall not be required. (B/L 5291)

3.28.2. Subdivision Conformity

All subdivisions shall conform to the provisions of the:

- *The Planning Act;*
- Selkirk and District Planning Area Development Plan; and
- This zoning by-law.

3.28.3. **Application Requirements: all subdivision applications shall include a sketch prepared by a Manitoba Land Surveyor with dimensions and site area calculations for each lot/parcel. Additionally, a Building Location Certificate must be included with the sketch in relation to the proposed property lines as part of the application when there are existing buildings and structures on the property; thus allowing Council to consider any possible variations that would be required as a result of the subdivision process prior to making a decision on the application. (B/L 5291)**

3.29. TEMPORARY USES, BUILDINGS AND STRUCTURES

3.29.1. Application Requirements

See 3.7.1.

3.29.2. Uses

Temporary uses, buildings and structures may be permitted for the purposes listed hereunder.

3.29.2.1. Accommodation

Temporary uses, buildings and structures may be permitted for the accommodation for:

- a caretaker, watchman, farm workers or other workers employed on the same site; and / or
- the owner and family during the construction of a dwelling unit on the same site for a maximum 12 month period.

3.29.2.2. Office Space

Temporary uses, buildings and structures may be permitted for office space for contractor or developer on the same site for a maximum 12 month period.

3.29.2.3. Storage

Temporary uses, buildings and structures may be permitted for storage of construction materials and equipment incidental to and necessary for construction on the same site for a maximum 12 month period.

3.29.2.4. Temporary Tents. (B/L 5291)

3.30. VARIATIONS

3.30.1. Bulk regulations shall not be varied from the maximum or minimum, except by variation in accordance with *the Planning Act*, notwithstanding 3.28.1.2., 3.28.1.3. and 3.28.1.4.

3.30.2. Application for variation orders, including required information and fees may be filed by the owner(s) or owner's agent, and shall be filed with the Board.

3.30.3. Applications for variation orders shall be processed and approved or rejected in accordance with *the Planning Act*.

3.30.4. Minor Variations (B/L 5333)

Upon the review and recommendation of a Development Officer, the CAO for the City of Selkirk may approve in-office with or without conditions, minor variations governing height, distance, area, size or intensity of use and the number of parking spaces, not exceeding 15% of the requirements of this by-law in accordance with *The Planning Act*.

3.31. WRECKING FACILITIES; AUTOMOTIVE AND EQUIPMENT

- 3.31.1 Automotive and Equipment wrecking /recycling facilities are restricted to areas zoned for industrial uses.
- 3.31.2 Storage areas must be screened from public view as per Section 3.10. –Exterior Storage.
- 3.31.3 Development permits are required for the establishment of new automotive and Equipment wrecking / recycling facilities. Development permit applications shall require submissions as listed hereunder.
- 3.31.3.1 proof of Environmental Act License
- 3.31.3.2 site plan showing:
- areas for dismantling and storage of materials;
 - staff and public parking;
 - fencing and buffering
 - vehicle access routes

3.32. ZONING COMPLIANCE CERTIFICATES

- 3.32.1. Development officers may, upon receipt of such proof as deemed necessary, issue zoning compliance certificates in order to confirm that the building, structure or use of land, building or structure was lawfully in existence at the effective date of this zoning by-law and amendments thereto and confirm that it may continue to exist as legal non-conforming in accordance with *the Planning Act*.

3.33. ZONING CONFIRMATION LETTERS

- 3.33.1. Development officers may issue zoning confirmation letters in order to confirm the zoning bulk and use regulations of a property.

3.34. ZONING MEMORANDA

- 3.34.1. Development officers may, upon receipt of building location certificates, issue zoning memoranda confirming that buildings or structures are located in compliance with this zoning by-law and amendments thereto, in accordance with *the Planning Act*.

4. ZONES

4.1 ZONING DISTRICTS

For the purpose of this zoning by-law, all land within the City of Selkirk is divided into the following zoning districts, as shown on the Zoning Map, which forms Appendix A of this zoning by-law.

4.1.1. Agricultural Zones

- AG Agricultural General
- A-UR Agricultural –Urban Reserve

4.1.2. Residential Zones

- R Residential – General
- RC Comprehensive Residential (*B/L 5102*)
- R3 Residential – Multiple-Family Dwelling
- RR Rural Residential
- RM Residential – Mobile Home
- RS Residential – Small Lot (*B/L 5291*)**

4.1.3. Commercial Zones

- C2 Central Commercial
- C3 Strip Commercial
- C4 Highway Commercial

4.1.4. Industrial Zones

- M1 Light Industrial
- M2 Heavy Industrial

4.1.5. Parks, Recreation and Open Space and Institutional Use

- PR Parks and Recreation
- OS Open Space
- I Institutional

4.1.6. Overlay Zones

- D/W Downtown Waterfront

4.2. ZONING MAP

The various Land Use Zones referred to in 4.1. are shown on Appendix A., “City of Selkirk Zoning Map.”

4.3. USE REGULATIONS

No land shall be used or occupied and no structure shall be erected, altered, used or occupied, except for the uses listed in the Use Tables. For existing non-conforming uses see Section 3.20.

4.4. ZONE BOUNDARY INTERPRETATION

- 4.4.1. Boundaries are indicated on the Appendix A.
- 4.4.2. The regulations contained within this zoning by-law may not apply to streets, lanes and public utility right-of-ways within zone boundaries.
- 4.4.3. Boundaries although not shown on the map shall be the centre line when indicated as following a:
- highway;
 - street or lane;
 - watercourse;
 - creek; or
 - stream.
- 4.4.4. Boundaries shall be the centre line when indicated as following a:
- right-of-way of a railway;
 - electrical line;
 - gas line; or
 - oil transmission line.
- 4.4.5. Boundaries indicated as following municipal limits shall follow said limits.
- 4.4.6. Boundaries shall follow lot lines as shown on registered plans of subdivision or boundaries of parcels registered in the Winnipeg Land Titles Office on the date of passing of this zoning by-law.
- 4.4.7. Boundaries shall run substantially parallel to streets and the distance from the street where not indicated shall be determined according to the appendix scale.
- 4.4.8. Boundaries indicated as following a street that has been closed shall follow the former centre line with the land in the said street being included in the zone of the adjoining land.
- 4.4.9. Boundaries indicated as following the shoreline shall be deemed to follow the ordinary high water mark.

5. AGRICULTURAL ZONES

5.1. INTENT AND PURPOSE

The Agricultural Zones established in this By-law are intended to zone lands for agricultural and related activities and to preserve areas for future urban development in keeping with the provisions of the Development Plan

5.2. ZONES

“AG” Agricultural General

This zone provides for a broad range of agricultural uses while restricting the potential for land fragmentation. Due to the proximity to urban development, livestock operations will be restricted.

“A-UR” Agricultural-Urban Reserve

This zone provides for agricultural uses and activities on a restricted and short term basis and to preserve lands where urban expansion is proposed to take place in accordance with the Development Plan. Proposals for most new uses other than agriculture must conform to the land designations outlined in the Selkirk and District Development Plan and will require a rezoning.

5.3. USE REGULATIONS

Table 9
Agricultural Use Table

P = Permitted C = Conditional P/C = see table 1 - = Not Permitted

Use	AG	A-UR	Parking Group See Table 4
<u>A</u>			
Accessory uses, buildings or structures (as per table 1)	P/C	P/C	N/A
Agricultural:			
- <i>farm activities general – no livestock</i>	P	P	N/A
- <i>farm activities – Livestock</i>			
< 10 A.U. (see 3.17 & 5.3.1)	C	C	N/A
> 10 A.U. (see 3.17 & 5.3.1)	C	-	N/A
- <i>agricultural commercial</i>	C	-	11
- <i>grain elevator</i>	C	-	N/A
- <i>produce sales – limited</i>	P	P	N/A
Animal shelters	C	-	N/A
Aviaries	C	-	N/A
<u>B</u>			
Bed and Breakfast	P	P	1

Use	AG	A-UR	Parking Group See Table 4
C			
Cemeteries, mausoleums & crematoriums	P	C	N/A
Conservation areas	P	P	N/A
F			
Fair and exhibition grounds	C	C	N/A
Farm vacations	P	P	7
G			
Golf courses	C	C	N/A
H			
Halls	P	C	6
Home Industries (<i>see 3.14.</i>) (B/L 5037)	C	C	(<i>see 3.14.3.18.</i>)
Home Occupations	P	P	N/A
K			
Kennels - hobby or commercial	C	C	N/A
L			
Landscape:			
- <i>landscaping or garden centres</i>	P	P	11
- <i>landscape contractors</i>	P	P	11
P			
Public:			
- <i>facility</i> (B/L 5037)	P	P	5,8,9
- <i>utility (no outside storage)</i>	P	P	8,9
- <i>utility (with outside storage)</i>	C	C	8,9
R			
Religious Facilities	P	P	2
Recreation:			
- <i>public</i>	P	P	6, 10
- <i>commercial</i>	C	C	6, 10
Residential:			
- <i>single family dwelling (excluding Mobile Homes)</i>	P	P	1
- <i>mobile homes</i>	C	C	1
- <i>temporary accommodation – (see 3.29.2.1.)</i>	C	C	1
- <i>Care home; Family day care home; Private day care home</i>	P	P	4
- <i>Day care centre; Group day care home; Neighbourhood care home; Neighbourhood rehabilitation home</i>	C	C	4
T			
Temporary Uses (<i>see 3.29</i>)	P	P	N/A

Use	AG	A-UR	Parking Group See Table 4
V			
Veterinary clinics & compounds	C	C	11
W			
Waste disposal grounds, sewage lagoons, Recycling depot and Transfer station	C	C	N/A
Any other Agricultural use not listed in this table	C	C	see table 4

5.4. BULK REGULATIONS

Table 10
Agricultural Bulk Table

Building Type	Front Yard Ft.	Side Yd Interior Ft.	Side Yd Corner Ft.	Rear . Yard Ft.	Height Max. Ft.	Max. Site Coverage	Unit Area Ft ²
AG							
Main	100	25	50	25	35	N/A	1000
Accessory	100	15	25	10	20	N/A	1200 Max.
A-UR							
Main	50	25	50	25	35	N/A	1000
Accessory	50	15	25	10	20	N/A	1200 Max.
Zone					Site Area	Site Width	
AG					Ac.	Ft.	
Subdivisions <u>except</u> as per Development Plan - "RA" Subdiv. Policy 7 (B/L 5291)					40	300	
Subdivisions as per Development Plan - "RA" Subdiv. Policy 7 (B/L 5291)					2 – 4	300	
A-UR					Ac.	Ft.	
Subdivisions as per Development Plan					5	198	

5.4.1. Livestock - Animal Units

Animal units shall be calculated according to Table 11. The Department of Agriculture shall provide animal unit calculations for any livestock not included within Table 11.

Table 11
Animal Unit (AU) Summary Table

Source: Manitoba Agriculture Farm Practices Guidelines

Livestock	AU produced by 1 livestock	Livestock producing 1 AU
Dairy		
Milking cow, including associated livestock	2.00	0.50
Beef		
Beef cows, including associated livestock	1.25	0.80
Backgrounder	0.50	2.00
Summer pasture/replacement heifers	0.625	1.60
Feeder cattle	0.769	1.30
Hogs		
Sows, farrow to finish	1.25	0.80
Sows, farrow to weanling	0.313	3.20
Sows, farrow to nursery	0.25	4.00
Weanlings	0.033	30.00
Growers/Finishers	0.143	7.00
Boars (artificial insemination operations)	0.20	5.00
Chickens		
Broilers	0.005	200.00
Roasters	0.001	100.00
Layers	0.083	120.00
Pullets	0.0033	300.00
Broiler Breeder Pullets	0.0033	300.00
Broiler Breeder Hens	0.01	100.00
Turkeys		
Broilers	0.01	100
Heavy Toms	0.02	50.00
Heavy Hens	0.01	100.00
Horses		
Pleasure Horse	1.00	1.00
Mares, including associated livestock	1.33	0.75
Sheep		
Ewes, including associated livestock	0.20	5.00
Feeder lambs	0.063	16.00
	AU 's produced by 1000 kg live animal weight	Kg live animal weight producing 1 AU
Other livestock (except poultry)	2.50	400.00
Other Poultry	7.50	130.00

6. RESIDENTIAL ZONES

6.1. INTENT AND PURPOSE

The Residential Zones are intended to provide sufficient land for various types of residential development within the residential designations of the Development Plan.

6.2. ZONES

6.2.1. R Residential General

The “R” Residential General Zone provides for the establishment of single family dwellings and related compatible uses. Conditional approval may also be given for semi-detached or duplex buildings designed for and used by not more than two (2) families, each having exclusive residential occupancy of a dwelling unit. Each unit may have separate title.

6.2.2. R3 Residential Multiple-Family Dwelling

The “R3” Multiple-Family Dwelling Zone provides for the development of medium to high density multiple family housing developments such as duplexes, triplexes, fourplexes, town or row housing, lowrise and highrise apartments.

6.2.3. RR Rural Residential

The “RR” Rural Residential Zone has been established to provide land use guidelines for those areas having existing large lot residential development. While these areas will eventually evolve into more dense residential development, they currently lack necessary City services. Current uses, in addition to the residential component, also include part-time farming, hobby farming, equestrian uses and home occupations.

6.2.4. RM Residential Mobile Home

The “RM” Residential Mobile Home Zone provides for areas for the placement of mobile homes on spaces within a mobile home park, which are leased to the mobile home owner, or on individual registered lots which may be individually owned. Also includes associated service buildings. For more detailed regulations, refer to the City of Selkirk Mobile Home Park By-law and amendments thereto.

6.2.5. RC Comprehensive Residential (B/L 5102)

The “RC” Comprehensive Residential Zone is a special zone that provides for single-family housing as a planned unit development with an overall site and building plan to be characterized by an open space nature, preservation of natural features, staggered setbacks and a mixture of housing styles, to the satisfaction of the planning advisory committee and the municipal engineer.

6.2.6. RS Residential Small Lot (BL 5291)

The “RS” Residential Small Lot provides for the establishment of single family dwellings on smaller lot, and compatible uses.

6.3. USE REGULATIONS

TABLE 12
Residential Use Table

P = Permitted C = Conditional

P/C = see table 1

- = Not Permitted

Use	R	RC (B/L 5102)	R3	RR	RM	RS (B/L 5291)	Parking Group See Table 4
<u>A</u>							
Accessory uses, buildings or structures (as per Table 1)	P/C	P/C	P/C	P/C	P/C	P/C	N/A
<u>E</u>							
Education facilities	P	P	P	P	-	P	3
<u>F</u>							
Farm Activities – Livestock (<i>see 3.17.</i>)	-	-	-	C	-	-	N/A
<u>H</u>							
Halls: - <i>public or private</i>	C	C	P	P	P	C	6
Home Industries (<i>see 3.14.</i>) (B/L 5037)	-	-	-	C	-	-	(<i>see 3.14.3.18.</i>)
Home Occupations (<i>see 3.14.</i>)	P	P	C	P	C	P	(<i>see 3.14.2.</i>)
Hospitals or similar treatment centres	C	C	C	C	-	C	4
<u>M</u>							
Mobile Home Park (<i>see 3.19.</i>)	-	-	-	-	P	-	N/A
<u>N</u>							
Neighbourhood Commercial	C	C	C	-	C	C	11
Nursing Homes (B/L 5118)	C		P			C	4
<u>P</u>							
Planned Unit Development	-	-	C	-	C	C	1,11
Public:							
- <i>facility</i> (B/L 5037)	P	P	P	P	C	P	5,8,9
- <i>utility (no outside storage)</i>	P	P	P	P	P	C	8,9
- <i>utility (with outside storage)</i>	C	C	C	C	C	C	8,9
<u>R</u>							
Recreation Facilities:							
- <i>public</i>	C	C	C	C	C	C	6, 10
- <i>commercial</i>	C	C	C	C	C	C	6, 10
- <i>parks and outdoor recreation areas</i>	P	P	P	P	P	P	N/A
Religious Facility	C	C	P	P	P	C	2
Residential:							

Use	R	RC (B/L 5102)	R3	RR	RM	RS (B/L 5291)	Parking Group See Table 4
- Care home; Family day care home; Private day care home	P	P	P	P	P	P	4
- Day care centre; Group day care home	C	C	C	C	C	C	4
- Neighbourhood Care home; Neighbourhood Rehabilitation home	C	C	C	C	C	C	4
- dwellings:							
-single family	P	P	-	P	P	P	1
-two family	C	C	P	C	-	C	1
-multiple-family	-	-	P	-	-	C	1
T							
Temporary Uses (see 3.29.)	-	-	C	P	P	-	N/A
Any other Residential use not listed in this table	C	C	C	C	C	C	see table 4

6.4. BULK REGULATIONS

All lots, buildings or structures in the residential zones must comply with the yard requirements as outlined in Table 13 except the following:

- The minimum side yards for a residential building that has a common party wall with the adjacent property and building (e.g. two-family, townhouse, etc.) is 0 feet. **(B/L 5332)**

Table 13
Residential Bulk Table (B/L 5037; B/L 5333)

Zone & Building Type	Front Yard Ft.	Side Yd Interior Ft.	Side Yd Corner Ft.	Rear Yard Ft.	Height (Max.) Ft.	Max. Site Coverage %	Site Width Ft.	Site Area Ft ²	Unit Area Ft ²
Zone: R, R3									
-single family	20	5	10	25	30	40	55	5,500	800
-two family	20	5	10	25	30	60	55	6,600	1,200
-two-family** (B/L 5332)	20	5	10	25	35	45	30	3,000	800** ***
-multi-family	25	5	15	25	45	60	75	10,000	480 per unit
-multiple-family (townhouse / row house)** (B/L 5332)	20	5	10	25	35	60	20	2,000	800** ***
-non-residential	20	5	10	25	30	60	100	10,000	N/A

-accessory & temporary	Same as Principal Use	2	Same as Principal Use	2	15	10	N/A	N/A	1,000 Max
Zone: RC (B/L 5102)									
-single family	20	5	10	25	30	40	50	5,500	800
-accessory & temporary	Same as Principal Use	2	Same as Principal Use	2	15	15	N/A	N/A	800

Zone & Building Type	Front Yard Ft.	Side Yd Interior Ft.	Side Yd Corner Ft.	Rear Yard Ft.	Height (Max.) Ft.	Max. Site Coverage %	Site Width Ft.	Site Area Ft²	Unit Area Ft²
Zone: RR									
-single family	100	15	25	15	20	10	198	4 ac.	1,000
-accessory	Same as the Principal Use			15	20	10	N/A	N/A	1,200 Max *
Zone: RS (B/L 5291)									
-single family	20	4 (B/L 5332)	5 (B/L 5332)	25	30	40	35	3,800	500
-two family& multiple family	20	5	10	25	30	40	50	5,000	500
-multiple-family (townhouse / row house)** (B/L 5332)	20	5	10	25	35	60	20	2,000	500** ***
-two-family** (B/L 5332)	20	5	10	25	35	45	30	3,000	500** ***
-non-residential	20	5	10	25	30	60	100	10,000	N/A
- accessory & temporary	Same as Principal Use	2	Same as Principal Use	2	15	10	N/A	N/A	800 Max.
Zone: RM Refer to City of Selkirk Mobile Home By-law.									

* A maximum combined floor area for all accessory buildings on a site excluding swimming pools, decks, playhouses, swings, gazebos and picnic shelters.

** New lots are intended to accommodate 1 dwelling unit, which is part of a townhouse or two-family development, on an individual lot.

*** Unit Area is considered a minimum building area (footprint) on an individual lot.

7. COMMERCIAL ZONES

7.1. INTENT AND PURPOSE

The Commercial Zones are intended to provide sufficient land for various types of commercial development within the commercial designations of the Development Plan.

7.2. ZONES

7.2.1 “C2” Central Commercial

This zone provides for appropriate land in the central business area for multi-functional uses such as retail business, multi-family residential, recreational, social, cultural and administrative land uses.

7.2.2 “C3” Strip Commercial

This zone provides sites for linear single or multi-tenant sites for multi-functional uses such as retail business, multi-family residential, recreational, social, cultural and administrative land uses along major collector or arterial streets. Uses primarily serve local clientele.

7.2.3 “C4” Highway Commercial

This zone provides for appropriate land to accommodate those businesses requiring large site areas and to provide retail and personal services adjacent to major transportation routes or arterial streets to serve the needs of the travelling public. Uses generally serve a broad regional clientele.

7.3. USE REGULATIONS

All proposed uses in the commercial zones must comply with the use requirements as outlined in Table 14. Uses identified as “conditional” must undertake a conditional use process before approval can be given.

Table 14
Commercial Use Table

P = Permitted

C = Conditional

P/C = see table 1

- = Not Permitted

Use	C2	C3	C4	Parking Group See Table 4
<u>A</u>				
Accessory uses, buildings or structures (<i>as per Table 1</i>)	P/C	P/C	P/C	N/A
Agricultural Commercial	-	-	P	11
Amusement enterprise				
- <i>outdoor</i>	-	-	P	N/A
- <i>within enclosed building</i>	C	C	C	6
Animal shelter	-	-	P	N/A
Automobile:				
- <i>body shop</i>	C	P	P	11
- <i>sales & service</i>	P	P	P	11
- <i>service station</i>	P	P	P	11
- <i>storage compounds</i>	C	C	C	N/A
- <i>supplies</i>	P	P	P	11
<u>C</u>				
Cabarets and cocktail lounges	P	P	P	6
Child and family care services:				
- <i>family and group day care homes</i>	P	P	-	4
- <i>day care centres and nurseries</i>	P	P	-	4
Contractor's establishment:				
- <i>enclosed within a building</i>	P	P	P	12
- <i>outdoor storage</i>	-	C	C	N/A
<u>D</u>				
Dispatch services:				
- <i>cleaning, couriers, taxi and similar services</i>	P	P	P	9
<u>E</u>				
Education:				
- <i>educational facilities</i>	P	P	P	3
- <i>public or private schools</i>	P	P	P	3
<u>F</u>				
<i>Farmers Market (B/L 5291)</i>	P	P	P	11
Funeral chapel, parlour	P	P	P	2

USE	C2	C3	C4	Parking Group See Table 4
<u>H</u>				
Hall – <i>Public or Private</i>	P	P	P	6
Health services	P	P	P	11
Home Industries (<i>see 3.14.</i>) (B/L 5037)	C	C	C	N/A
Home Occupations	P	P	P	N/A
Hotels and motels	P	P	P	7
<u>K</u>				
Kennel (B/L 5291)	C	C	C	11
<u>L</u>				
Landscape:				
- <i>contractors establishments</i>	-	C	C	12
- <i>landscaping or garden centres</i>	P	P	P	12
Lumber & building supply:				
- <i>enclosed within building</i>	P	P	P	11
- <i>outdoor storage</i>	-	C	P	N/A
<u>M</u>				
Manufacture and sales:				
- <i>carpentry or cabinetry</i>	-	-	C	11
- <i>monument and memorial products</i>	-	-	C	11
Marina	C	-	-	11
<u>P</u>				
Personal service establishment	P	P	P	11
Professional Offices & support services	P	P	P	8,9
Planned Unit Development	-	P	P	N/A
Pool Hall / Billiard Parlour	C	C	C	6
Public:				
- <i>facility (B/L 5037)</i>	P	P	P	5,8,9
- <i>utility (no outside storage)</i>	P	P	P	8,9
- <i>utility (with outside storage)</i>	C	C	C	8,9
<u>R</u>				
Recreation vehicles:				
- <i>sales & service (B/L 5037)</i>	-	P	P	11
Religious facility	P	P	P	2
Residential:				
- <i>Care home; Day care centre; Family day care home; Neighbourhood rehabilitation home</i>	P	P	P	4
- <i>within rear ½ or second storey</i>	P	P	P	1
- <i>single family dwelling</i>	P	P	P	1
- <i>multi family</i>	P	P	P	1

R				
Restaurants:				
- concessions	P	P	P	-
- eat-in (B/L 5119)	P	P	P	6
- drive through	C	C	C	11
Retail Business	P	P	P	11
T				
Temporary Uses (see 3.29.)	P	P	P	N/A
V				
Veterinary clinics (no compounds)	-	P	P	11
Other Commercial Use not listed in this table	C	C	C	Table 4

7.4. BULK REGULATIONS

All lots, buildings or structures in the commercial zones must comply with the yard requirements as outlined in Table 15.

Table 15
Commercial Bulk Table

Zone	Front Yard Ft.	Side Yd Interior Ft.	Side Yd Corner Ft.	Rear Yard Ft.	Height (Max.) Ft.	Max. Site Coverage (%)	Site Width Ft.	Site Area Ft ²
Principal Uses								
C2	0	0	0	2	75	100	17	1800
C3	40	0	0	10	30	60	50	5,000
C4	50	15	20	25	30	50	100	20,000
Other Uses								
<i>Fuel Pumps and related storage facilities</i>	25	5	10	2	30	N/A	N/A	N/A
<i>Accessory Other than fuel</i>	40	5	10	2	30	N/A	N/A	N/A

7.5. COMMERCIAL DEVELOPMENTS ADJACENT TO RESIDENTIAL USES

For commercial uses that have interior side lot lines adjoining residential uses, the City may require development agreements to ensure compatibility with the residential uses.

The development agreement may address, but is not limited to, such matters as:

- Landscaping
- Parking locations
- Fencing
- Outside storage
- Lighting
- Noise
- Dust

7.6. DEVELOPMENT STANDARDS

Development standards may be addressed through development agreements between the City and the developer. See 3.8. - Development Standards, and any development containing outside storage shall be in accordance with 3.10. Exterior Storage.

8. INDUSTRIAL ZONES

8.1 INTENT AND PURPOSE

The Industrial Zones are intended to provide sufficient land for various types of industrial development within the industrial designations of the Development Plan. Two industrial zones have been established to reflect industrial uses that generally take place in a landscaped setting and have a minimal impact on adjacent land uses, versus those industrial uses that have higher impact levels –either from an environmental, or from the land use perspective.

8.2. ZONES

8.2.1. “M1” – Light Industrial

Provide sufficient land in suitable locations for light manufacturing, warehousing and low impact industrial uses within industrial designations of the Development Plan, also includes landscaped industrial parks. Uses that require outdoor storage of supplies and equipment are not considered light industrial uses.

8.2.2 “M2” – Heavy Industrial

This zone provides for a wide range of industrial uses where a certain level of nuisance, or environmental risk such as noise, odour, dust, vibration, aesthetics and heavy truck traffic are unsuitable for more populated areas of the City. Typical uses are those that require outside storage of raw and finished products and equipment.

8.2.3. “MP” Business Park Zone (BL 5290)

This Zone is to provide land for the careful siting of light manufacturing, processing, servicing, warehousing, wholesaling, distribution operations and commercial uses including office, retail, accommodations and personal services in a planned setting in accordance with design standards. All uses are intended to be conducted within a fully enclosed building. Outdoor storage is subject to this Zone’s design standards. Uses requiring outdoor storage of materials will be located in the rear yard and screened from view from adjoining streets and land uses both internal and external from the Business Park Zone. Land uses will be developed to Business Park Standards, characterized by landscaping to buffer sites from adjoining land uses and site development and building aesthetics to ensure compatibility among Business Park uses and adjoining land use and major regional transportation routes.

8.3. USE REGULATIONS

All proposed uses in the industrial zones must comply with the use requirements as outlined in Table 16. Uses identified as “conditional” must undertake a conditional use process before approval can be given.

Table 16
Industrial Use Table

*P = Permitted C = Conditional**P/C = see table 1**- = Not Permitted*

Use	M1	M2	MP	Parking Group See Table 4
<u>A</u>				
Accessory uses, buildings or structures (<i>as per table 1</i>)	P/C	P/C	<i>P (see Section 8.7.1. of this Part)</i>	N/A
Agricultural:				
- commercial	P	P	P	N/A
- industrial, and associated sales	P	P	C	N/A
Automobile:				
- sales, rentals, leasing, servicing	P	P	P	11
- auto body shops	P	P	C	11
- service station	P	P	P	11
- storage compounds	P	P	C	N/A
- Automobile, recreational vehicle and equipment repair facility (B/L 5333)	P	P	C	11
<u>B</u>				
Batching Plant	C	P	-	12
<u>C</u>				
Contractor's establishment:				
- enclosed within a building	P	P	P	12
- with outdoor storage	P	P	C	N/A
Crematoriums	C	P	C	N/A
<u>D</u>				
Day Care Centre	-	-	P	4
<u>E</u>				
Educational facilities	P	P	P	3
Equipment Sales, Rentals and Services	-	-	P	12
<u>F</u>				
Food Processing & manufacturing	P	P	C	12
Funeral chapel, parlour	-	-	C	2
<u>H</u>				
Health Services	-	-	P	11
Hotels and motels	-	-	P	7
<u>L</u>				
Landscape:				
- landscaping contractors	P	P	C	12
- gardening centres	P	P	C	12
Light industrial uses	P	P	P	12
Lumber & building supply:				
- enclosed within building	P	P	P	11
- outdoor storage	P	P	C	N/A

<u>M</u>				
Manufacturing				
-construction products	C	P	C	N/A
- steel or other metals (eg. foundries)	-	P	-	12
- steel or other metal products & related sales	C	P	C	12
-volatile chemicals, fertilizers	C	C	-	12
<u>O</u>				
Offices – business or professional	P	P	P	8, 9
<u>P</u>				
Personal Service Establishment (B/L 5333)	C	-	P	11
Professional Offices & Support Services	C	-	P	8,9
Planned Unit Development	-	-	C	N/A
Public:				
- facility (B/L 5037)	P	P	P	5,8,9
- utility (no outside storage)	P	P	P	8,9
- utility (with outside storage)	C	C	C	8,9
<u>R</u>				
Recreational Vehicles:				
- sales & services (B/L 5037)	-	-	P	11
Recycling depot including outside storage	C	P	-	N/A
Residential:				
- Day care centre; group day care home	C	C	-	4
Restaurants:				
- eat-in, concessions and drive through	P	P	P	6
Retail business	P	P	P	11
<u>S</u>				
Storage garage	P	P	C	N/A
<u>T</u>				
Temporary Uses (see 3.29. Temporary Uses)	P	P	P	N/A
Tire re-treading plants including outside storage	C	P	-	N/A
Transfer station	C	P	-	N/A
Truck terminals	C	P	-	N/A
<u>V</u>				
Veterinary clinics & compounds	P	P	P	11
<u>W</u>				
Warehousing - industrial/commercial goods except as listed below.	P	P	P	12
- industrial/commercial goods such as asphalt, explosives, fertilizers and flammable or toxic goods	C	C	-	12
Wholesale sales and services	-	-	P	12
Wrecking facilities - automotive and equipment	C	P	-	N/A
Other Industrial Uses not listed on Table	C	C	C	Table 4

8.4. INDUSTRIAL BULK REGULATIONS

All lots, buildings or structures in the industrial zones must comply with the yard requirements as outlined in Table 17.

Table 17:
Industrial Bulk

Zone	Front Yard Ft.	Side Yd Interior Ft.	Side Yd Corner Ft.	Rear Yard Ft.	Height (Max.) Ft.	Max. Site Coverage (%)	Site Width Ft.	Site Area Ft ²
Principal Use								
M1	25	5	10	10	45	60	50	5,000
M2	25	10	15	10	N/A	60	100	10,000
MP	30	10	15	25	45	60	80	8,000
Other Uses								
<i>Temporary</i>	25	5	10	10	30	20	N/A	N/A
<i>Accessory</i>	25	5	10	5	30	20	N/A	N/A
MP <i>Accessory</i>	30	10	10	10	45	40 (a)	N/A	N/A

Note (a): Outside storage areas shall be confined to the rear yard and shall not exceed 40% of the total site area. The following are not included in the calculation of outside storage area site coverage; landscape areas, parking and loading areas, access driveways and locations set aside for internal site vehicle routes and manoeuvring; accessory storage areas contained in a fully enclosed building accessory to the principal building on the site;

8.5. INDUSTRIAL DEVELOPMENTS ADJACENT TO RESIDENTIAL USES

For Industrial uses that have interior side lot lines adjoining residential uses, the City may require development agreements to ensure compatibility with the residential uses. The development agreement may address, but is not limited to, such matters as:

- Landscaping
- Parking locations
- Fencing
- Outside storage
- Lighting
- Noise
- Dust

8.6. DEVELOPMENT STANDARDS

Development standards may be addressed through development agreements between the City and the developer. See 3.8. - *Development Standards*, and any development containing outside storage shall be in accordance with 3.10. *Exterior Storage*.

8.7 MP BUSINESS PARK SITE DEVELOPMENT STANDARDS

Notwithstanding any other requirements provided elsewhere in this By-law, the following regulations shall apply to development within the “MP” Business Park Zone:

8.7.1. Accessory Uses, Buildings, or Structures

In addition to the clauses under PART 3, Section 3.2., the following buildings, structures, and uses are deemed to be accessory in the “MP” Business Park Zone:

- a) The production, processing, cleaning, servicing, altering, testing, repair or storage of goods or a building or structure so used, normally incidental to and conducted by the same owner as the principal use;
- b) A retail or commercial use which is incidental to a permitted or approved Business Park use;
- c) Accessory off-street parking and loading spaces as required and regulated in this By-law; and
- d) Signs, as regulated in this By-law.

8.7.2. Projections into Required Yards

- a) Notwithstanding Part 3, Section 3.25. of this By-law, no sign, display or other advertising device, shall be located in the required “MP” Zone yard that abuts a lot in a Residential Zone or a lot with a residential use.
- b) Notwithstanding the required front, side, and rear yard requirements in Table 17, building elements, landscaping, site elements and other features listed below may project into the required front, side, and rear yards of properties within the “MP” Zone set out in Table 17:
 - i. Architectural features including chimneys, steps, eaves and decks less than 2 feet from the ground;
 - ii. Landscape features including trees, fences, walls, and lighting
 - iii. The restrictions in subsection (b) herein for front yard setbacks for the display of new automobiles, trucks, recreation vehicles for sale by dealerships are subject to subsection 8.7.7. vi.
- c) Notwithstanding the maximum height limits established in the Table 17, the following building elements, site elements and other features may extend beyond the maximum height limit as follows:
 - i. Chimneys and flues;
 - ii. Elevator and stair bulkheads up to a maximum of 20 feet above the supporting roof;
 - iii. Flagpoles up to a maximum of 13 feet,
 - iv. Aerials, parabolic dish antennae and other communication equipment up to a maximum of 4 feet above the highest point of the roof of the principal building,
 - v. Spires up to a maximum of 13 feet; and
 - vi. Parapet walls no more than 5 feet high.

8.7.3. Signs

In addition to the provisions of Part 3, Section 3.27. of this By-law, the following shall apply in the “MP” Zone:

- a) One ground-mounted free standing, single or double faced pylon sign to a maximum height of 24 feet may be permitted, where each face of the sign not

exceeding 150 square feet in area and set back a minimum of 5 feet from the front property line.

- b) Two ground mounted directional signs may be permitted that provide information, not exceeding a maximum height of 10 feet indicating loading, visitor parking or similar. Directional signs shall not exceed 8 square feet and set back a minimum of 5 feet from a property line.
- c) A building-mounted sign shall not extend above the eaves or cornice at that part of the wall of the building or structure to which the sign is affixed.
- d) Signs that are backlighted or illuminated by LED lights are acceptable, electronic signs with changing images and reader boards are subject to conditional use approval. Signs that are flashing or blinking lights will not be approved.
- e) Advertising Signs meaning signs identifying the business name shall be in accordance with the following specifications:
 - i. Non-illuminated signs shall not exceed 100 square feet;
 - ii. Illuminated signs shall not exceed 150 square feet; and
 - iii. Freestanding pylon signs shall not exceed 150 square feet per side.
- f) Other than the above no other advertising signs, billboards, or other advertising material of any kind shall be placed on any part of the land, or on any building or structure, or on any fence or tree on the land within the MP Zone without conditional use approval.

8.7.4. Multiple Buildings and Uses

- a) More than 1 principal building may be located on 1 parcel provided that the yard requirements for each building are fulfilled without overlap with other yards.
- b) Where there is more than 1 principal building per parcel as a Planned Unit Development, the yard requirements will be subject to conditional approval of said Planned Unit Development including approval of a site plan illustrating parking, loading and landscaping within the site.
- c) A multiple-unit building containing multiple uses shall be considered one building for the purposes of establishing yard requirements.

8.7.5. Site Development Standards

- a) Each application for a building permit within the “MP” Zone is to include a site plan, which will be approved by the City with respect to the City’s site design guidelines that may be registered on Title. Site plans are to illustrate the location of all buildings, access, parking, loading, storage areas and landscape areas including:
 - i. Planting plans identifying nature of plantings including type, size and number of plants;
 - ii. Location and dimensions of buildings, outside storage compounds, parking and loading areas;
 - iii. Lot grading and drainage plan;

- iv. The garbage collection area, located at the rear of the building illustrating how visually screened from adjoining lane or street; and
 - v. Front and side building façade treatments including materials, height and width dimensions.
- b) All buildings or structures, or part thereof, erected or placed thereon shall not be used in any manner which causes it to be a nuisance to the occupants or owners of any neighbouring land or buildings by way of the following:
- i. Emission of odours, gases, dust, smoke, noise, fumes, cinders, soot, waste radiation, vibration; or
 - ii. Are at odds with any municipal, regional, provincial, or federal legislation controlling pollution.

8.7.6. Loading and Parking Requirements

The location of loading and parking as follows:

- a) Access and loading lanes in the “MP” Zone utilizing the side yard must not encroach on the interior or corner side yard setback.
- b) Parking of customer and employee vehicles within a front yard parking lot will be permitted in the MP Zone, however if the parking area provides for 40 or more vehicle spaces, interior parking lot landscape buffers are required to provide aesthetic relief.
- c) Parking lot standards requires surfacing of parking areas with asphalt or comparable paved surface to minimize the creation of dust by vehicle traffic and landscape treatment of parking lot edges and buffer area surfaces to ensure there is no weed growth or visible bare dirt, except as may be temporarily the case during periods of construction or landscaping.
- d) The minimum dimensions for off-street accessory parking areas shall be in accordance with Table 17A.
- e) Accessory off-street loading spaces shall be provided as follows:
 - i. No off-street loading space is required for buildings having gross floor area of less than 3,000 square feet;
 - ii. Commercial, warehouse, manufacturing and industrial uses which are up to 4,000 square feet shall provide 1 loading space. If larger than 4,000 square feet, one additional loading space is required for each 5,000 square feet of additional gross floor area or part thereof;
 - iii. Institutional and public uses, health services, public utilities, and office buildings which are up to 5,000 square feet shall provide 1 loading space. If larger than 5,000 square feet, one additional loading space is required for each 10,000 square feet of additional gross floor area or part thereof;
 - iv. Each off-street loading space shall be a minimum of 400 square feet in area and shall be not less than 12 feet in width nor have less than 12 feet overhead clearance. In no case shall the length of the loading space be such that a vehicle in the process of loading or unloading shall project into any street, lane or public thoroughfare;
 - v. Each off-street loading space shall have access to a public street or lane; and
 - vi. Off-street parking spaces shall not be deemed as off-street loading spaces

Table 17A Parking Area Dimensions: Minimum Requirements

Angle of Parking (degrees)	Width of Stall (feet)	Width of Aisle (feet)	Depth Perpendicular to Aisle (feet)
30	9	12.5	15.0
45	9	12.5	18.0
60	9	12.5	19.7
90	9	12.5	20.0

8.7.7. Storage and Display

The following standards apply in the "MP" Zone:

- a) When accessory outside storage of goods and materials is required:
 - i. Accessory outside storage of materials, shall be located in the rear yard of the principal building and not in any front yard,
 - ii. The accessory outside storage of unassembled parts or equipment, partially finished or finished products, equipment, parts or other materials shall not be kept, stored or left on the lands, unless the located in the rear yard and screened by a light proof fence or stored in a fully enclosed structure.
 - iii. The storage of materials (excluding vehicles, equipment and similar products) in the outside storage area shall not project above the height of the fence;
 - iv. The total area of outside operations is not to exceed 40% of the total site area.
 - v. Each site shall maintain a central refuse storage area. The storage area shall be at the same level as adjacent parking areas and driveways and shall be screened with growing trees, hedges, fences, walls, or combination thereof.
 - vi. The display of new vehicles or equipment for sale and or lease may occur in the front yard provided the display area is landscaped and is located at least 15 feet from the road right of way.

Front yards and side yards facing a public street shall include landscaped green space over the width of the yard excepting there out any private approach access driveway connection to the adjacent street. A landscaped space shall be required and be at least 15 feet in width as measured from the property line adjoining the street.

9. PARKS, RECREATION AND OPEN SPACE AND INSTITUTIONAL ZONES

9.1. INTENT AND PURPOSE

The Parks Recreation and Open Space Zones are intended to provide sufficient land for parks and recreational uses and to protect environmentally sensitive lands from development in keeping with the provisions of the Development Plan.

9.2. ZONES

9.2.1. “PR” Parks and Recreation

Recreational Zones are primarily designed to accommodate commercial or public recreation areas such as water slide parks, arenas, curling rinks, or golf courses.

9.2.2. “OS” Open Space

The primary intent of the “OS” Open Space zone is to ensure that areas having inherent hazards due to subsidence or flooding are not developed for building purposes. Natural areas or extensive recreational uses will be the dominant permitted use of such areas.

9.2.3. “I” Institutional

The Institutional Zone is primarily designed to accommodate the most prominent institutional uses being the Selkirk Mental Health Centre and Selkirk District Hospital. Other institutional land uses such as religious, educational, social and cultural developments are mostly contained within residential areas.

9.3. USE REGULATIONS

No land shall be used or occupied and no structure shall be erected, altered, used or occupied, except for the uses listed in Table 18.

Table 18
Parks and Recreation, Open Space and Institutional Use Table

P = Permitted C = Conditional

P/C = see table 1

- = Not Permitted

Use	PR	OS	I	Parking Group See Table 4
<u>A</u>				
Accessory uses, buildings or structures (<i>as per Table 1</i>)	P/C	P/C	P/C	N/A
Agricultural General	-	P	C	N/A
<u>C</u>				
Campground	C	P	-	N/A
<u>D</u>				
Docks – boats or fishing	P	P	-	N/A
<u>E</u>				
Education facilities	P	-	P	3

<u>F</u>				
Funeral chapel, parlour	-	-	P	2
<u>H</u>				
Halls – Public or Private	P	P	P	6
Health services	-	-	P	11
Heritage & archaeological buildings & sites	P	C	P	N/A
Hospitals or similar treatment centres	-	-	P	4
<u>M</u>				
Marina - including gas sales	C	C	-	N/A
Museums	P	C	P	5
<u>N</u>				
Nature and wildlife reserves	P	P	-	N/A
<u>P</u>				
Public:				
- facility (B/L 5037)	C	C	C	5,8,9
- utility (no outside storage)	P	P	P	8,9
- utility (with outside storage)	C	C	C	8,9
- parking area	P	P	P	N/A
<u>R</u>				
Recreation - Public	P	C	C	6,10,11
Recreation - Commercial	P	C	-	6,10,11
Religious facility	C	-	P	2
Residential:				
- day care centre, group day care home	C	-	P	4
- multiple - family	-	-	P	4
Restaurants				
- concessions	P	P	P	N/A
- eat-in	P	P	P	6
- drive through	P	P	P	6
<u>T</u>				
Temporary Uses (see 3.29.)	P	C	P	N/A
Any other Open Space use not listed in this table	C	C	C	See table 4

For buildings and structures located in flood prone areas refer to Section 3.11.

9.4. BULK REGULATIONS

All lots, buildings or structures in the Parks and Recreation, Open Space and Institutional zones must comply with the yard requirements as outlined in Table 19

Table 19

Parks and Recreation, Open Space and Institutional Bulk Table

Zone & Building Type	Site Width Ft.	Front Yard Ft.	Side Yd Interior Ft.	Side Yd Corner Ft.	Rear Yard Ft.	Height (Max.) Ft.	Max. Site Coverage (%)	Site Area Ft. ²
PR								
<i>Main</i>	N/A	30	10	15	10	30	40	N/A
<i>Temporary</i>	N/A	30	10	15	10	30	N/A	N/A
<i>Accessory</i>	N/A	30	10	15	10	30	20	N/A
OS								
<i>Main</i>	N/A	30	10	15	10	30	20	N/A
<i>Temporary</i>	N/A	30	10	15	10	30	20	N/A
<i>Accessory</i>	N/A	30	10	15	10	30	20	N/A
I								
<i>Main</i>	100	30	15	20	25	45	60	10,000
<i>Accessory</i>	N/A	30	10	15	10	20	20	N/A

10. OVERLAY ZONES

10.1. INTENT AND PURPOSE

In order to permit flexibility in the use and design of structures and land, and to allow for specific development standards that may encompass more than one use zone, special Overlay Zones may be permitted that will permit the implementation of area wide development standards. Unless otherwise noted, standards that apply to the Overlay Zones are above, and in addition to, the requirements of the underlying land use zone.

10.2. ZONES

10.2.1. D/W Downtown Waterfront

This special overlay zone has been established in recognition of the unique location and heritage characteristics of the Selkirk waterfront area. All uses and exterior design and alterations must conform to standards developed by the Planning Advisory Committee in co-operation with Council.

10.3. APPLICATION PROCEDURE

10.3.1 Development Permits

As per Section 3.7.

10.3.2. Review Process

- 10.3.2.1 **The Downtown Waterfront Development Corporation is the designated Planning Advisory Committee for the “D/W” Downtown Waterfront Zone.**
- 10.3.2.2 All applications for development except those that are restricted to interior remodelling must be reviewed by the Planning Advisory Committee
- 10.3.2.3 The Planning Advisory Committee may request the applicant or the applicant’s agent to make a presentation at a meeting of the committee. The Advisory Committee may invite participation of adjoining affected land and building owners and may also request the attendance of qualified professionals to provide professional opinions and recommendations.
- 10.3.2.4 Within 14 days of the receipt of the completed application, or such other time period as may be proposed in writing by the Planning Advisory Committee, the Advisory Committee will provide a written report to the Development Officer outlining the applicant’s compliance with the policy requirements of the Overlay Zone.
- 10.3.2.5 Upon receipt of the Advisory Committee report, Council shall conduct a Conditional Use Hearing in accordance with *the Planning Act*.

10.4. PERMITTED USES

- 10.4.1 A broad range of commercial, residential, institutional, recreation and open space uses will be allowed in the “D/W” Overlay zone, subject to design requirements. The suitability of each use will be evaluated by the Advisory Committee during the review process.

10.5. SECTOR PLAN

In order to implement the intent of the Downtown Waterfront Overlay Zone, the Planning Advisory Committee, in cooperation with Council will prepare a sector plan. The sector plan is the business plan. In preparing the sector plan the following planning principles will be incorporated.

10.5.1 Heritage character, including buildings on Manitoba Avenue and Eveline Street, the Selkirk Marine Museum and the Selkirk Wharf are essential elements of the Downtown Waterfront and must be considered in all development applications.

10.5.2 New buildings, in order to achieve harmonious relationships with the heritage character must consider such matters as, but not limited to, building height, massing and scale on site and in context with adjoining buildings and uses, yard setbacks, roof lines and profile and river port architectural character and expression.

10.5.3 New building and site development to strengthen the heritage character of the area, wherever feasible, by incorporating improvements to building facades and associated site spaces (including parking, streets and sidewalks, lighting, colour, texture and materials,) to complement the heritage character of the area.

10.5.4 New building and site development to implement a greening strategy for the downtown waterfront, such strategy to include measures providing for landscaping, buffering for parking, waste storage uses and ornamental lighting.

10.5.5 Pedestrian movement will be promoted through the integration of walkways, and bike paths.

10.5.6 Areas subject to flooding should be left in their undeveloped state, whenever possible.

10.6 DOWNTOWN SIGN STANDARDS (BL 5329)

In addition to the clauses under Part 2, Section 27 of this By-law, the following regulations shall apply to signs within the Downtown Waterfront Overlay:

10.6.1 Sign Design

- a) Signs be designed to fit the scale of the building and be pedestrian orientated;

- b) Signs be incorporated into the design of the building where possible and not to obscure the building's primary architectural features;
- c) Signs shall not be made to block out window space;
- d) Signs are permitted to project into the sidewalk realm when attached to a building subject to entering into an encroachment agreement with the City of Selkirk, if such sidewalk is owned or under the jurisdiction of the City; and
- e) Signs are not permitted to use excessive lighting and encouraged to use indirect lighting methods to reduce light pollution on adjacent land uses.

10.6.2 Sign Exclusions

- a) Permanent free standing signs shall not be permitted on Manitoba Avenue East.
- b) Suburban type signs designed for the travelling public, advertising, billboards, digital reader boards and electronic message centre signs will not be permitted.

10.6.3 Free Standing Signs

- a) Permanent free standing signs are to have a stone base or be constructed of heavy timber framing and be supported by strong landscaping features. These signs should complement the character of the building, the scale of the area and the pedestrian environment.

11. DEFINITIONS

11.0. Contents

11.1. Rules of Construction

11.2. Definitions

11.1. Rules of Construction

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

- 11.1.1.1 Words, phrases and terms defined herein shall be given the defined meaning.
- 11.1.1.2 Words, phrases and terms not defined herein but defined in the Act and the Building By-laws of the City of Selkirk shall be construed as defined in such Act and By-laws.
- 11.1.1.3 Words, phrases and terms neither defined herein nor in the Building, Electrical or Plumbing By-laws of the City of Selkirk shall be given their usual and customary meaning except where, in the opinion of Council, the context clearly indicates a different meaning.
- 11.1.1.4 The phrase "used for" includes "arranged for", "designed for", or "occupied for".
- 11.1.1.5 Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and", "or" or "either-or", the conjunction shall be interpreted as follows:
 - "and" indicates that all the connected items, conditions, provisions or events shall apply in any combination.
 - "or" indicates that the connected items, conditions, provisions or events may apply singly, or in combination.
 - "either-or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- 11.1.1.6 The word "includes" shall not limit a term to the specified examples, but is intended to extend the meaning of all instances or circumstances of like, kind or character.

11.2. Definitions

A

Accessory Use, Building or Structure

Means a use, building or structure which:

- is subordinate to the principal building;
- is subordinate in area, extent, or purpose to the principal building, structure or use;
- contributes to the comfort, convenience or necessity of occupants of the principal building, structure or use; and
- is located on the same zoning site as the principal building, structure or use.

Act

Means *the Planning Act*, being Chapter P80 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.

Agricultural Commercial

Means the use of land, structures or buildings for the purpose of buying, selling or processing, storage and supply of commodities and services that support agricultural operations.

Agricultural, General

Means use of land and associated buildings for agricultural purposes including:

- crop production;
- apiculture;
- floriculture;
- horticulture;
- tree farming; and
- necessary accessory uses for packing, storing or treating the produce provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

Agricultural Industrial

Means use of land, structures or buildings for the manufacture, servicing and dismantling of farm equipment, storage or sale of farm chemicals.

Agricultural, Livestock

Means the keeping of animals for use, propagation or intended for profit and includes:

- dairy and beef cattle;
- swine, goats, sheep and horses;
- hens, chicken, turkeys, turkey broilers, geese and ducks; and
- foxes, mink and rabbits.

Alter - building or structure

When used in reference to a building or structure or part thereof, to change any one or more of the external dimensions of such building or structure or to make any change in the supporting members or to the type of construction of the exterior walls or roof thereof or the moving of a building or structure from one location to another.

Alter - lot

When used in reference to a lot to change the lot area, lot frontage or lot depth thereof; to change the width, depth or area of any required yard, landscaped open space or parking area; or to change the location of any boundary of such lot with respect to a street or a lane, whether such alteration is made by conveyance or alienation of any portion of such lot or otherwise.

Alter - use

When used in reference to a use, to discontinue and replace a use with a use which is defined herein as being distinct from the discontinued use.

Amusement enterprise

Means a place where 3 or more coin or token operated machines, devices, contrivances or games are provided for public amusement, but does not include:

- any machine that provides exclusively musical entertainment, rides, food or drink;
- premises licensed to serve alcohol under the appropriate statute;
- premises of a non-profit organization, association, institution or club which is operated for social, recreational, educational, religious or fraternal purposes;
- Billiard Parlour or Pool Hall.

Animal shelter

Means a lot and/or building or part thereof used for the care of lost, abandoned or neglected animals.

Animal waste unit

Means the number of animals excreting 160 lb. of nitrogen in a 12-month period as set out in this By-law.

Arbour

Means a structure of lattice work which may be covered by vines or shrubs.

Arena

Means a facility for sport activities and includes ice surfaces for sporting activities.

Attached to Principal Building

Means a structure which is considered to be a part of the principal building and is subject to all regulations applicable to the principal building, where it is attached to the principal building by any of the following:

- roof;
- floor, except a slab on grade;
- open or enclosed structure above grade;
- foundation which is above grade; or
- any structure below grade which allows access between buildings such as a parking garage or corridor / passageway connecting the buildings.

Auction Mart

Means a site, or space where there are goods offered for sale to the highest bidder, whether outdoors or in a wholly enclosed building.

Auditorium

Means a building or structure where facilities are provided for athletic, civic, education, political, religious or social events.

Autobody Shop

Means a building or premise used primarily for the commercial repair of automobile bodies, major and minor collision damage, frame and panel straightening, repainting and refinishing, glass repair and similar activity.

Automobile

- compact automobile (small)
an automobile 15.75 ft. or less in length and less than 6ft. in width.
- full size
an automobile greater than 15.75 ft. in length and greater than 6 ft. in width.

Automobile, recreational vehicle and equipment repair facility

Means a facility for the general repair, rebuilding or reconditioning of engines, motor vehicles, recreational vehicles, boats or trailers, including autobody shops and the sale of related accessories and parts. (B/L 5037)

Automobile, recreational vehicles sales

Means the retail sales, rental or leasing of new or used vehicles, motorcycles, recreational vehicles, water crafts, trailers, together with the incidental maintenance services and sale of parts and accessories,

Automobile service station

Means a building or portion thereof and land used for the sale of fuel, oil and accessories for motor vehicles, automobile detailing, including car washes and for the servicing and repair of motor vehicles.

Automobile storage compound

Means an open space either used or required for the standing of motor vehicles held for sale or rental.

Automobile Washing Establishment

see *Automobile service station*.

Automobile Wrecking Facilities

see *Wrecking Facilities Equipment and Automobile*

Awning

Means a movable shelter supported entirely from the exterior wall of a building and of a type which can be retracted, folded or collapsed against the face of a supporting building.

B

Banquet hall

Means a building or part thereof used for the purpose of entertaining a large group of people where food and liquor are generally provided.

Basement

Means a storey of a building in which the floor level above is located not more than 6.5 ft. above grade. A crawl space shall be considered a basement where:

- it exceeds 70 in. in height;
- it is used for any occupancy including storage;
- it is used as a plenum in combustible construction;
- it is used for the passage of flue pipes;
- a crawl space shall be considered a basement, as defined in the Manitoba Building Code

Batching plant

Means an industrial facility used for the production of bulk processed materials, used in building or construction and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production of finished products manufactured on the premises and the storage and maintenance of required equipment.

Bed and Breakfast

Means any residential dwelling in which not more than 4 rooms are rented to paying guests on an overnight basis.

Billiard Parlour / Pool Hall

Any establishment containing a playing area for pool or billiard tables for the use of patrons thereof. This does not include the premises of an organization, association, institution or club which is maintained for social, recreational, educational, religious or fraternal use by its members, provided that the said establishment is not operated for profit.

Board

Means the Selkirk and District Planning Area Board as established in accordance *with the Planning Act*.

Boarding house

Means a dwelling in which the proprietor supplies for a fee, sleeping accommodation with board for 3 to 10 persons excluding the proprietor, members of the proprietor's family and servants of the establishment, but does not include a hostel.

Building

Includes any well, pipe line, excavation, cut, fill, transmission line or other erection or structure, or any part thereof, and also includes any addition to or extension of a building and any chattel that is attached to any structure or land or that is installed therein or thereon.

- Accessory
See accessory use, building or structure
- Main or Principal
building in which is conducted the principal uses of the lot on which it is situated. In any residential zone, a dwelling containing one or more dwelling units shall be deemed to be a main or principal building on the lot which it is situated.
- Temporary
building intended for removal or demolition within a prescribed time, as set out in a building permit.

Building Area

Means the maximum projected horizontal area of a building above grade measured to the centre of a party walls and to the outside of other walls including air wells, and all other spaces within the building, but excluding open air porches, verandas, steps, cornices, chimneys, fire escapes, exterior stairways, breezeways, accessory buildings, ramps and open loading platforms.

Building face

Means any exterior wall of a building exposed to public view.

Building height

Means vertical distance measured from the finished grade and the exterior surface of a flat roof, the deck line of a mansard roof or the mean height between the bottom of the eaves and the highest point of the roof surface for any other type of roof. The Development Officer shall determine the height of an irregularly shaped roof.

Building separation

Means the least horizontal distance permitted between the nearest portions of any building envelope on a lot.

Business, professional office or administrative office

Means a building or part thereof in which 1 or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment and may include the administrative offices of a non-profit or charitable organization.

CCampground

Means an area of land containing camp sites managed as a unit providing short term or over night camping experiences from tenting to serviced trailer sites and including accessory facilities which support the use, such as administration offices, laundry facilities, but not including the use of mobile homes or trailers on a permanent year-round basis.

Cantilever Projection

Means any portion of the building structure, decorative or otherwise, attached to an exterior wall extending beyond the foundation such as unenclosed balconies, bay, box or bow windows, eaves, gutters, cornices, parapets, pilasters, fireplaces and the like.

Car Brokerage

Means an accessory commercial use licenced by Manitoba Transportation & Government Services, relating to the retail purchase and sale of used motorized vehicles from a residential dwelling unit. This definition does not include automobile service and repair, and/or vehicle rentals or leasing. (B/L 5037)

Care home

Means a dwelling used for the boarding or other residential accommodation plus care or treatment of not more than (6) six persons and in which care or treatment is not provided to any persons not resident in the care home and that complies with the Provincial Government's licensing requirements for Care homes. (See also neighbourhood care home, neighbourhood rehabilitation home, family day care home, group day care home and private home day care)

Carport

Means a permanent roofed structure which is attached to the principal building, and not completely enclosed, to be used for the parking of privately owned automobiles.

Club

Means an association of persons, whether incorporated or not, united by some common interest, meeting periodically for co-operation or conviviality. Club shall also mean, where the context requires, premises owned or occupied by members of such association within which the activities of the clubs are conducted.

Compatible

Means a building or structure, activity or use that blends with, conforms to, or is harmonious with the surrounding ecological, physical, visual or cultural environment.

Conditional use

Means the use of land or building that, owing to some special characteristics attendant to its operation or installation, such as odour, noise, smoke, dust, or traffic generation, may be permitted in any particular zoning district subject to approval by the Council and may be subject to design or operational requirement different from the usual zone requirements.

Conservation Area

Means the use of land which is intended to remain open in character, with the priority use given to the preservation of its natural state or special environmental quality and may include non-commercial recreational uses only if conservation of the resource is not jeopardized.

Contractor's Establishment

Means a premises where a construction contractor operates a business and where related equipment and materials may be stored, including: wood construction, cabinet making, carpentry, house builders, mobile home and "ready to move" house construction, package home or garage construction, kitchen or bathroom renovating, general contracting, heating contractors, air-conditioning and refrigeration contractors, insulating contractors, landscaping, painting contractors, plumbers, sheet metal contractors, roofers, drillers and well contractors, septic tank installation, foundation contractors, excavators, stucco contractors, siding contractors, brick laying, fencing contractors, ventilating contractors, window and door installation, road, bridge, concrete and stucco contractors and other like uses.

Conversion

Means a change in use of land or a building or an act done in relation to land or a building that results, or is likely to result, in a change in the use of such land or building without involving major structural alterations.

Council

Means the Council of the City of Selkirk.

Crematorium

Means a building fitted with the proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto.

D

Day care centre

Means premises, other than a group day care home, where day care, either alone or in combination with parental care, is offered at any time:

- To more than eight (8) children; or
- To more than five (5) children all of whom are less than six (6) years of age; or
- To more than three (3) children all of whom are less than two (2) years of age.
(See also neighbourhood care home, neighbourhood rehabilitation home, family day care home, group day care home and private home day care, care home)

Deck

Means a structure abutting a dwelling unit with no roof or walls except for visual partitions and railings which is constructed.

Development Officer

Means officers appointed by the Board in accordance with the provisions of *the Act*.

Development Permit

Means a permit issued under a zoning By-law, authorizing development and may include a building permit.

Development Plan

Means all or part of a plan, policy or program with attached texts, maps or illustrations, that affects a defined area of land approved under the Planning Act and adopted by By-law of the Selkirk and District Planning Area Board.

Dispatch services

Means services provided for the dispatching of courier, delivery, cleaning, taxi or similar services.

District

Means the Selkirk & District Planning Area Board.

Drive-in establishment / Drive through 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.

Dwelling

Means a building or portion thereof designed for residential occupancy but shall not include a travel trailer, a motor home or a mobile home as defined herein.

- single-family
a detached building designed for and used by one (1) family.
- two-family
a detached building designed for and used by two (2) families, each having exclusive occupancy of a dwelling unit.
- multiple-family
a building containing three (3) or more dwelling units, each unit designed for and used by one (1) family.
- multiple-family townhouse / row house
means a multi-family dwelling that contains three (3) or more dwelling units located side by side that are separated by common party walls extending from foundation to roof, where no dwelling unit is located entirely or partially above another dwelling unit.

E

Educational facility

Means a place of instruction, whether private or public, offering courses, training or instruction, and includes administration offices required for the provision of such services. Includes private or public schools, community colleges, technical and vocational schools and adult educational training centres.

Existing

Means a use, building or structure existing on the effective date of this By-law.

Extension

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

F

Fair and Exhibition grounds

Means the use of land, or building, or structure where the temporary exhibition of music, art, goods, wares, vehicles, and the like are displayed and made available for sale and shall include a midway and a place of amusement.

Family

Means one or more persons voluntarily associated, plus any dependents, living together as an independent, self – governing single – housekeeping unit.

Family Day Care Home

Means premises in which either day care alone, or in combination with parental care, is provided at any time, to not more than eight (8) children of whom not more than five (5) are less than six (6) years of age and not more than three (3) are less than two (2) years of age; and which is the home of the person providing or offering the day care. (See also neighbourhood care home, neighbourhood rehabilitation home, group day care home and private home day care, care home, day care centre)

Farm Activities, general

Means use of land and associated buildings for agricultural purposes including:

- crop production;
- apiculture;
- floriculture;
- horticulture:
- tree farming; and
- necessary accessory uses for packing, storing or treating the produce provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

Farm Activities, Livestock

Means the keeping of animals for use, propagation or intended for profit and includes:

- dairy and beef cattle;
- swine, goats, sheep and horses;
- hens, chicken, turkeys, turkey broilers, geese and ducks; and
- foxes, mink and rabbits.

Farmers Market

Means the use of land, buildings, structures or part thereof, for the retail sale of Manitoba grown or produced agricultural products by multiple vendors, including, but not limited to, fruit, vegetables, dairy products, meat, seafood, plants, and prepared food products. As a secondary component, farmers markets may also include the sale of local art and crafts.
(B/L 5291)

Farm Vacation

Means where opportunity is provided to experience farm life. Farm vacations may provide day tours or extended visits. Accommodations may include rooms within the main residence.

Flood Prone Lands

Means flood prone lands are those lands which are subject to flooding at the 100 year flood level as specified by the Water Resources Branch, with exceptions as listed below.

- Where levels exceed the 100 year flood level, the record flood level shall apply.
- Where lands are adjacent to the Red River, the 160 year flood level or 1997 Red River flood levels as per zoning map in Appendix A, whichever is the higher, shall apply.
- Where land is protected by flood control works, the flood level specified by the Water Resources Branch shall apply.

Flood Protection Level

Means land and buildings that are protected against flooding by raising the building site to the flood protection level. Flood protection levels shall be as listed below:

- 100 year flood level plus (2 ft.); or
- 160 year flood level or 1997 Red River flood levels plus (2 ft.); or
- as specified by the Water Resources Branch.

Floor Area - Gross
Means the total habitable area on one storey within a building which area is measured between the exterior faces of the exterior walls or from the centre line of a common or party wall, but excluding any private garage, breezeway, porch, veranda, balcony, sun room attic, or basement.

Where floor area is the unit for determining the required number of accessory off-street parking spaces, said unit shall mean the gross floor area, not including any area used for parking within the principal building and shall not include any area used for incidental service storage, installations of mechanical equipment, penthouse housing ventilators and heating systems, and similar uses.

Floor Area, Net

Means the *gross floor area* of the building, structure or part thereof measured from the glazing line or interior wall lines whether above, below or at grade, excluding attics, stairwells, elevators, balconies, boiler rooms, electrical vaults, mechanical floors, penthouses or rooms, unfinished vertical service shafts, 75% of non-rental common corridors and toilets.

Floor Area, Net Ratio

Means the numerical value of the gross floor area of the building or structure located upon a lot or building site, excluding:

- basement areas used exclusively for storage or service to the building
- parking areas below grade
- floor areas devoted exclusively to mechanical or electrical equipment servicing the development, divided by the area of the site.

Food Processing & Manufacturing facility

Means a facility, other than a restaurant or refreshment room in which food products are processed, stored or distributed. Includes, dairies, beverages, including wine and spirits, bakeries, fruit processing and meat processing. Does not include an abattoir or any premise used for the slaughtering of animals.

Frontage Street

Means all that portion of a zoning site or parcel abutting on a public street which provides principal access to, or visibility for the premises.

G

Garage, private

Means an accessory building, attached or detached, 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 also include the incidental storage of other personal property.

Grade

Means the average level of finished grade calculated at the perimeter of a site, or for structures the average level at the base of the exterior walls, or as determined by the development officer.

Garden Centre

Means the use of lands, buildings or structures or parts thereof for the purpose of buying or selling ornamental plants, lawn and garden equipment, furnishings and supplies.

Gross Floor Area – see Floor Area, grossGreenhouse, Private

Means a building for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors and are for personal use and are not offered for sale.

Greenhouse, Commercial

Means a building for the growing of flowers, plants, shrubs, trees and similar vegetation for sale to the public.

Group Day Care Home

Means premises in which either day care alone, or in combination with parental care, is provided at any time, to more than eight (8) children but not more than twelve (12) children, of whom not more than three (3) are less than two (2) years of age and which is the home of the person providing or offering the day care. (See also neighbourhood care home, neighbourhood rehabilitation home, family day care home, private home day care, care home, day care centre)

H

Habitable Space

Means a place, site or space in a dwelling which could be used for human occupancy.

Hazard Prone Land

when used in this By-law means land where actual effects of hazards have occurred, and without limiting the generality of the word, hazard includes but is not limited to the following:

- flooding of watercourses or waterbodies except local ponding;
- erosion or cutting of land due to action of water in an adjacent watercourse or waterbody;
- river bank instability or slumping;
- landslides including mud slides;
- subsidence; and
- local ponding due to improper surface drainage.

Health services

Means a building or part thereof primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of a physician, dentist, or other health practitioners, medical and dental laboratories, out patient care facilities and miscellaneous types of medical supplies and services.

Home occupation

Means an accessory use which:

- is carried on in a dwelling unit;
- 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;
- is incidental to or secondary to the use of the dwelling unit or mobile home;
- has no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the principal or accessory building except as provided for herein;
- does not become offensive, or obnoxious or create a public nuisance;
- does not cause the generation of undue traffic and congestion in the neighbourhood; and

- articles sold or offered for sale are limited to those produced therein or articles that are produced elsewhere but are pre-packaged and held only on a temporary basis for distribution to customers outside the dwelling unit or mobile home.

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.

K

Kennel

Means any premises as per Use tables on which three (3) or more domestic pets 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, animal pound or be used for the keeping of exotic animals such as lions, bears, etc.

L

Landscaping Centre

Means land, buildings or structures for the purpose of growing and selling vegetables, plants and flowers and may include the selling of materials associated with landscaping.

Light Industrial Use

Means a facility for the processing, assembling or manufacturing of component parts or finished products but does not include any operation involving stamping presses, furnaces, production of volatile chemicals or the emission of any air, water or noise pollution that creates a nuisance outside of the building. Also may include manufacture of textiles and textile products. Such uses shall not generate any outside activity other than loading and parking areas.

Livestock

Means the keeping of animals for use, propagation or intended for profit and includes, any poultry, cattle, hogs, horses, mink, rabbits, sheep, goats or any other animal as per animal unit summary table in this by-law.

Loading Space

Means an off-street space or berth located on the same lot as a permitted use and used for the parking of a commercial vehicle loading or unloading merchandise or materials pertinent to such permitted use.

Lodge

Means an establishment catering to the vacationing public by providing meals and sleeping accommodation with at least 5 guest rooms or cabins, but shall not include any establishment otherwise defined or classified herein.

M

Manufacturing

Means the use of land, buildings or structures for the purpose of manufacturing, assembly, and/or processing, making, preparing, inspecting, finishing, treating, altering, warehousing or storing for sale of any goods, substance, article or service.

Marinas

Means an area or structure used specifically in connection with the docking, storage, servicing and rental of boats and motors.

Mobile home

Means a transportable, single - or multiple - section single family dwelling conforming to the CAN/CSA-Z240 MH Series at the time of manufacture. (*B/L 5037*)

Mobile Home Park

Means a parcel of land under either single ownership or multiple ownership, which has been planned and improved for the placement of mobile homes for non-transient uses. Also includes related communal facilities, such as laundry, meeting facility, office, convenience store and recreation facilities.

Motel

Means a group of attached or detached buildings or part thereof, wherein sleeping accommodation is provided for transient lodgers. Permitted accessory uses include but are not limited to restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

N

Neighbourhood care home

Means a building or portion thereof used for the boarding or other residential accommodation plus care or treatment of more than (6) six persons but not more than twelve (12) persons and in which care or treatment is not provided to any persons not resident in the care home and that complies with the Provincial Government's licensing requirements for Neighbourhood Care Homes. (See also neighbourhood rehabilitation home, family day care home, group day care home, private home day care, care home, day care centre)

Neighbourhood Commercial

Means a store that serves the needs of the adjacent neighbourhood and includes the following type of stores: convenience store, personal service establishment and health service.

Neighbourhood Rehabilitation Home

Means a building or portion thereof used for the boarding or other residential accommodation plus penal or other mandatory supervision or treatment of not more than twelve (12) persons in which supervision or treatment is not provided to any persons not resident in the rehabilitation home and that complies with the Provincial Government's licensing requirements for Neighbourhood Rehabilitation Homes. (See also neighbourhood care home, family day care home, group day care home, private home day care, care home, day care centre)

Non-conformity

Means, one, or a combination of one, or more, of the following:

- parcel of land;
- a building or structure;
- a use of a building or structure; or
- a use of land,

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

Non-conforming building or structure

Means any lawful building or structure which does not comply with one (1) or more of the applicable bulk regulations on the effective date of this By-law, or amendments thereto.

Non-conforming parcel

Means any lawful parcel of land which does not comply with the site area, site width or site depth requirements of the zone in which it is located on the effective date of this By-law, or amendments thereto, and was on record in the Land Titles Office and in separate ownership prior to the effective date of this By-law, or amendments thereto.

Non-conforming use

Means any lawful use of a building or structure or of a parcel of land, or portion thereof, which does not conform to any one or more of the applicable use regulations of the zone in which it is located on the effective date of this By-law, or amendments thereto.

Nursing homes

Means any premises in which persons are cared for and lodged, where in addition to sleeping accommodation and meals, personal care, nursing services or medical care and treatment are provided or made available.

O

Ornamental Structures

Means roofless functional and ornamental structures including, but not limited to, drop awnings, cloths poles, ornamental fountains, statues, monuments, picnic tables, benches, cenotaphs, flag poles, memorials, planters, garden trellises, fences, boundary and retaining walls, hedgerows and legal signs.

Overlay Zones

A set of zoning requirements that is described in the by-law text, is mapped and is imposed in addition to those of the underlying zoning district. Developments within the overlay zone must conform to the requirements of both the district and the overlay zone or the more restrictive of the two.

P

Parks and outdoor recreation areas

Means an area consisting largely of open space, which may include a recreational area, playground, play field or similar use, but shall not include a mobile home park, a campground or trailer park.

Parking area

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

Parking Garage

Means an accessory building or structure, or any portion of a principal building or structure, containing communal parking spaces used for the parking or temporary storage of motor vehicles and which may include facilities for repairing or servicing such vehicles where such are permitted or conditional in this by-law.

Parking space

Means a space on a parking area, public parking area or zoning site for the temporary parking or storage of a vehicle.

Patio

see *deck*

Personal service establishment

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.

Planned unit development

Means a land development project planned as an entity in accordance with an overall site plan which permits flexibility in the setting of buildings, mixture of housing types and/or land uses, usable open spaces and the preservation of significant natural features.

Pool Hall / Billiard Parlour

Any establishment containing a playing area for pool or billiard tables for the use of patrons thereof. This does not include the premises of an organization, association, institution or club which is maintained for social, recreational, educational, religious or fraternal use by its members, provided that the said establishment is not operated for profit.

Porch or Verandah

Means enclosed or partially enclosed steps or entrance having a roof attached to the main walls of a building.

Private Home Day Care

Means premises in which either day care alone, or in combination with parental care, is provided at any time, to not more than four (4) children including the children of the person providing the day care and children of other persons and of whom not more than two (2) children are less than two (2) years of age; and which is the home of the person providing or offering the day care. (See also neighbourhood care home, neighbourhood rehabilitation home, family day care home, group day care home, care home, day care centre)

Produce sales – limited

Means sales limited to goods produced by market gardeners in nurseries or in greenhouses.

Professional Offices and support services

Means a facility primarily used for the provision of professional, management, administrative, consulting and financial services. Typical uses include:

- Accountants
- Engineers
- Insurance
- Lawyers
- Real Estate
- Financial Institutions

Projection

Means any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, including roof overhangs, mansards, unenclosed exterior balconies, marquees, bay windows, immovable awning, canopies, pilasters, facias, and the like, but not including signs.

Public facility

Means a facility owned by the City, or the appropriate public authority or their agencies, including but not limited to:

- Library, Museum, Arts and Leisure Centre;
- Municipal Office;
- School;
- Police Office;
- Fire Station;
- Public Works Yard; or
- Parking lot.

Public utility

Any system, works, plant, equipment or service which furnishes services or facilities at approved rates to or for the use of residents of the City including but not limited to:

- Communication, by way of telephone, telegraph, wireless or television services or facilities;
- Public transportation, by bus or other vehicle;
- Production, transmission, delivery or furnishing of water, gas or electricity to the public at large; or
- Collection of sewage, garbage or other waste; or
- Public Works yard.

Public works

see Public utility

R

Recycling depot

See Waste disposal ground.

Recreation - Commercial

Privately owned recreation buildings or facilities such as, but not restricted to, a golf course, driving range, waterslide park, go cart track, amusement park, tent and trailer park, race track and may include associated gift shops and eating and drinking facilities.

Recreation -Public

Publicly owned recreation buildings or facilities such as arenas, camp grounds, curling rinks, fair and exhibition grounds, museums, swimming pools, tennis courts, playgrounds, tot lots, public walkways and sports fields. Also includes associated gift shops and food and beverage facilities.

Religious facility

Place for worship and related activities, includes churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.

Restaurant

Mean a building used for the purpose of serving food and/or refreshments including a licensed establishment, and may include take-out food facilities as an accessory use.

Retail business

Means an established use or part use of an enclosed building or piece of land from which goods, wares or merchandise are sold directly to the public.

SSchool

Means a school under the jurisdiction of a Board as defined in The Education Act, a college, university or any other education establishment including, but not necessarily restricted to, a nursery school or a boarding school having accessory dormitory facilities.

Separation distances

Means the open space around dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation and privacy.

Service shop - establishment

Means an enclosed building or part thereof, whether conducted in conjunction with retail shopping, or not, for the repair, sale and servicing of articles or materials as opposed to the manufacturing of the same.

Setback

Means the shortest horizontal distance measured at right angles from the centre line of the travelled street abutting the specified yard, to the nearest part of any building, or structure on an abutting lot.

Site

Means a zoning site as defined herein unless the context indicates otherwise. An area of land consisting of 1 or more abutting lots.

Site area

Means the computed area contained within the site lines.

Site Corner

Means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

Site Coverage

Site coverage shall be the percentage of the lot area covered by the ground floor area of all buildings located thereon. For the purpose of lot coverage calculations, building shall mean any structure consisting of a wall, roof and floor or any one of them, or a structural system serving the same purpose.

Site Depth

Means the horizontal distance between the centre points in the front and rear site lines.

Site Frontage

Means all that portion of a zoning site fronting on a street and measured between side site lines.

Site Interior

Means a site other than a corner site or a through site.

Site lines

Means the boundary of a lot or site, including:

- **Front, site line**
that boundary of a site which is along an existing or designated street. For a corner site, a line separating the narrowest street frontage of the site from the street.
- **Rear, site line**
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 10 ft. in length within the site, parallel to and at the maximum distance from the front site line.
- **Side, site line**
any boundary of a site which is not a front or rear site line.
- **Site, Irregular**
Means an irregular shaped site which cannot have its site lines defined by the foregoing definitions, the front, rear and side site lines shall be determined by the Development Officer.
- **Site, Through**
Means a site having a pair of opposite site lines along two (2) more-or-less parallel streets. On a through site having vehicular access across both frontages, both street lines shall be deemed front site lines.
- **Site, Width**
Means the horizontal distance between the side site lines of a lot, measured at right angles to the site depth at a point midway between the front and rear site lines, or at 15.24 m (50.00 ft.) from the front site line, and the lesser of these distances is the site width.
- **Site, Zoning**
Means a parcel of land with frontage on a street (excluding a lane) and of such sufficient size to provide the minimum requirements for use, area, yards and other open space as are required within this By-law.

Storage Container

Means a prefabricated unit not requiring any construction or assembly placed on a property for the purpose of permanent or long-term storage and includes, but is not limited to, rail cars and semi-trailer and similar type containers. (B/L 5291)

Street

Means any public highway, lane, park, square, subway, bridge, wharf, or any other improved thoroughfare or way or part thereof, of sufficient width to accommodate the passage of emergency vehicles. (B/L 5037)

Structural Alteration

Means the construction or reconstruction of supporting elements of a building or other structure.

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, signs, billboards, poster panels, light standards and similar items.

Subdivision

Means the division of a parcel by an instrument including a plan of subdivision, conveyance, deed or mortgage.

T

Tandem parking

Means two parking spaces, one behind the other, with a common or shared point of access to the manoeuvring aisle.

Temporary additional dwelling

Means a temporary single detached dwelling containing bathroom and kitchen facilities that may be accessory to an existing single detached dwelling and that is designed to be portable.

Transfer station

See waste disposal ground.

Truck terminal

Means the use of land buildings or structures for the purpose of storing, servicing, repairing or loading trucks, transportation trailers and / or buses but does not include automobile service stations.

V

Variation Order

Means the altering of any of the requirements found in this zoning by-law in accordance with *the Planning Act*.

Vestibule

Means a passage hall between the outer door and the interior of a building.

Veterinary clinic

Means a building or part thereof with or without related structure wherein animals of all kinds are treated or kept for treatment by a registered veterinarian.

WWaste disposal ground

A place where garbage, refuse, sewage, domestic or industrial waste is dumped destroyed, sorted or stored in accordance with legislation and regulations as designated by the Province of Manitoba.

Warehouse

Means a building or part thereof which is used primarily for the housing, storage, adapting for sale, packaging or distribution of goods, wares, merchandise, foodstuff, substances, articles or things, and includes the premises of a warehouse watchperson, but does not include a fuel depot.

Wrecking facilities, automobile, equipment

Means an area of land deemed as a Class 2 development as per section 11 of the Environment Act which is used for the storage and processing of wrecked automobiles, industrial or farm equipment.

YYard

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 extending along a site line to a depth or width (measured from the site line) specified in the yard requirement for the zone in which such zoning site is located.

Yard Front

Means a yard extending across the full width of a lot between the front lot line and the nearest main wall of a building or structure.

Yard Rear

Means a yard extending along the full length of the rear site line between the side site lines.

Yard Side

Means a yard extending along the side site line from the front yard to the rear yard.

ZZone

Means a designated area of land use shown on Appendix A hereto.

Zoning Compliance Certificate

Means a certificate that may be issued by Council upon application of any person having an interest therein, of any land, building or structure, or the use or intensity of use of land or a building or structure that was lawfully in existence at the date of the enactment of this zoning by-

law, that states that it may continue to exist although it does not conform to the zoning by-law in accordance with *the Planning Act*.

12. REPEAL AND EFFECTIVE DATE

12.1.1. By – Law 4560, being a By – law adopting the City of Selkirk Zoning By – law, and all By – laws adopted from time to time amending said By – law are hereby repealed.

12.2.1. This By – law is hereby adopted and shall come into full force, on, from and after the date on which it receives third reading by the Council of the City of Selkirk

DONE AND PASSED in Council assembled this 25th day of July A.D. 2001


Mayor


Chief Administrative Officer

Read a first time this 11th day of December A.D. 2000

Read a second time this 25th day of July A.D. 2001

Read a third time this 25th day of July A.D. 2001

APPENDIX "A": CONSOLIDATED ZONING MAP

