



CITY OF DAUPHIN

ZONING BYLAW 10/2025

BEING A BYLAW OF THE CITY OF DAUPHIN
TO REGULATE THE USE AND DEVELOPMENT OF LAND

August 2025

CITY OF DAUPHIN

BYLAW 10/2025

A bylaw of the City of Dauphin to regulate the use and development of land.

WHEREAS Section 68 of *The Planning Act* requires a municipality to adopt a zoning bylaw that is generally consistent with the development plan bylaw in effect in the municipality;

AND WHEREAS under Part 4, Division 1 of *The Planning Act*, the municipality has, by bylaw, adopted the City of Dauphin Development Plan;

NOW, THEREFORE, the Council of the City of Dauphin, in meeting duly assembled, enacts as follows:

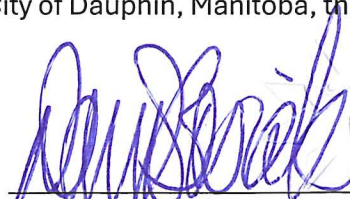
The Zoning Bylaw 10/2025 attached is hereby adopted.

The Bylaw shall be known as the City of Dauphin Zoning Bylaw.

Bylaw 04/2015, as amended, is repealed.

This Bylaw shall come into force on August 12, 2025.

DONE AND PASSED in Council duly assembled at City of Dauphin, Manitoba, this 11th day of August 2025.



David Bosiak, Mayor

Sharla Griffiths, City Manager

READ A FIRST TIME this 14th day of July 2025.

READ A SECOND TIME this 11th day of August 2025.

READ A THIRD TIME this 11th day of August 2025.

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HOW TO USE THIS ZONING BYLAW

This Zoning Bylaw regulates the use, size, height, and location of buildings on properties within the City of Dauphin. There is a simple four-step process to determine the uses and structures that are permitted on a specific piece of property.

STEP 1: WHAT ZONE IS YOUR PROPERTY LOCATED IN?

- Use the Zoning Map in Appendix A to determine the zoning for your property.
- Reference Part 2.0 for a description of the intent of that particular Zone.

STEP 2: WHAT USES ARE PERMITTED IN YOUR ZONE?

- Find the column with the Zone of your property in the Use Table to determine use regulations.
- Uses marked with the letter “P” are Permitted Uses and may be developed once you have received a Development Permit.
- Uses marked with the letter “C” are Conditional Uses that may or may not be acceptable in a Zone depending on the particular circumstances of a proposed development. Conditional Uses require a public hearing process and may have extra conditions imposed on the use to make it acceptable for the location.
- Uses marked with a Use Specific Standard reference have additional requirements that are provided in Part 3.0.

STEP 3: HOW AND WHERE CAN YOU DEVELOP A PROPERTY IN YOUR ZONE?

- Find the column with the Zone of your property in Part 4.0 to determine development and design standards.
- The Dimensional Standards Tables in Part 4.0 provide information on allowable height of buildings and structures, required yard sizes, and other spatial requirements for a property.
- To understand the specific details of these requirements, you may need to reference the general regulations in Part 8.0 and the definitions in Part 10.0.

STEP 4: WHAT KIND OF PERMITS DO YOU NEED?

- In most cases, you will need a Development Permit before you start any change in land use or any development (including construction of a building) on a property.
- Check Section 9.10.2 to see if your planned development is exempt from needing a Development Permit. If so, you may proceed with development, as long as it meets the other requirements in this Zoning Bylaw and other applicable bylaws.
- If you need a Development Permit, visit the City of Dauphin website to access a Development Permit Application under Services/Building Permits.
- You are responsible for finding out any additional permits that are required for your development, including Building Permits, Plumbing Permits, Electrical Permits, and Demolition Permits.

PART 1: INTERPRETATION

PART 1.0. INTERPRETATION

SECTION 1.1. TITLE

This Bylaw may be cited as the “City of Dauphin Zoning Bylaw” (Bylaw).

SECTION 1.2. INTENT

1. This Bylaw controls and regulates the use and development of land in the City of Dauphin (the City), as illustrated on the Zoning Bylaw Maps in Appendix A, including but not limited to the following:
 - a) All buildings and structures erected hereafter.
 - b) All uses of buildings, structures, and land established hereafter.
 - c) All structural alterations or relocations of existing buildings and structures occurring hereafter.
 - d) All enlargements of or additions to existing buildings, structures, or uses.
 - e) The change of use of land, buildings, or structures.
2. All activity and development within the area to which this Bylaw applies must conform to the provisions of this Bylaw and must be consistent with the City of Dauphin Development Plan Bylaw and with any adopted Secondary Plans that cover the land in question.
3. This Bylaw does not apply to streets, public lanes, and public pathways within a Zone.
4. This Bylaw does not apply to the construction, maintenance, or operation of public works within a public utility right-of-way.

SECTION 1.3. RELATION TO OTHER BYLAWS

When this Bylaw and another City of Dauphin Bylaw contain conflicting or overlapping provisions, the most restrictive or highest standard is applicable.

SECTION 1.4. RULES OF CONSTRUCTION

The following rules of construction apply to the text of this Bylaw.

1. Words, phrases, and terms defined herein shall be given the defined meaning.
2. Words, phrases, and terms not defined herein but defined in *The Planning Act* and the Building or Plumbing Bylaws of the City of Dauphin shall be construed as defined in such Act and Bylaws.
3. Words, phrases, and terms neither defined herein nor in the Building or Plumbing Bylaws of the City of Dauphin shall be given their usual and customary meaning except where the context clearly indicates a different meaning.
4. 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:
 - a) "and" indicates that all the connected items, conditions, provisions, or events shall apply in any combination.

- b) "or" indicates that the connected items, conditions, provisions, or events may apply singly but not in combination.
- 5. The word "includes" shall not limit a term to the specified examples, but is intended to extend the meaning to all instances or circumstances of like kind or character.
- 6. Where any requirement of this Bylaw results in a fraction of a unit, a fraction of one-half or more is considered a whole unit and a fraction of less than one-half is disregarded.
- 7. The terms "shall" and "must" are mandatory and not permissive.
- 8. The word "may" is permissive and not mandatory.
- 9. Unless specified, words used in the singular include the plural and words used in the plural include the singular.
- 10. Words used in the present tense include the future tense and words used in the future tense include the present tense.
- 11. The phrase "used for" includes "arranged for", "designed for", "maintained for", or "occupied for".
- 12. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

SECTION 1.5. GENERAL INTERPRETATIONS

1.5.1 ILLUSTRATIONS

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

1.5.2 TABLES

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

1.5.3 ABBREVIATIONS

- 1. Each Zone created in Part 2.0 of this Bylaw may be abbreviated using the letter designations used in Section 2.1 and elsewhere throughout this Bylaw. The meanings of other abbreviations contained in maps, illustrations, and tables are found either in those maps, illustrations, and tables or in the text immediately preceding or following them.

SECTION 1.6. ZONING MAPS

- 1. The location and the boundaries of the Zones are shown upon Zoning Maps attached hereto, marked as Appendix A to this Bylaw. Said Zoning Maps form part of this Bylaw.
- 2. All notations, references, and other information shown thereon, together with any amendments made by amending Bylaws from time to time and shown thereon, together with any amendments to boundaries in the case of any street, lane, or public works right-of-way as

provided in Section 8.13, shall be as much a part of this Bylaw as if the matters and information set forth by the said Zoning Maps were fully described herein.

3. The Abbreviations noted on the Zoning Map mean the following:

- "Blk." means Block
- "Gov't Rd. All'ce." means Government Road Allowance
- "Pcl." means Parcel
- "Pt." means Part
- "Rge." means Range
- "Sec." means Section
- "Twp." means Township
- "WPM" or "W" means West of the Principal Meridian

SECTION 1.7. INTERPRETATION OF ZONE BOUNDARIES

1. The location and boundaries of the Zones established in Part 2.0 are shown on the Zoning Maps in Appendix A.

2. The following rules apply in the interpretation and application of the Zoning Maps, Appendix A:

- a) Colours, as noted in the map legend, represent the Zones. Where the Zone boundary is broken by the name of a street, it shall be construed that the boundary continues through the name of the street.
- b) Notwithstanding that streets, lanes, and public works rights-of-way may be within Zone boundaries, the regulations contained in this Bylaw shall not be deemed to be applicable to said streets, public lanes, public walks, and rights-of-way.
- c) Boundaries indicated as following the centre lines of streets, highways, public walks, or public lanes shall be construed to follow such lines.
- d) Boundaries indicated as following site lines on a registered plan shall be construed as following such site lines.
- e) Boundaries indicated as following a railway right-of-way or a public utility right-of-way are construed as following the centre line of the right-of-way unless clearly designated otherwise.
- f) Boundaries indicated as following the City Limits shall be construed as following the City Limits.
- g) If a street, public lane, public walk, or Government Road Allowance shown on the Zoning Map is lawfully closed subsequent to the adoption of this Bylaw, the land formerly comprising the street or lane shall be included within the Zone of the adjoining land, provided that if the said street or lane was a Zone boundary between two or more different Zones, the new Zone boundary shall be the former centreline of the closed street or lane.
- h) Where the application of the above rules does not determine the exact location of the limits of a Zone, the Council, either on its own motion or upon written application being made to it by any person requesting the determination of the exact location of the limits, shall fix the portion in doubt or dispute in a manner consistent with the provisions of this Bylaw and with the degree of detail as the circumstances may require.

PART 2: ZONES AND USES

PART 2.0. ZONES AND USES

SECTION 2.1. ZONES ESTABLISHED

1. The provisions of this Bylaw shall apply to all lands within the boundaries of the City of Dauphin, which lands, for the purpose of this Bylaw, are hereby divided into the following Zones shown in Table 2.1. The locations and boundaries of the Zones are shown on maps set out in Appendix A.

Table 2.1: Zones Established

ZONE		INTENT
RS	Residential Small Scale	Areas for a mix of residential development including single-unit dwellings, two-unit dwellings, secondary suites, and multi-unit developments such as townhouses, four-plexes, walk-up apartments, low-rise apartments, and mid-rise apartments. This Zone may also contain some small-scale commercial, institutional, recreational, and service facilities needed to support residential development.
RM	Residential Medium Scale	Areas for a mix of residential development on larger sized lots, including single-unit dwellings, two-unit dwellings, secondary suites and multi-unit developments. This Zone may also contain some small-scale commercial, institutional, recreational, and service facilities needed to support residential development.
MH	Residential Mobile Home	Areas for mobile and manufactured homes, mostly located in mobile home parks, and associated and compatible uses.
DT	Downtown	A vibrant pedestrian-oriented area with a mix of retail, services, offices, civic uses, community amenities, and higher-density residential developments.
NM	Neighbourhood Mixed-Use	Areas intended for a mix of street-oriented uses that are at a neighbourhood scale. This Zone allows for a wide range of uses including commercial activities, housing, employment, amenities, and services.
CM	Commercial Mixed Use	Areas adjacent to major transportation routes that are intended for mixed-use developments that require large sites or multiple buildings on one site. This Zone allows for a wide range of uses including commercial activities,

ZONE		INTENT
		housing, employment, amenities, and services.
MI	Industrial	Areas for a mix of developments that are supportive of industrial functions. Uses may include offices, wholesale and business service establishments, campus-style industrial or business parks, and limited retail/personal service storefronts.
IN	Institutional	Areas for a concentration of educational, institutional, health, or community services and facilities. Typical uses may include schools, colleges and universities, libraries, cultural facilities, hospitals, and large research facilities, as well as directly associated uses.
OR	Open Space / Recreation	Areas for public parks, recreational activities, and supportive services and amenities that benefit from locating adjacent to these amenities. This Zone also provides for the conservation of undeveloped scenic or hazard lands, lands buffering different types of land uses, and major utility rights-of-way that have an open space character.
DR	Development Reserve	Areas intended for future development not immediately required for settlement expansion and reserved in an unfragmented state to allow for future growth and to protect existing agricultural activities.

SECTION 2.2. CLASSIFICATION OF USES

Table 2.2: Use Classification

SYMBOL	DEFINITION
P Permitted Use	The use is permitted in the Zone.
C Conditional Use	The use is allowed only in the Zone if reviewed and approved as a Conditional Use.
	Unless otherwise provided in a Conditional Use Order, all approved Conditional Uses must: • Be operated in accordance with all plans and documents submitted as part of the application. • Comply with all other applicable provisions of this Bylaw.
Use Not Permitted	A blank cell indicates that the use is not permitted in the Zone.
	If a use is not specifically listed in the tables or deemed similar by the Development Officer, the use is not permitted.
USS Use Specific Standard	The section number refers to additional provisions within this Bylaw that impose additional standards with which the use must comply.
	An application to establish a Permitted or Conditional Use that does not meet the applicable use specific standards in Part 3.0 may only be approved through a Variance Order.
Parking	The number references the applicable parking category in Part 5.0.

SECTION 2.3. USES ESTABLISHED

1. The following Use Table identifies the land uses allowed within all base Zones. No new use or expansion of an existing use may be established, except in conformance with the following tables and with the applicable use specific standards referenced in the tables.
2. Uses are subject to all applicable regulations of this Bylaw, including the requirements of Part 3.0 and Part 4.0.
3. The list of uses in the Use Table is not exhaustive. Applicants may seek to locate new types of land uses and unanticipated forms of land uses in the City of Dauphin.
4. Land uses incompatible with the City of Dauphin Development Plan are generally prohibited, and shall not be deemed similar to a Permitted or Conditional Use pursuant to this Section. Prohibited uses include:
 - a) Dating and escort service
 - b) Massage parlour
 - c) Wrecking and salvage yard

2.3.1 INTERPRETATION BY THE DEVELOPMENT OFFICER

1. Any person may apply to the Development Officer for an interpretation as to whether a proposed use falls within any of the use categories or use types shown in Use Table and, if so, which one.
2. The Development Officer must provide the interpretation, taking into account the nature of the proposed use and its potential impacts, including but not limited to whether it involves dwelling units; sales; processing; type of product, storage and amount, and nature thereof; enclosed or open storage; anticipated employment; transportation requirements; hours of operation; excessive noise, odour, fumes, dust, toxic material, and vibration likely to be generated; and the general requirements for public utilities such as water and sanitary sewer.
3. The authority to provide an interpretation does not include the authority to add a new Permitted or Conditional Use to the Use Table.
4. The decision of the Development Officer with respect to interpretation under Section 2.3.1 is final.

2.3.2 USE TABLE

Table 2.3: Use Table

USE	RS	RM	MH	DT	NM	CM	MI	IN	OR	DR	U.S.S.	PARKING CLASS (Table 5.1)
Adult Business				C	C	C	P					10
Agricultural Cultivation										P		0
Agricultural Grazing and Feeding												-
Airport and Associated Facilities												19
Amusement Enterprise, Indoor				P	P	P	P	C	P			10
Amusement Enterprise, Outdoor	C	C	C	C	C	P	P		P	C		11
Animal Hospital or Veterinary Clinic				C	C	P	P					10
Apiary												-
Assisted Living Facility		P		C	C	C		P				3
Auction Room / Auction Yard				C		C	P					12
Auditorium / Concert Hall / Theatre / Cinema				P	P	P	P	P	P			11
Auto Parts and Supplies, Sales				C	C	P	P				3.2	10
Auto / Light Truck / Motorcycle / Recreational Vehicle Repair, Service, Sales, and Rental				C	C	P	P				3.2	10
Aviary												-
Bed & Breakfast	C	C	C	C	C						3.3	-
Boarding or Rooming House	P	P	P	P	P	C				C		5
Body Modification Establishment				P	P	P					3.4	10

USE	RS	RM	MH	DT	NM	CM	MI	IN	OR	DR	U.S.S.	PARKING CLASS (Table 5.1)
Bus Depot				C	C	P	P					10
Call Centre				C	C	P	P					10
Camping and Tenting Ground									C	C	3.5	19
Cannabis Cultivation Operation							P			C		10
Cannabis Processing Operation							P			C		10
Car Wash					C	P	P				3.8	16
Casino or Gaming Centre				C		P	P					11
Cemetery / Mausoleum / Columbarium										C		19
Child Care Centre		C	C	C	C	C	C	P	C			16
College or University				P	P	P		P				9
Community/Recreation Centre				P	P	P	P	P	P			11
Community Garden								P	P	P		19
Convention Centre				C		P	C	C				11
Cryptocurrency Processing Facility							C				3.7	10
Cultural Centre				P	P	P		P				12
Dental, Optical or Counselling Clinic				P	P	P	P	C				10
Dormitory		C				C	C					5
Dwelling, Single-Unit	P	P			C					C	3.9	1
Dwelling, Two-Unit	P	P			C						3.9	2
Dwelling, Multi-Unit (3&4 units)	C	P		P	P	P					3.9	3
Dwelling, Multi-Unit (more than 4)		P		P	P	P					3.9	3

USE	RS	RM	MH	DT	NM	CM	MI	IN	OR	DR	U.S.S.	PARKING CLASS (Table 5.1)
Farmers Market				P	P	P	P		P	P		10
Feed, Seed, Grain, and Vegetable Manufacturing and Processing						C	P			C		10
Feed, Seed, Grain, and Vegetable Sales, Storage and Distribution						P	P			C		10
Financial Services Facility				P	C	P	P				3.8	10
Fleet Service				C	C	P	P					16
Floriculture										P	3.11	0
Freight or Truck Yard						C	P					10
Fuel Sales / Service Station				C	P	P	P					16
Funeral Chapel, Mortuary or Crematorium				C	C	P	P					7
Gallery / Museum				P	P	P		P	C	C		10
Golf Course									P	C		14
Heavy Equipment Sales, Service, and Rental						P	P					10
Heavy Manufacturing						C	P					10
Helicopter Pad							C	P				10
Hospital								P				6
Hotel or Motel				P	C	P						15
Jail/Detention Centre							C	C				16
Kennel or Animal Pound						C	C				3.13	10
Landfill												-
Landscape or Garden Supplies			C	C	P	P	P					10

USE	RS	RM	MH	DT	NM	CM	MI	IN	OR	DR	U.S.S.	PARKING CLASS (Table 5.1)
Landscape / Garden Supply or Production						P	P			C		10
Laundry Services/Dry Cleaning				P	P	P	P					10
Library	C	C	C	P	P	P		P				10
Light Manufacturing				C	C	P	P			C		10
Medical Clinic				P	P	P		P				10
Micro Brewery, Distillery, or Winery				P	C	P	P			C		10
Mini Warehouse, Self-Storage					C	C	P					10
Mobile / Manufactured Home			P								3.15	1
Mobile / Manufactured Home Park			P								3.15	1
Mobile/Manufactured Homes and RTM Sales				C		P	P					10
Neighbourhood Rehabilitation Home	C	C		C	C	C		C				3
Non-Federally Regulated Wireless Communication, Building Mounted				P	P	P	P	P	P	P	4.2.3	19
Non-Federally Regulated Wireless Communication, Freestanding				P	P	P	P	P	P	P	4.2.3	19
Office				P	P	P	P	P				10
Outside Storage					C	C	P					19
Park / Plaza / Square / Playground	P	P	P	P	P	P	P	P	P	P		19
Parking, Structure				C	P	P	P	P				-
Parking, Surface				C	P	P	P	P	P			-
Pawnshop				P	P	P	P					10

USE	RS	RM	MH	DT	NM	CM	MI	IN	OR	DR	U.S.S.	PARKING CLASS (Table 5.1)
Personal Services (unless otherwise listed)				P	P	P	P					10
Pet Daycare				C	C	C	P					10
Place of Worship				C	C	C	P	P				7
Planned Unit Development	C	C	C	C	C	C	C	C	C	C	3.16	19
Private Club, Not Licensed				P	P	P	P	P				13
Protection / Emergency Service				P	P	P	P	P				10
Race Track									P	C		11
Recycling Collection Centre							P					16
Recycling Plant						C	P					16
Research Institution				P	C	P	P	P		C		10
Residential Care Facility	P	P			P			P				
Restaurant / Drinking Establishment				P	P	P	P		C			17
Retail Sales (unless otherwise listed)				P	P	P	P					10
School					C	C		P	C			8
Shopping Centre					P	P	P					10
Shuttle Service				P	P	P	P					13
Social Services Facility				C	C	C	C	C				10
Solar Collector										P	3.19	19
Solid Waste Incineration and Reduction							C					19
Sports or Entertainment Arena / Outdoor Stadium									P			11

USE	RS	RM	MH	DT	NM	CM	MI	IN	OR	DR	U.S.S.	PARKING CLASS (Table 5.1)
Stable, or Riding Academy										C		10
Stable, Private										C		0
Sports or Entertainment Arena / Indoor Stadium						C	C		P			11
Studio, Radio / TV / Cable / Motion Picture Broadcast & Production				P	P	P	P					16
Towing & Storage Facility						C	C				3.20	10
Travel Trailer Sales / Recreational Vehicle Sales				C	C	P	P					18
Utility Facility, Major						C	P		C	C		18
Utility Facility, Minor	P	P	P	P	P	P	P	P	P	P		10
Warehouse				C	C	C	P					19
Waste Transfer Station							C					10
Wholesaling				C	C	P	P					11
Wind Energy Generating System, Commercial						C	C		C	C	3.21	19
Wrecking and Salvage Yard												-
ACCESSORY USES												
Child Care, Home-Based	P	P	P	C	C	C					3.6	10
Dormitory								P				5
Drive Through / Drive-In				C	C	C	C				3.8	10
Dwelling, Accessory				C	C	C	C				3.10	1
Home-Based Business	P	P	P		P					C	3.12	-
Secondary Suite	P	P			P						3.17	1

USE	RS	RM	MH	DT	NM	CM	MI	IN	OR	DR	U.S.S.	PARKING CLASS (Table 5.1)
Shipping Container / Semi-Trailers Used for Storage				C	P	P	P	P	P	P	3.18 3.24.1	-
Solar Collector	P	P	P	P	P	P	P	P	P		3.19	19
Wind Energy Generating System, On-Site/Rooftop	C	C	C	C	C	C	C	C	C	C	3.22	19
TEMPORARY USES												
Temporary Construction Trailer or Building	P	P	P	P	P	P	P	P	P	P	3.24.1	-
Real Estate Sales Office and Model Sales Home	P	P									3.24.2	-
Seasonal Sales				C	P	P	P	P			3.24.3	-

PART 3: USE SPECIFIC STANDARDS

PART 3.0. USE SPECIFIC STANDARDS

SECTION 3.1. APPLICATION

1. Regardless of whether a use is allowed as a Permitted or a Conditional Use, and regardless of the Zone in which the use is located, the following standards for specific uses must be met, except as authorized by other sections of this Bylaw or by a Conditional Use or Variance Order.

SECTION 3.2. AUTO PARTS AND SUPPLIES, SALES

1. Installation of parts/supplies must be done within a completely enclosed building.

SECTION 3.3. BED AND BREAKFASTS

1. The operator must reside within the principal residence to which the Bed and Breakfast is an accessory use.
2. The maximum number of guest rooms is the number of bedrooms existing in the structure, minus one for occupancy by the owner/operator of the facility.
3. Guests may reside at the Bed and Breakfast for a maximum of two weeks.
4. No cooking facilities are permitted in guest rooms.
5. Bed and Breakfast facilities are not subject to the restriction that Home-Based Businesses occupy no more than 25% of the gross floor area of the principal building.
6. A minimum of two off-street parking spaces must be provided per three guest rooms.
7. Signs shall follow the regulations for Home-Based Businesses.

SECTION 3.4. BODY MODIFICATION ESTABLISHMENTS

1. Body Modification Establishments must comply with all required Provincial Health regulations.

SECTION 3.5. CAMPING AND TENTING GROUNDS

1. No person shall construct, operate, or maintain Camping and Tenting Grounds without approval from Council.
2. Scaled and dimensioned plans of the Camping and Tenting Grounds shall be submitted to Council showing:
 - a) The camping sites.
 - b) Internal roads and walkways.
 - c) Playground and park areas.
 - d) Vehicle parking areas.
 - e) Existing and proposed buildings and structures.
 - f) Drainage.

- g) Lighting.
 - h) Garbage and other storage.
 - i) Proposed electrical, sewer, and water services.
3. All Camping and Tenting Grounds shall provide:
- a) A common recreation area that:
 - i. Contains a minimum of 5% of the camping/tenting area or 223.0 m², whichever is greater.
 - ii. Is not part of the required buffer area.
 - b) A suitably designed and landscaped minimum 4.5 m wide buffer strip along any Camping or Tenting Grounds boundary.
 - c) An internal roadway system as follows:
 - i. An all-weather surface internal roadway to serve all camp sites and service areas.
 - ii. A minimum 5.5 m wide driving surface.
 - iii. A minimum 9.0 m total right-of-way width.
 - d) A minimum of one parking space for each camping site.
 - e) Storage of refuse and garbage in a sanitary manner at a location readily accessible to all camping sites, but not more than 150.0 m from any camping site.
 - f) Illumination of all roadways, walkways, and common service buildings to standards approved by the Development Officer.
 - g) Service buildings or structures for the common use of tenants or for the administration of the Camping and Tenting Grounds, including washrooms and outdoor cooking areas.
 - h) Clear markings of the boundaries of each camping site and identification of each site by a numbered sign.
 - i) Utility services and on-site liquid waste facilities in a suitable location for the use of tenants, in accordance with City Bylaws and provincial regulations.
4. The following regulations shall apply, as outlined in Table 3.1:

Table 3.1: Camping and Tenting Grounds Requirements

ITEM	REQUIREMENT
Maximum Density of Spaces	20 per ha
Minimum Area of each Space	297.0 m ²
Minimum Width of Each Site	12.2 m

5. Attached structures or buildings such as cabanas, decks, breezeways, summer kitchens, and similarly built structures shall not be permitted on camping sites.

SECTION 3.6. CHILD CARE, HOME-BASED

1. Must be licensed by the Province of Manitoba as a home-based child care provider.
2. Must be limited to 12 children (including the children of the licensed operator), of whom not more than three are infants.
3. Must be operated in accordance with all plans and documents approved as part of the application.
4. Must be operated by residents of the dwelling unit. If the operators are renters, then the owner of the dwelling must give permission to the renter to run the Home-Based Business.
5. Child care services for up to eight children must not have non-resident employees.
6. Child care services for more than eight children must provide one off-street parking space for each non-resident employee or joint owner.
7. Shall be limited to a Single-Unit or Two-Unit Dwelling.
8. Must provide an outdoor play space that shall be completely enclosed by a fence with a minimum height of 1.5 m and any gates in the fencing shall be self-closing with a lockable latch to prevent unauthorized exiting.
9. Must provide a pick-up/drop-off area, which may be a driveway, sufficient to ensure the safety of people when entering and leaving the premises.
10. Unlicensed Private Home Child Care shall follow all applicable Provincial requirements.

SECTION 3.7. CRYPTOCURRENCY PROCESSING FACILITIES

1. Council may require that the owner(s) enter into a development agreement and that they be required to replace the capacity used from the electrical power grid.

SECTION 3.8. DRIVE-THROUGHS / DRIVE-INS

1. For restaurants with a drive-up service window, a minimum of three stacking spaces before the order box, three stacking spaces between the order box and pick-up window, and one out-bound stacking space shall be provided.
2. Stacking spaces for inbound vehicles shall be provided on site and sufficient space shall be provided for turning and manoeuvring.

SECTION 3.9. DWELLINGS

1. Recreational vehicles, travel trailers, trucks, buses, shipping containers, coaches, or other moveable equipment used for an accommodation shall not be used in lieu of a dwelling.
2. In the **RS** zone, Multi-Unit Dwellings may be developed to a maximum of four units, subject to all dimensional standards and servicing capacity.
3. Two-Unit and Multi-Unit Dwellings are not permitted in the **RS** zone on the following streets:
 - a) Hawthorne Avenue West
 - b) Barker Street
 - c) Veterans Drive

4. In the **NM** zone, Single-Unit or Two-Unit Dwellings are Conditional Uses and can only be reconstructed as a Single-Unit or Two-Unit Dwelling in the event that the dwelling is damaged or destroyed and was occupied at the time of the damage, in accordance with any provisions in *The Planning Act*.
5. A site may be subdivided into two or more attached dwellings provided that:
 - a) Any new side site line shall, where possible, be a straight line between the front and rear site lines, located in such a manner that the party wall of two adjacent units shall form part of the new site line.
 - b) Each site created shall have frontage on a street other than a lane.
 - c) Each site created shall provide not less than one on-site parking space having access directly to either a public lane or street.
 - d) The Permitted Use for each site created shall be for one attached Single-Unit Dwelling only.
 - e) Each site shall comply with all applicable provisions of the City of Dauphin Building Bylaw.

SECTION 3.10. DWELLINGS, ACCESSORY

1. Dwellings are an accessory use above the first storey or in the rear portion of the main floor of a permitted principal commercial use, subject to all standards in this Section.
2. Dwellings for caretakers are an accessory use in conjunction with a permitted principal industrial use subject to the following conditions:
 - a) The dwelling unit must be occupied only by the owner/operator or site watchperson or caretaker for the principal business located on site.
 - b) The dwelling unit must be located within the primary building.
 - c) A minimum of one on-site parking space must be provided, in addition to the parking required for the principal business.
 - d) The maximum floor area shall not exceed 20% of the primary use floor space, up to a maximum of 55 m².
 - e) A building permit will be required for the development of a caretaker's residence and the development must conform to the Manitoba Building Code.
 - f) Only one caretaker's dwelling is allowed per lot.

SECTION 3.11. FLORICULTURE

- 1) Floriculture is permitted in the **DR** Zone when contained entirely within an enclosed building or structure.

SECTION 3.12. HOME-BASED BUSINESSES

1. A Home-Based Business is permitted as accessory use to any Single-Unit or Two-Unit Dwelling.
2. Any individual earning business income out of a residential dwelling shall obtain a Home-Based Business Licence.
3. The following Home-Based Businesses are prohibited in all Zones:
 - a) Adult entertainment
 - b) Dating and escort service
 - c) Tattoo and body modification
 - d) On-site painting, body repairs, or other repair of automobiles, trucks, boats, trailers, or other motorized vehicles
 - e) Vehicle towing operations
 - f) Dispatch centres for auto-oriented services
 - g) Any business engaged in the sale and rental of autos, light trucks, or motorcycles
 - h) Salvage and wrecking operations
4. In addition to all standards applicable in the Zone where the use is located, the following conditions apply to Home-Based Businesses:
 - i) All Home-Based Businesses must be operated in accordance with all plans and documents approved as part of the application.
 - j) The operators of the Home-Based Business must be residents of the dwelling unit.
 - k) A Home-Based Business must not have non-resident employees (not including a home-based childcare use).
 - l) More than one Home-Based Business per dwelling may be permitted, provided that all applicable regulations are satisfied.
 - m) An accessory structure may be used for conducting a Home-Based Business, provided that the structure complies with all other requirements of this Bylaw.
 - n) The cumulative size of all Home-Based Businesses within a dwelling unit and Accessory building must not exceed 25% of the total gross floor area of the dwelling unit and Accessory building, or 37.2 m², whichever is less.
 - o) Work or activity must be conducted entirely within the dwelling unit or Accessory building.
 - p) Home-Based Businesses may not store any items outside related to the business, including but not limited to materials and inventory, unless such items are stored in an enclosed Accessory building meeting the requirements of this Bylaw.
 - q) Home-Based Businesses are permitted to park on site one Class 5 vehicle associated with the business, and not more than one each, to a maximum of three pieces of equipment, from the following list:
 - i. Skid-steer loader

- ii. Compact excavator
- iii. Aerial work platform
- iv. Enclosed or flatbed trailer not exceeding 6.0 m in length
- v. Single or tandem axle truck with Gross Vehicle Weight Rating (GVWR) less than 24,000 kg.
- r) Subject to k), there must be no exterior indication of the existence of the Home-Based Business, and no indoor display of the business visible from the outside.
- s) A Home-Based Business may have one non-illuminated identification sign not exceeding 0.6 m² in area, provided the sign is attached to and parallel with a wall of the principal or accessory building or free standing.
- t) Retail sales on the premises must be limited to those articles produced therein or articles that are produced elsewhere but are prepackaged and held on a temporary basis for distribution to customers or incidental to the service provided by the Home-Based Business.
- u) A Home-Based Business may provide instructional classes for not more than four pupils at a time.
- v) All catering businesses shall be licensed under Manitoba Health.
- w) All massage therapy businesses shall be registered and in good standing with the Massage Therapy Association of Manitoba.
- x) Hairdressing, Stylist, Barber, or Esthetician businesses shall be in compliance with all required Provincial health regulations.
- y) Pet Daycares require Conditional Use approval.

SECTION 3.13. KENNELS, ANIMAL POUNDS, AND PET DAYCARES

1. Kennels, Animal Pounds, and Pet Daycares must meet requirements of the City of Dauphin Animal Services Bylaw.

SECTION 3.14. MOBILE FOOD VENDORS

1. Mobile Food Vendors must meet requirements of City of Dauphin Business Licence and Provincial health regulations.

SECTION 3.15. MOBILE / MANUFACTURED HOMES

1. A Mobile/Manufactured Home shall:
 - a) Meet the structural standards in *The Buildings and Mobile Homes Act*.
 - b) Be placed and anchored on a permanent foundation in accordance with the CSA Z240.10.1 Site Preparation, Foundation, and Anchorage for Manufactured Homes standard.
 - c) Have skirting that screens the view of the foundation supports or wheels, extending from bottom of siding to ground level.

- d) Be connected to municipal water and sewer services.
- e) Not exceed 10 years of age unless Council approval is granted.

3.15.2 MOBILE / MANUFACTURED HOME PARKS

1. In addition to the above, no Mobile/Manufactured Home Park shall be established or expanded without the approval of Council.
2. All applications must be accompanied with a detailed site plan, including:
 - a) Location of the site boundaries.
 - b) Foundations, pads, or mobile home sites.
 - c) Internal roads.
 - d) Sidewalks and active transportation paths.
 - e) Vehicle parking.
 - f) Buffers.
 - g) Storage areas.
 - h) Recreation areas.
 - i) Systems supplying electrical power, drainage, sewer, and water services.
3. All Mobile/Manufactured Home Parks shall provide:
 - a) A common recreation area that contains a minimum of 5% of the mobile home park area or 223.0 m², whichever is greater, which is not part of the required buffer area.
 - b) A suitably designed and landscaped minimum 4.5 m wide buffer strip along any Mobile/Manufactured Home site boundary.
 - c) An internal roadway system as follows:
 - i. An all-weather surface internal roadway to serve all Mobile/Manufactured Homes.
 - ii. A minimum 7.3 m wide driving surface.
 - iii. A minimum 12.2 m total right-of-way width.
 - d) Illumination to standards approved by the Development Officer.
 - e) A minimum of one parking space on each Mobile/Manufactured Home site.
 - f) A walkway, where provided, must have a minimum width of 1.5 m, and must be illuminated to standards approved by the Development Officer.
 - g) Clear marking of the boundaries of each Mobile/Manufactured Home site and identification of each site by a numbered sign.

4. Table 3.2 outlines the site and other requirements for accessory uses, buildings, and structures in the **MH** Zone.

Table 3.2: Mobile / Manufactured Home Park Requirements

ITEM	REQUIREMENT
Maximum Density	20 Mobile/Manufactured Homes per gross hectare
Minimum area of each Mobile/Manufactured Home site	372.0 m ²
Minimum width of each Mobile/Manufactured Home site	12.2 m
Minimum depth of each Mobile/Manufactured Home site	27.5 m
Minimum side-to-side clearance between Mobile/Manufactured Homes ⁽²⁾	4.5 m
Minimum end-to-end clearance between Mobile/Manufactured Homes	6.0 m
Minimum distance from Mobile/Manufactured Home to Roadway	3.0 m
Minimum distance from Mobile/Manufactured Home to Public street or Mobile/Manufactured Home Park boundary ⁽¹⁾	9.0 m
Dwelling unit Area, Minimum	29.7 m ²
Notes: (1) Porches, carports, additions, and projections are considered to be part of the Mobile/Manufactured Home (2) In the case of provincial trunk highways and provincial roads, greater setbacks may be required.	

SECTION 3.16. PLANNED UNIT DEVELOPMENTS

- Developments that propose a mixture of different land uses, or that do not conform to the requirements of this Bylaw, may be deemed by Council to be a Planned Unit Development and shall be subject to Section 3.16.
- Specific use regulations and dimensional standards of the Zones shall not directly apply. The design, however, shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards of amenity, open spaces, building separation, parking, and other requirements and provisions of this Bylaw.
- An application for the establishment of a Planned Unit Development shall be accompanied by the following information:
 - Those requirements for Conditional Use application and approval as outlined in Section 9.7.
 - Those requirements normally required for the issuance of a Development Permit as outlined in Section 9.10.
- A residential Planned Unit Development may contain one or more principal buildings.

3.16.2 BARE LAND UNITS

1. A “bare land unit” as defined in *The Condominium Act* shall be used for purposes of determining site area and width, yards, and other requirements.
2. The “common elements” as defined in *The Condominium Act*, which will be ordinarily used for the passage of vehicles or pedestrians, including roads, road allowances, streets, and lanes, but not including pedestrian walkways or off-street vehicle parking areas, shall be considered:
 - a) A “street” as defined herein where such thoroughfare is over 10 m in width.
 - b) A “lane” as defined herein where such thoroughfare is not over 10 m in width.
3. The provisions of the Use Table and Dimensional Standards Tables for the Zone in which the development is to be located and all other regulations and requirements of this Bylaw shall apply.

SECTION 3.17. SECONDARY SUITES

1. Not more than one attached or detached Secondary Suite shall be permitted on a single parcel.
2. The property containing a Secondary Suite shall contain a permanent habitable Single-Unit (detached) Dwelling.
3. The principal dwelling is to be occupied by the owner of the property.
4. The dimensional standards in this Section exclude the area covered by stairways.
5. A minimum of one off-street parking space must be provided for each Secondary Suite.
6. An exterior, private amenity space such as a deck or patio may be provided for the Secondary Suite.

3.17.1 ATTACHED SECONDARY SUITES

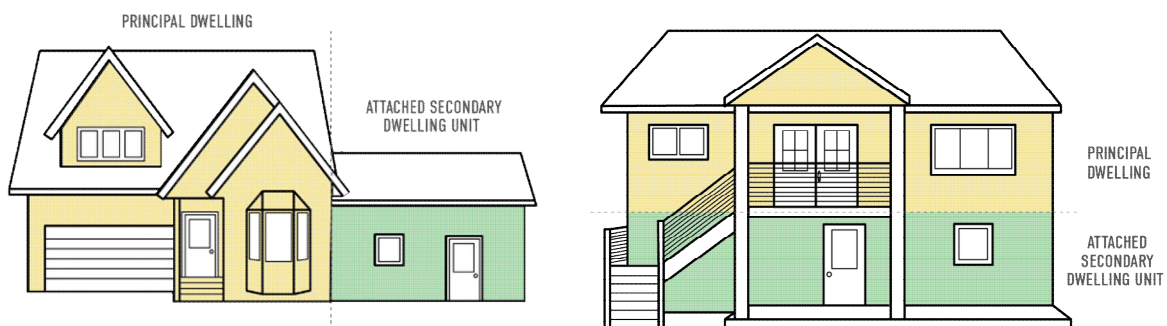


Figure 3.1. Examples of Attached Secondary Suites

1. The maximum liveable floor area shall not exceed 80% of the total habitable floor space of the principal dwelling or 80.0 m², whichever is the lesser.

3.17.2 DETACHED SECONDARY SUITES



Figure 3.2. Example of a Detached Secondary Suite

1. Detached Secondary suites include Garden Houses and Coach Houses.
2. The maximum liveable floor area shall be no greater than 80.0 m² and shall not exceed the maximum lot coverage for accessory structures as permitted within this Zoning Bylaw.
3. Secondary Suites located above or attached to a Detached Garage must have an entrance separate from the motor vehicle entrance, either from a common indoor landing or directly from the exterior of the structure.
4. Roof top decks and balconies shall be allowed as part of a Secondary Suite above a Detached Garage only where the deck or balcony faces a lane or a flanking public road.

SECTION 3.18. SHIPPING CONTAINERS & SEMI-TRAILERS USED FOR STORAGE

1. Shipping Containers and Semi-Trailers (e.g. Storage Containers/ISO Containers) are permitted in accordance with the requirements for accessory structures in that Zone, subject to fees as outlined in any applicable resolution or Bylaw.
2. A Shipping Container used for storage must meet the requirements for accessory buildings in the Zone in which it is located.
3. A Shipping Container may be used for temporary storage or emergency purposes (emergency shelter), provided it meets the requirements for temporary buildings and structures in this Bylaw.
4. A Shipping Container may be used for purposes other than those described above (e.g. commercial uses) if it meets the other requirements for that use in this Bylaw as well as the requirements necessary to receive a building permit.

SECTION 3.19. SOLAR COLLECTORS

1. Any Solar Collector not connected to a building shall adhere to the same setbacks and height restrictions for accessory buildings in the Zone in which the installation is situated.
2. A roof or wall-mounted Solar Collector shall not exceed, in size, the area of the principal structure.

SECTION 3.20. TOWING & STORAGE FACILITIES

1. Outdoor storage of towed or impounded vehicles shall be permitted in the Industrial Zone, as a conditional use, subject to screening by a solid fence not less than 2.0 m in height, surfacing of the storage area with gravel or pavement, and compliance with all municipal, provincial, and federal environmental regulations.

SECTION 3.21. WIND ENERGY GENERATING SYSTEM TOWERS (COMMERCIAL)

1. Shall be set back no less than 1.5 times the total turbine height from the property line and any public road or railway right-of-way.
2. Shall be set back no less than 30.5 m from a water body or waterway.
3. The minimum separation distance between a commercial wind energy generating system tower and the nearest habitable building shall be 500.0 m.
4. Shall contain no commercial advertising other than the manufacturer's or owner's name or logo.
5. Shall contain no artificial lighting other than the lighting that is required by federal and provincial regulation.
6. As part of their Development Permit application, proponents for a Wind Generation System must submit a detailed site plan showing the location of all wind generating devices, associated accessory buildings or structures, electrical lines (above or below ground), on-site roads, and driveways providing access to the public road system.

SECTION 3.22. WIND ENERGY GENERATING SYSTEM (ON-SITE / ROOFTOP)

1. Shall be set back at least 6.1 m from the front building line, or, in the case of corner lots, at least 4.5 m from the front and side lot line.
2. Shall be limited to a total turbine height of no more than 4.5 m above the rooftop.
3. Shall be safely and securely attached to the rooftop in compliance with any applicable federal and provincial Building Codes.

SECTION 3.23. ACCESSORY STRUCTURES

3.23.1 DETACHED GARAGE

1. A Detached Garage building must be located either 18.0 m from the front property line or 1.5 m behind the rear wall of the principal structure (or 0.6 m if the garage is accessed from the interior side yard).

3.23.2 GARAGE TENT

1. A Garage Tent shall have a maximum size of 26.76 m².
2. Only one Garage Tent will be permitted in a side or rear yard in the RS or RM zone, provided that the required setbacks are met for the yard.
3. All Garage Tent structures must meet the requirements under the City of Dauphin Property Standards Bylaw.

3.23.3 PRIVATE SWIMMING POOLS AND HOT TUBS

1. This Section applies to private and semi-private swimming pools, hot tubs, and similar structures when accessory to a dwelling.
2. Outdoor pools and hot tubs shall comply with yard requirements for accessory buildings, structures, and uses as set forth in the relevant Dimensional Standards Tables. In no case, however, shall an outdoor pool or hot tub be located closer than 1.5 m to any side or rear site line.
3. All outdoor pools and hot tubs shall be completely enclosed with a fence or other suitable barrier constructed or erected. Outdoor pools and hot tubs are not permitted to be located in the front yard.
4. Notwithstanding the provisions of Section 4.5, open decks and open stairways associated with outdoor pools or hot tubs may project onto any side or rear site line.
5. Semi-private pools, when not located on a Single-Unit Dwelling site nor used solely by the occupants of the dwelling or their guests, are subject to the regulations governing swimming pools under *The Public Health Act*.
6. Hot tubs shall have a rigid cover.
7. Nothing in this Section shall relieve any such structure from complying with spatial, structural, electrical, plumbing, health and safety, or operational requirements contained in regulations under any applicable Act or regulation.

SECTION 3.24. TEMPORARY USES

3.24.1 TEMPORARY CONSTRUCTION TRAILER OR BUILDING

1. Temporary Construction Trailers (including ISO Containers) or Buildings shall only be used for the following purposes:
 - a) Office space for the contractor, developer, or project supervisor.
 - b) Temporary accommodation for a caretaker, security guard, or construction worker.
 - c) Temporary accommodation for the owner during the construction of a dwelling unit on the same site for a maximum 12-month period.
 - d) Storage of construction materials and equipment.
 - e) Temporary placement of asphalt and concrete batch plant.
2. Temporary Construction Trailers or Buildings shall be located on a site in connection with construction or development provided that a Development Permit is issued and valid for the construction and development of the site.
3. Temporary Construction Trailers or Buildings must be removed from the premises within one month after completion of construction.

3.24.2 REAL ESTATE SALES OFFICE AND MODEL SALES HOME

1. All real estate sales offices and model sales homes must meet all dimensional standards and parking requirements set forth in Section 8.4 as applicable to principal structures in the Zone where the temporary structure is located.

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

3.24.3 SEASONAL SALES

1. Must not reduce the number of required off-street parking or loading spaces below the minimum required by this Bylaw.
2. Must not obstruct any vehicular circulation route into or through the property.

PART 4.0: DEVELOPMENT AND DESIGN STANDARDS

PART 4.0. DEVELOPMENT AND DESIGN STANDARDS

SECTION 4.1. APPLICATION

1. This Part of the Zoning Bylaw provides development and design standards applicable to all development in the City, unless the application of a development or design standard is specifically limited to certain types or categories of development.
2. Where specific design or development standards apply in different Zones, they apply to the Zone designated on the Zoning Maps in Appendix A of this Bylaw.

SECTION 4.2. DIMENSIONAL STANDARDS

1. The owner has a continuing obligation to maintain the minimum yards and other open spaces required in this Bylaw.
2. The minimum yards and other open spaces required by this Bylaw for one use may not serve to satisfy the requirements of this Bylaw for minimum yards and other open spaces for any other use.
3. Yards and other open space required for a use must be located on the same zoning site as the use.
4. The owner may exceed the minimum required by the Dimensional Standards Tables but may not exceed any maximum established by the Dimensional Standards Tables or any minimum or maximum imposed as a condition of any Zoning Amendment, Variance Order, or Conditional Use Order.

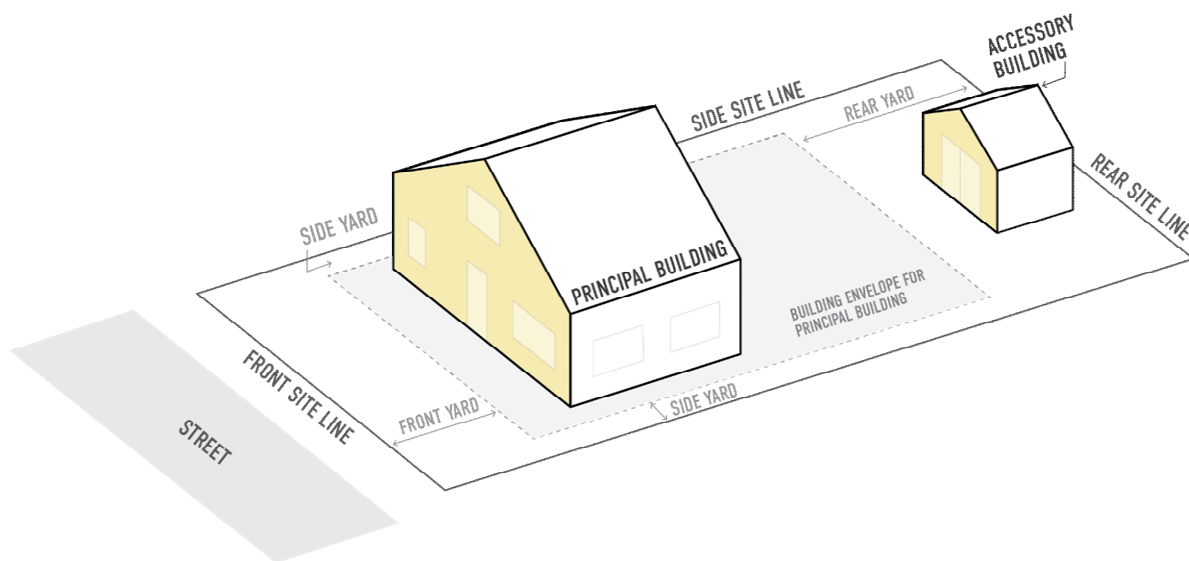


Figure 4.1. Yards and Site Lines

4.2.1 DIMENSIONAL STANDARDS TABLE NOTES

1. In the following tables, each row indicates a Zone, and each column indicates a dimensional requirement for development.
2. The principal building must comply with the dimensional standards in the following tables, another provision of this Bylaw, or a Variance Order.
3. The contents of each cell set out the dimensional requirements in metres in the case of length, and in square metres in the case of area, unless otherwise stated.
4. In the case of “maximum site coverage” the requirement is expressed as a percentage of the total area of the lot.
5. “N/A” means “not applicable”.
6. Notes within the Dimensional Standards Tables have legal effect and indicate special situations that affect the application of dimensional standards to specific Zones.
7. Development must comply with all dimensional standards applicable to the Zone where the property is located.
8. If the conversion between metric and imperial measurements pertaining to a Development Permit application is not exact as prescribed in this Bylaw, the Development Officer may apply metric or imperial measurement to the Development Permit application.

4.2.2 HEIGHT EXCEPTIONS

1. The maximum height requirements contained in the following tables of this Bylaw shall not apply to limit the height of:
 - a) Chimneys and flues
 - b) Elevators and bulkheads
 - c) Flagpoles, communication towers, aerials, or lines
 - d) Roof-mounted satellite dishes
 - e) Steeples and spires
 - f) Water storage tanks, electrical apparatus, or mechanical rooms, without habitable space, associated with the operation of a building or structure
 - g) Grain elevators and grain or other agricultural product handling structures

4.2.3 DIMENSIONAL STANDARDS TABLES

Table 4.1. Dimensional Standards

ZONE	USE	MIN. SITE AREA	MIN. SITE WIDTH	MIN. FRONT YARD	MIN. REAR YARD	MIN. INTERIOR SIDE YARD	MIN. CORNER SIDE YARD	MAX. SITE COVERAGE	MAX. BUILDING HEIGHT	MIN. DWELLING UNIT SIZE
RS	Dwellings, Single-Unit	300.0	10.0	7.5	7.5	1.5 ^(a)	1.5	40%	9.0	55.0
	Dwellings, Two-Unit	500.0	15.0	7.5	7.5	1.5 ^{(a)(c)}	1.5	50%	9.0	32.0
	Dwellings, Multi-Unit	835.0 ^(b)	23.0	7.5	7.5	1.5 ^{(a)(c)}	1.5	50%	18.0	32.0
	All other RS uses	740.0	18.0	7.5	7.5	1.5	1.5	40%	9.0	n/a
	Accessory Buildings & Structures ^(e)	n/a	n/a	n/a	1.5 ^{(k)(l)}	1.5	1.5	20%	4.5	n/a
	Secondary Suites (Detached) ^(f)	n/a	n/a	n/a	7.5	1.5 ^(g)	1.5	20%	5.0/8.0 ^(h)	29.7 ⁽ⁱ⁾
RM	Dwellings, Single-Unit	450.0	15.0	9.0	7.5	1.5 ^(a)	1.5	40%	9.0	55.0
	Dwellings, Two-Unit	600.0	19.5	9.0	7.5	1.5 ^{(a)(c)}	1.5	50%	9.0	32.0
	Dwellings, Multi-Unit	930.0 ^(b)	30.0	9.0	7.5	1.5 ^{(a)(c)}	1.5	60%	18.0	32.0
	All other RM uses	930.0	30.5	7.5	7.5	1.5	1.5	40%	9.0	n/a
	Accessory Buildings & Structures ^(e)	n/a	n/a	n/a	1.5 ^(k)	1.5	1.5	20%	4.5	n/a
	Secondary Suites (Detached) ^(f)	n/a	n/a	n/a	7.5	1.5 ^(g)	1.5	20%	5.0/8.0 ^(h)	29.7 ⁽ⁱ⁾
MH	Dwellings, Mobile/Manufactured	450.0	15.0	4.5	4.5	2.0	1.5	50%	4.5	29.7
	Mobile/Manufactured Home Parks ⁽ⁱ⁾	3,716.0	76.0	9.0	9.0	9.0	9.0	-	4.5	n/a
	Accessory Buildings & Structures ^(e)	n/a	n/a	n/a	1.5	1.5	1.5	20%	4.5	n/a
NM	Dwellings, Multi-Unit	600.0 ^(b)	15.0	0.0	6.0	0.0 ^{(c)(d)}	1.5	80%	18.0	55.0
	All other NM uses	250.0	7.5	0.0	6.0	0.0 ^(d)	0.0	95%	18.0	n/a
	Accessory Buildings & Structures ^(e)	n/a	n/a	n/a	1.5 ^(k)	0.0	1.5	20%	4.5	n/a
	Secondary Suites (Detached)	n/a	n/a	n/a	7.5	1.5 ^(f)	1.5	20%	5.0/8.0 ^(h)	29.7 ⁽ⁱ⁾
CM	All CM uses	600.0	15.0	0.0	6.0	0.0 ^(d)	1.5	80%	30.0	n/a
	Accessory Buildings & Structures ^(e)	n/a	n/a	n/a	3.0	0.0	1.5	20%	4.5	n/a

ZONE	USE	MIN. SITE AREA	MIN. SITE WIDTH	MIN. FRONT YARD	MIN. REAR YARD	MIN. INTERIOR SIDE YARD	MIN. CORNER SIDE YARD	MAX. SITE COVERAGE	MAX. BUILDING HEIGHT	MIN. DWELLING UNIT SIZE
MI	All MI uses	1860.0	30.0	7.5	7.5	1.5	1.5	80%	14.0	n/a
	Accessory Buildings & Structures ^(e)	n/a	n/a	7.5	3.0	3.0	1.5	20%	9.0	n/a
IN	All IN uses	1200.0	30.0	7.5	7.5	1.5	1.5	80%	14.0	n/a
	Accessory Buildings & Structures ^(e)	n/a	n/a	7.5	0.6	0.6	1.5	20%	6.0	n/a
OR	All OR uses	n/a	n/a	7.5	7.5	5.0	1.5	80%	10.5	n/a
	Accessory Buildings & Structures ^(e)	n/a	n/a	9.0	7.5	5.0	1.5	50%	14.0	n/a
DR	All DR uses	8.0 ha	180.0	15.0	7.5	5.0	1.5	50%	10.5	n/a
	Accessory Buildings & Structures ^(e)	n/a	n/a	15.0	7.5	4.5	1.5	10%	6.0	n/a
ALL	Parks, Plazas	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Planned Unit Developments	4000.0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Private Swimming Pools / Hot Tubs	n/a	n/a	n/a	1.5	1.5	1.5	n/a	n/a	n/a

Table Notes:

- (a) When no public lane is located at the rear of the dwelling and no garage is attached to the principal building, one side yard shall be a minimum of 3.5 m.
- (b) Plus 93 m² for each dwelling unit more than four units.
- (c) No side yard is required on a side that shares a party wall with a building on an adjacent site.
- (d) Where a side yard is provided, it shall not be less than 1.2 m.
- (e) Detached accessory buildings and structures shall not be located closer than 1.5 m to any main building or structure.
- (f) Detached Secondary Suites must be separated from the principal dwelling by a minimum of 3.0 m.
- (g) Where a property backs onto a public lane, public right-of-way, public park, or a property zoned for commercial or industrial uses, the setback from the rear lot line may be equal to or greater than 3.0 m.
- (h) Garden Suite and Coach House (at grade): 5.0 metres / Coach House (above grade): 8.0 metres.
- (i) No greater than 80.0 m².
- (j) See Section 3.14.2 for dimensional standards for Mobile Home Park sites.
- (k) When an accessory building is located to the rear of the principal building and there is no public lane at the rear of the site, the rear yard may be reduced to 0.6 m.
- (l) See Section 3.23.1.1 for detached garage access from rear yard.

Table 4.2. Dimensional Standards - Downtown

ZONE	USE	MIN. SITE AREA	MIN. SITE WIDTH	MAX. FRONT YARD	MIN. REAR YARD	MAX. INTERIOR SIDE YARD	MIN. CORNER SIDE YARD	MAX. SITE COVERAGE	MAX. BUILDING HEIGHT	MIN. DWELLING UNIT SIZE
DT	Dwellings, Multi-Unit	600.0	15.0	1.5	6.0	2.0 ^(a)	0.0	n/a	30.0	55.0
	All other DT uses	250.0	7.5	1.5	6.0	2.0 ^(b)	0.0	n/a	30.0	n/a
	Accessory Buildings & Structures ^(d)	n/a	n/a	n/a	1.5	n/a	1.5	n/a	4.5	n/a

Table Notes:

(a) Where a side yard is provided, it shall not be less than 1.2 m.

(b) Detached accessory buildings and structures shall not be located closer than 1.5 m to any main building or structure.

SECTION 4.3. YARDS

1. Except as herein provided, the following provisions shall apply in all Zones to ensure adequate yards and setbacks.
2. The yard requirements shall be as set forth in the Dimensional Standards Tables of each Zone.
3. Yards provided for a building or structure, existing on the effective date of this Bylaw or amendments thereto, shall not be further reduced if already less than the minimum requirements of the Zone.
4. Where a site is occupied for a use and has no buildings or structures thereon, the required yards for the Zone shall be provided and maintained.
5. Where permitted in this Bylaw, a building containing more than one unit with common party walls, such as a semi-detached Two-Unit Dwelling, row housing, or businesses shall be considered as one building occupying one site for the purpose of side yard regulations.
6. Minimum required yards contained in this Bylaw do not relieve the owner from compliance with the provincial requirements or Manitoba Building Code requirements.

SECTION 4.4. NEW DWELLING YARD SETBACKS

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

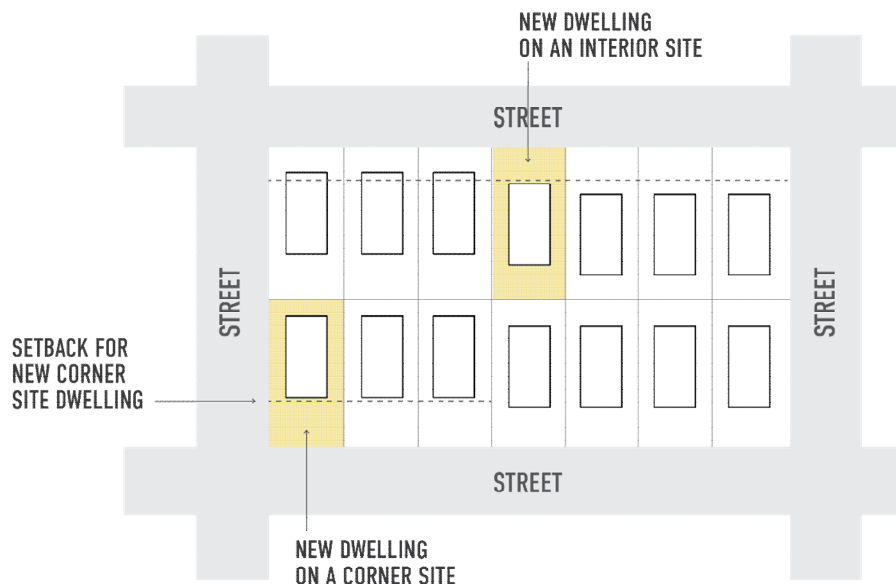


Figure 4.2. Building Setbacks

SECTION 4.5. PROJECTIONS INTO YARDS

1. The following features and accessory buildings, structures, and uses may be permitted to project into or locate in required yards provided they do not create a visual barrier (see Section 4.7):

Table 4.3. Projection Requirements

PROJECTION TYPE	REQUIREMENTS
Horticultural and agricultural crops including haying and grazing fields	May project into any required yard
Architectural features (e.g. eaves, gutters, chimneys, bay windows, alcoves, awnings and canopies, fire escapes)	May project 1.5 m into any yard, provided said features project no closer than 0.6 m to any site line
Architectural features of an accessory building or structure located to the rear of the main building	May project no closer than 0.6 m to the side or rear site line
Incidental storage of materials	Shall be permitted in any required rear or side yard
Landscape features (e.g. trees, shrubs, flowers, or plants)	Shall be permitted in any required yard
Open, unenclosed and uncovered stairways, balconies, porches, or decks attached to the main building	Maximum 1.0 m high may project 3.0 m into any required yard (front, rear, or side) but no closer than 0.6 m to any side site line
Uncovered walks, driveways, lighting fixtures, ramps, privacy screens, and other landscape architectural features, guardrails for safety purposes around ramps	May be located in any required yard
Unenclosed outdoor display of commodities and products normally sold on the site (e.g. vehicles, machinery)	May be located in any required yard in only the CM , NM or MI Zones
Public works equipment, cables, and lines necessary for the provision of services	May be located in any required yard
Water storage tanks, electrical apparatus, or mechanical rooms, without habitable space, associated with the operation of a building or structure	May be located in any required yard
Compost bins, refuse garbage storage bins, and similar structures	May be located in any required rear or side yard
Public recreation areas	May project into any required yard where it is a Permitted Use
Parking spaces and off-street parking and loading areas	As regulated in Part 5.0
Signs	As regulated in Part 6.0
Pedestrian and Bicycle Access	See Section 4.10

SECTION 4.6. FENCES

1. Except as provided in Section 4.8, fences may be located in any yard.
2. The maximum height of a fence in the **RS**, **RM**, and **MH** Zones shall be 1.2 m in a front yard and 1.8 m in any side or rear yard. These height restrictions do not apply to **DT**, **NM**, **CM**, **MI**, **IN**, **OR**, and **DR** Zones.
3. Fence height is measured from the highest part of the fence to the point where the fence post enters grade. Where a fence is located on top of a retaining wall, the height to the fence shall include the height of the retaining wall measured from the finished grade.
4. Fences shall not be electrified, contain scrap metal, wood pallets, or industrial waste material. Fences made from other materials are subject to approval of the Development Officer.

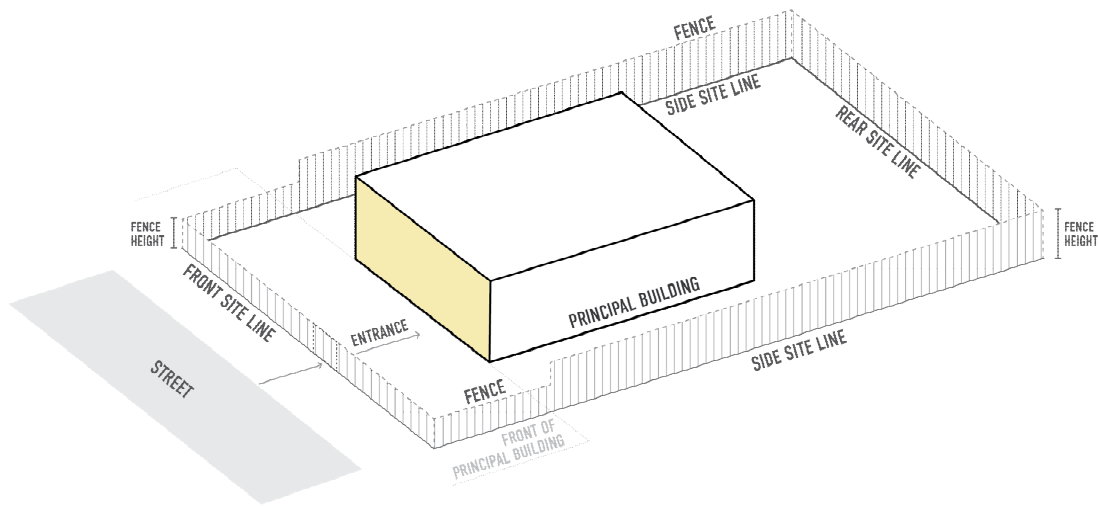


Figure 4.3. Fence Locations and Heights

SECTION 4.7. CORNER VISION TRIANGLES

- 1) The corner vision triangle shall be a triangular area measured 3.0 m from the street corner of the site along each site line adjacent to the street.
- 2) If visibility is an issue, no fence, hedge, shrubs, or other horticultural landscape features, and no structures, should be placed in such a manner as to produce a visual barrier greater than 0.8 m above the average level of the ground.

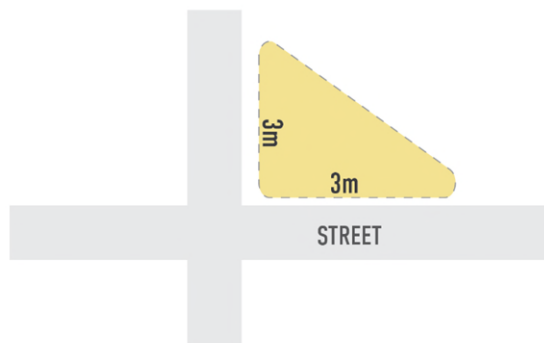


Figure 4.4. No Visual Barriers at Corners

SECTION 4.8. COMMERCIAL AND INDUSTRIAL YARDS ABUTTING RESIDENTIAL ZONES

4.8.1 ABUTTING SIDE YARDS

1. Where a side site line in a **DT**, **NM**, or **CM** Zone abuts a side site line of an adjacent **RS** or **RM** Zone:
 - a) The front yard minimum requirement of the adjacent **RS** or **RM** Zone shall extend for a minimum of 15.0 m in the **DT**, **NM**, or **CM** Zone.
 - b) The side yard in the **DT**, **NM**, or **CM** Zone shall be 3.0 m.
2. Where a side site line in a **MI** Zone abuts a side site line of an adjacent **RS** or **RM** Zone:
 - a) The front yard minimum requirement of the adjacent **RS** or **RM** Zone shall extend for a minimum of 30.0 m in the **MI** Zone.
 - b) The side yard in the **DT**, **NM**, or **CM** Zone shall be 7.5 m.
3. Parking spaces within the required front yard shall not be permitted within 3.0 m of the above Zone boundaries.
4. A compact hedge, row of shrubbery, or a solid fence 1.8 m in height shall be provided and maintained along the site line abutting the **RS** or **RM** boundary.

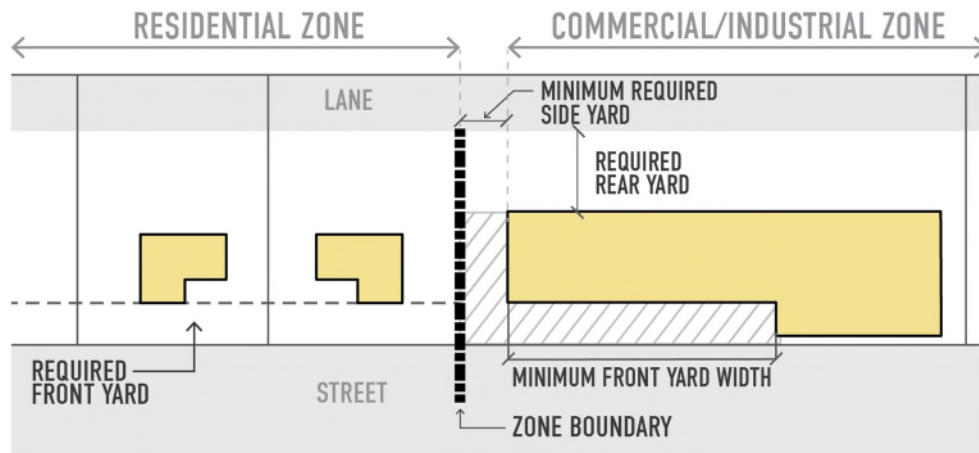


Figure 4.5. Commercial / Industrial Yards Abutting Residential Zones – Side and Front Yards

4.8.2 ABUTTING REAR YARDS

1. Where a rear site line in a **DT**, **NM**, or **CM** Zone abuts a side or rear site line of an adjacent **RS** or **RM** Zone, the rear yard in the **DT**, **NM**, or **CM** Zone shall be 7.5 m.
2. Where a rear site line in a **MI** Zone abuts a side or rear site line of an adjacent **RS** or **RM** Zone, the rear yard in the **MI** Zone shall be 15.0 m.
3. A compact hedge, row of shrubbery, or a solid fence 1.8 m in height shall be provided and maintained along the site line abutting the **RS** or **RM** boundary within the above yards.

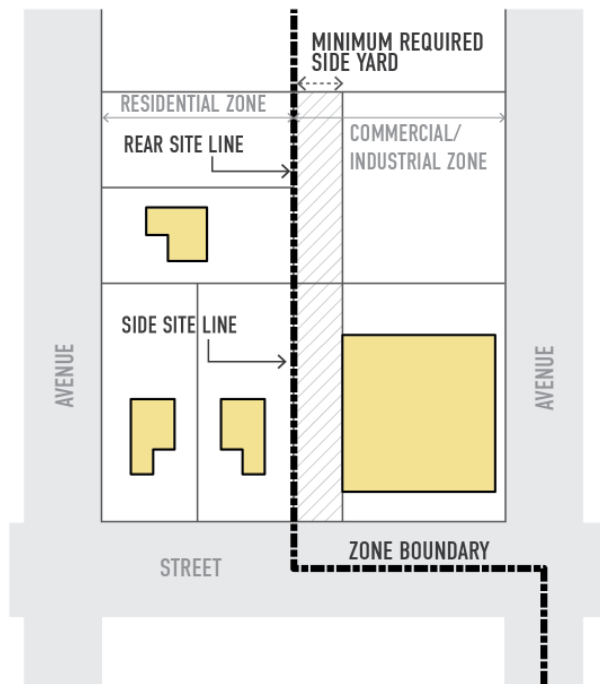


Figure 4.6. Commercial / Industrial Yards Abutting Residential Zones – Rear Yards

SECTION 4.9. UNIQUE SITES

4.9.1 LANDLOCKED SITES

1. In unique circumstances, Council may permit development on a site that only has frontage on a private land or road, provided that the said lane or road is at least 6.0 m in width, intersects with a street, and is secured by means of a registered easement.
2. For the purpose of establishing the position of the required yards, the Development Officer shall determine the front, side, and rear site lines of a landlocked site.

4.9.2 THROUGH SITES

1. In the case of a through site, where two boundaries of the site coincide with two streets that are generally parallel, the required yards shall be determined as follows:
 - a) Where the site depth is less than 61.0 m, one of the site lines shall be deemed to be a rear site line, in the judgement of the Development Officer, for the purposes of establishing a required rear yard on the site, and wherever possible, this designation shall be consistently applied among the adjoining sites.
 - b) Where the site depth exceeds 61.0 m, both site lines shall be deemed to be front site lines, and the site shall have two required front yards.

4.9.3 UNCONVENTIONAL SITES

1. Where a site is of such a unique configuration that the required yards cannot be ascertained in accordance with the definitions of Part 10.0, the Development Officer may designate the location of the required yards.
2. The location and required dimensions of such yards shall be consistent with the intent of the yards specified for the Zone within which the site is located.

SECTION 4.10. PEDESTRIAN AND BICYCLE ACCESSES AND PATHWAYS

1. The following requirements apply to any development in the **DT, NM, CM, MI, and IN** Zones containing more than 5,000.0 m², whether developed in a single or in multiple phases, and whether in a single or with multiple principal buildings.
 - a) Pedestrian and bicycle pathways must be developed where indicated in the City's *Active Transportation Strategy* and designed and constructed to City of Dauphin standards.
 - b) All principal entrances of principal buildings may be required to have direct access (i.e. access without having to cross a street) to a sidewalk, walkway, or pathway that leads to a public street. Each such sidewalk, walkway, or pathway must be a minimum of 1.5 m wide.
 - c) Bicycle access routes must be provided between public bicycle lanes or pathways and on-site bicycle parking areas.
 - d) Sites should be designed to avoid or minimize all conflicting bicycle/motor vehicle and bicycle/pedestrian movements.
 - e) All pedestrian and bicycle paths and pathways connecting to the City's pathway system must comply with the City of Dauphin standards.

- f) Walkways are permitted on boulevards to access a street or lane to a maximum of 1.2 m in width and must be maintained.

SECTION 4.11. LIGHTING

1. Lighting that supports crime prevention through environmental design is encouraged. Lighting should not be directed towards neighbouring properties.
2. Architectural, landscape, and decorative lighting may be directed upward to illuminate flags, statues, or any other objects but must use a narrowly directed light whose light source does not direct light onto adjacent residential properties.
3. Lighting used to illuminate accessory off-street parking areas shall be arranged and shielded so as not to reflect directly onto residential lots.

4.11.2 HEIGHT OF LIGHTING STANDARDS

1. Within the **RS**, **RM**, and **MH** Zones, the maximum permitted height of private light poles is 6.1 m.
2. Within the **DT**, **NM**, **CM**, **MI**, **IN**, **OR**, and **DR** Zones, the maximum permitted height of private light poles is 7.6 m when within 15.2 m of any **RS** and **RM** Zone.

4.11.3 PROHIBITED LIGHTING

1. No person shall install or maintain strobe lights that are visible from another property, unless required by a governmental aviation authority.
2. No person shall install or maintain red, blue, or yellow rotating lights designed to imitate lighting on police, fire, or emergency vehicles that are visible from another property.

SECTION 4.12. ALTERNATIVE LANDSCAPING

1. Alternative landscaping design may be permitted subject to the requirements of the Property Standards Bylaw.
2. Alternative landscaping design includes:
 - a) Xeriscaping
 - b) Bioswales
 - c) Rain gardens and box planters
3. Alternative landscaping design may be permitted subject to the approval of the Development Officer and where a landscaping plan has been provided.

PART 5.0: PARKING

PART 5.0. PARKING

SECTION 5.1. GENERAL REQUIREMENTS

1. Off-street parking spaces shall be provided and maintained in accordance with the specific requirements of the Zone where the use is located.
2. Off-street parking spaces may be located within an enclosed parking garage or accessory parking structure.
3. All accessory off-street parking spaces shall be located on the same zoning site as the use served, unless permitted by a Variance Order to locate elsewhere. When located on a different site, the parking lot site shall be located no farther than 100.0 m from the zoning site it serves.
 - a) As a condition of a Variance Order, an agreement shall be entered into ensuring that the subject sites remain together for the purpose of satisfying parking requirements. The agreement shall be registered as a caveat against both properties.
4. The accessory off-street parking spaces provided for a use shall be solely for the parking of automobiles of employees, occupants, patrons, or visitors of such use, and shall not be used for major motor vehicle repair work.
5. Off-street parking and loading may be located in any required yard subject to the Property Standards Bylaw.

SECTION 5.2. OFF-STREET PARKING REQUIREMENTS

1. Accessory off-street parking for all uses shall be provided in all Zones, except for the **DT** Zone, according to Table 5.1. (See Section 5.8 for **DT** Zone parking requirements.)
2. The parking class for each use shall be identified on the Use Table in each Zone. For the purpose of computing the off-street spaces, the following shall apply:
 - a) When a building is enlarged or a use is extended or changed, the accessory off-street parking spaces shall be provided for use in accordance with the specific requirements of the particular Zone in which the use is located.
 - b) When the computation of the number of accessory off-street parking spaces required by this Bylaw results in a requirement of a fractional parking space, any fraction less than one-half of a parking space may be disregarded, whereas a fraction of one-half or more of a parking space shall be counted as one parking space.
 - c) When multiple principal uses listed in the Use Table are located within a single building (e.g. retail and service uses in a hotel or office building, or offices combined with warehousing uses), the number of parking spaces required is reduced to 80% of the aggregate of the accessory off-street parking spaces required for each use, established on the zoning site pursuant to the Use Table.
 - d) In cases where floor area is used for determining the required number of accessory off-street parking spaces, the total floor area shall not include any area used for parking or loading within the principal building or structure and/or any area used for incidental service storage, mechanical equipment, heating systems, and similar uses.

Table 5.1. Requirements by Parking Class

CLASS	REQUIRED NUMBER OF PARKING SPACES	LOADING CATEGORY (Section 5.3)	BICYCLE PARKING (Section 5.5)
0	No parking required	A	
1	1 per dwelling unit	A	
2	1 per dwelling unit	A	
3	1.5 per dwelling unit in the RS , RM and IN Zones 1 per dwelling unit in the NM and CM Zones Plus 10% unassigned for guest parking for developments over 4 units in all Zones	A	Yes
4	1 per 5 dwelling units or beds	B	Yes
5	1 per 3 bedrooms	B	Yes
6	1 per room	B	Yes
7	1 per 4 fixed seats in the principal assembly area or 1 per 2.0 m of fixed bench, pew or similar seating in the principal assembly area or 1 per 2.4 m ² of moveable seat in the principal assembly area No less than 10 for any of the above Plus 1 for each 9.3 m ² of additional open floor area	B	
8	2 per elementary and/or middle school classroom 5 per high school classroom	B	Yes
9	10 per classroom	B	Yes
10	1 for each 46.5 m ² of gross floor area (a) No less than 2 spaces	C	Yes
11	1 per 4 persons at maximum occupancy load	C	Yes
12	1 per each 9.3 m ² of floor area	C	Yes
13	1 for each 23.2 m ² of floor area, No less than 4 per establishment	B	
14	3 per hole or 1 per 9.3 m ² in club house, whichever is greater	C	
15	1 per guest room Plus 1 per 4 meeting room seats, if meeting rooms provided	C	
16	The greater of: 1 for each 30.7 m ² of floor area (1 space minimum) or 1 for each 46.5 m ² (1 space minimum) and 1 for every 3 employees on the maximum shift	C	
17	Without drive-through facility: 1 for each 9.3 m ² of floor area With drive-through facility: 1 for each 13.9 m ² of floor area	C	Yes
18	1 for every 464.5 m ² of floor area	B	
19	As determined by the Development Officer		

SECTION 5.3. OFF-STREET LOADING REQUIREMENTS

1. For any building having a gross floor area larger than 930.0 m², accessory off-street loading spaces shall be provided as follows:

Table 5.2. Requirements by Loading Category

LOADING CATEGORY	REQUIRED NUMBER OF LOADING SPACES
A	No loading required
B	1 for each 2,787.0 m ² of gross floor area or part thereof
C	1 for each 4,650.0 m ² of gross floor area or part thereof

2. No separate accessory off-street loading space is required for any building having a gross floor area of less than 930.0 m².
3. For any building having a gross floor area of less than 930.0 m², one of the required off-street parking spaces shall also serve as an off-street loading space.
4. All accessory off-street loading spaces shall be located within the same zoning site.
5. Each off-street loading space shall have access to a public street or lane.
6. Each off-street space shall be not less than 3.7 m in width by 7.6 m in length by 4.3 m in unobstructed height.
7. The accessory off-street loading spaces provided for a use shall be solely for the loading and unloading of vehicles, and shall not be used to satisfy any accessory off-street parking requirements or portion thereof.
8. When a building or structure is enlarged, or a use is extended or changed, the accessory off-street loading spaces shall be provided for the enlargement, extension, or new use.
9. When the computation of the number of accessory off-street loading spaces required by this Bylaw results in a requirement of a fractional loading space, any fraction less than one-half of a loading space may be disregarded, whereas a fraction of one-half or more of a loading space shall be counted as one loading space.

SECTION 5.4. ACCESSIBLE PARKING

1. The following accessible parking space requirements are recommended for uses, except for Single and Two-Unit Dwellings.

Table 5.3. Accessible Parking Space Requirements

NUMBER OF OFF-STREET PARKING SPACES ON A ZONING SITE	MINIMUM REQUIRED ACCESSIBLE PARKING SPACES
0 – 4	0
5 – 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101+	4 <i>Plus 1 for every 50 additional spaces, to a maximum of 10 spaces</i>

2. Each accessible parking space should have a minimum width of:

- a) 2.5 m in addition to a 2.0 m wide access aisle if the parking space is perpendicular to the roadway.
- b) 3.5 m if the parking space is parallel to the roadway

3. Accessible parking spaces should be located as part of the shortest accessible route, or within 61.0 m of major building entrances used by residents, employees, or the public.
4. Accessible parking spaces should include signage reserving the space for use by persons with disabilities using the International Pictogram of Access.

5. At least one curb ramp should be located within 30.5 m of the parking space closest to each entrance to a principal or accessory building that is not a service entrance.

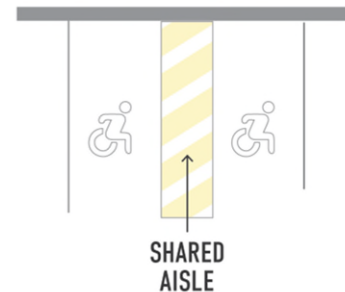


Figure 5.1. Shared Access Aisle

SECTION 5.5. BICYCLE PARKING REQUIREMENTS

1. In the **NM**, **CM**, **IN**, or **OR** Zones, where Table 5.1 indicates that bicycle parking is required, the owner must provide one lockable bicycle space per 10 required parking spaces.
2. Required bicycle parking must be located with convenient access to major building entrances, within a visible, high traffic area outside of pedestrian paths of travel, and be well-lit.

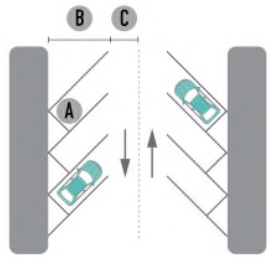
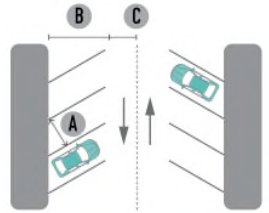
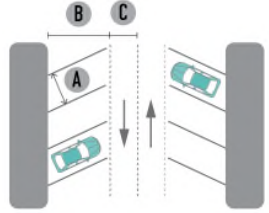
SECTION 5.6. OFF-STREET PARKING AREA DESIGN STANDARDS

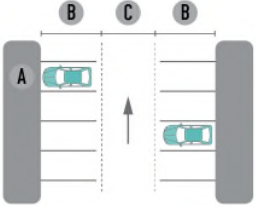
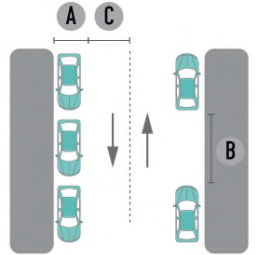
1. The surface of an accessory off-street parking area and its access driveways shall be surfaced and designed in such a manner that there will be no free flow of water onto either adjacent properties or along public sidewalks.
2. The surface of an accessory off-street parking area may be paved with either asphalt, concrete, or paving bricks, or suitably surfaced with gravel, crushed rock, or other aggregate material in all Zones.
3. Multi-Unit Dwellings in any Zone shall be surfaced with asphalt, concrete, or paving brick when the development contains more than four dwelling units per site.
4. Lighting used to illuminate an accessory off-street parking area shall be arranged so that it does not illuminate directly onto the adjoining sites, streets, or lanes.
5. In the **DT**, **NM**, **CM**, **MI**, **IN**, and **OR** Zones, an accessory off-street parking area shall be provided with bumper guards, wheel stops, masonry walls, or ornamental fences in order to prevent a vehicle from encroaching onto adjacent public or private property. Said bumper guards, wheel stops, masonry walls, or ornamental fences shall be maintained in good condition at all times.
6. Where an accessory off-street parking area other than a driveway abuts the **RS** or **RM** Zone, the owner or developer of the parking area shall construct and maintain a solid fence or hedge not less than 1.2 m or more than 1.8 m in height along any portion of the parking area boundary which abuts the said **RS** or **RM** Zone.

SECTION 5.7. OFF-STREET PARKING AREA DIMENSIONAL STANDARDS

1. The minimum dimensions for accessory off-street parking areas shall be in accordance with Table 5.4.
2. Where access to a parking space is directly from a lane, the width of the lane adjacent to said parking space may be computed as part of the aisle width required for said parking space.
3. The angle of parking shall be measured between the centre line of the parking space and the center line of the aisle. Where the angle of parking varies from that set forth in Table 5.4, the Development Officer shall determine which set of requirements will apply.
4. Access to the site for vehicles shall be only by way of entrances and exits provided in accordance with Table 5.4.
5. Each accessory off-street parking area shall have a vertical clearance of at least 2.3 m from floor to grade.
6. In all **RS** and **RM** Zones, entrance/exits to parking areas will be a minimum width of 3.0 m and a maximum width of 5.5 m.
7. The minimum distance between any part of an entrance/exit or combined entrance and exit and the intersection of street lines shall be 4.5 m, or 9.0 m from a stop condition at intersections.
8. In the absence of a street curb, the site owner shall provide and maintain a barrier on or near all street site lines so as to prevent vehicles from entering or exiting the site other than by way of the entrances and exits permitted in this Bylaw.

Table 5.4. Parking Area Dimensions

CONFIGURATION	STALL ANGLE	STALL WIDTH (A) (MINIMUM)	STALL LENGTH (MINIMUM)	AISLE WIDTH (C) (MINIMUM)	STALL DEPTH PERPENDICULAR TO AISLE (B) (MINIMUM)	STALL WIDTH PARALLEL TO AISLE (MINIMUM)	ONE WAY ENTRANCE/ EXIT WIDTH (MIN. / MAX.)	TWO WAY ENTRANCE/ EXIT WIDTH (MIN. / MAX.)
	30°	2.7 m	7.0 m	3.5 m	5.8 m	7.4 m	4.5 m / 7.5 m	7.5 m 10.0 m
	45°	2.7 m	7.0 m	3.5 m	6.9 m	6.9 m	4.5 m 7.5 m	7.5 m 10.0 m
	60°	2.7 m	7.0 m	6.0 m	7.4 m	5.8 m	4.5 m 7.5 m	7.5 m 10.0 m

CONFIGURATION	STALL ANGLE	STALL WIDTH (A) (MINIMUM)	STALL LENGTH (MINIMUM)	AISLE WIDTH (C) (MINIMUM)	STALL DEPTH PERPENDICULAR TO AISLE (B) (MINIMUM)	STALL WIDTH PARALLEL TO AISLE (MINIMUM)	ONE WAY ENTRANCE/ EXIT WIDTH (MIN. / MAX.)	TWO WAY ENTRANCE/ EXIT WIDTH (MIN. / MAX.)
	90°	2.7 m	7.0 m	7.3 m	7.0 m	2.7 m	4.5 m 7.5 m	7.5 m 10.0 m
	0°	2.7 m	7.0 m	7.5 m	2.7 m	7.5 m	4.5 m 7.5 m	7.5 m 10.0 m

SECTION 5.8. DOWNTOWN OFF-STREET PARKING

1. Accessory off-street parking for all uses in the **DT** Zone shall be provided according to Table 5.5.
2. Except for off-street parking requirements identified in Table 5.4, all other provisions of this Part apply to the **DT** Zone.

Table 5.5. Requirements in Downtown Zone by Parking Class

CLASS	REQUIRED NUMBER OF PARKING SPACES IN DT ZONE	LOADING CATEGORY (Section 5.3)
0	N/A	A
1	0.5 per dwelling unit	A
2	N/A	A
3	0.5 per dwelling unit Plus 10% unassigned for guest parking for developments over 4 units in all Zones	A
4	0.5 per 5 dwelling units or beds	B
5	0.5 per 3 bedrooms	B
6	1 per room	B
7	1 per 4 fixed seats in the principal assembly area or 1 per 2.0 m of fixed bench, pew, or similar seating in the principal assembly area or 1 per 2.4 m ² of moveable seat in the principal assembly area	B
8	N/A	B
9	10 per classroom	B
10	0.5 for each 46.5 m ² of gross floor area No less than 1 space	C
11	0.5 per 8 persons at maximum occupancy load	C
12	0.5 per each 9.3 m ² of floor area	C
13	1 for each 23.2 m ² of floor area, No less than 4 per establishment	B
14	N/A	C
15	1 per guest room	C
16	1 for each 46.5 m ² No less than 1 space	C
17	0.5 for each 9.3 m ² of gross floor area No less than 2 spaces	C
18	1 for every 464.5 m ² of floor area	B
19	As determined by the Development Officer	

3. A Surface Parking lot or Off-Street Accessory Parking area in the **DT** Zone may not be located in the front yard unless approved through a Conditional Use Order.
4. If an approved Surface Parking lot or Off-Street Accessory Parking in the **DT** Zone area abuts a public street, the parking area must provide bumper guards, wheel stops, masonry walls, or fences in order to prevent a vehicle from encroaching onto public or private property.
5. If a Surface Parking lot or Off-Street Accessory Parking area in the **DT** Zone contains 50 or more parking stalls, landscaping shall be placed within the parking area so as to break up large areas of parking and to provide visual relief.

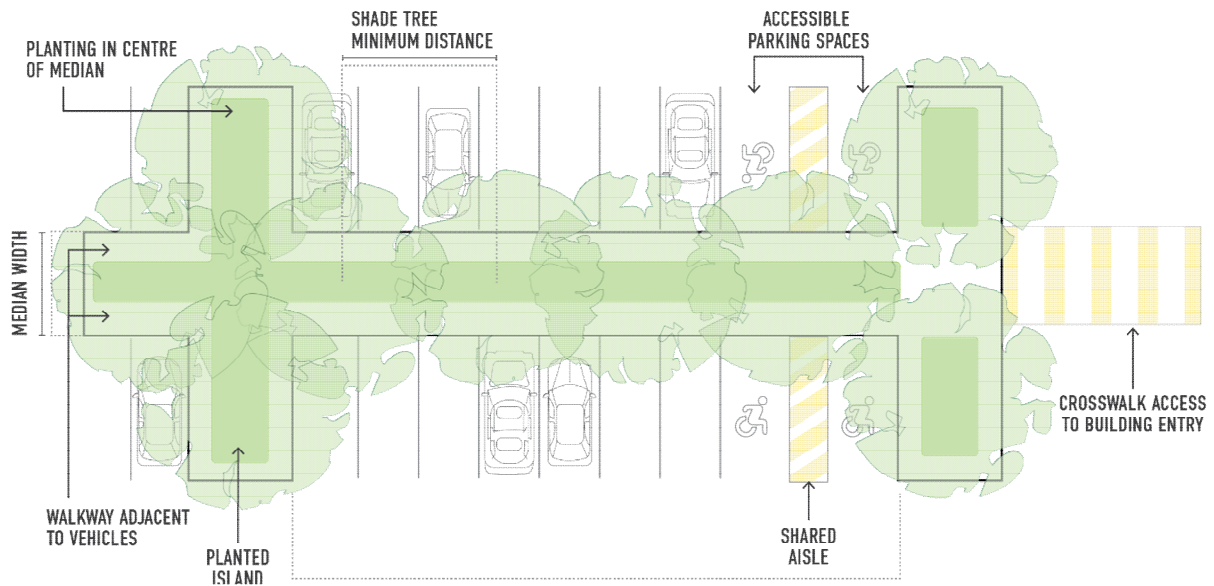


Figure 5.2. Example Landscaping Elements in Parking Areas

PART 6.0: SIGNS

PART 6.0. SIGNS

SECTION 6.1. GENERAL PROVISIONS

1. The construction, erection, alteration, relocation, or repair, other than normal maintenance, of any sign, shall be in compliance with the provisions of this Part, unless exempted by this Bylaw.
2. For purposes of this Part, normal maintenance includes a change of sign copy if the sign face is damaged.
3. Unless exempted by this Bylaw, a Development Permit is required to commence or cause to be commenced on a site the construction, erection, alteration, relocation, or repair, other than normal maintenance, of any sign.
4. The Development Officer may permit signs of types that are not specified in this Bylaw under the sign type regulations that most nearly reflect the characteristics of the unspecified sign.
5. When an owner of a sign can no longer be located and the sign no longer correctly directs attention to or includes any person, advertising of a business, lessor, owner, product, or activity conducted or product available, on the premises where such a sign is displayed, the Development Officer may serve notice on the owner of the land that either the copy area of the sign, or the sign itself, be removed.
6. Signs shall be subject to provincial regulation in the designated controlled area of any Provincial Road or Provincial Truck Highway.
7. No sign may be erected in view of a highway that will interfere with the effectiveness of a traffic control device without the approval of the traffic authority.

SECTION 6.2. SIGNS NOT SUBJECT TO THIS BYLAW

1. The following types of signs are not subject to the provisions of this Bylaw:
 - a) Signs installed by the City for traffic control, public transit, parking, street names, and direction.
 - b) Street decorations, community bulletin boards, or community billboards installed by or authorized by the City of Dauphin.
 - c) Signs required to be erected or maintained by law or governmental order.
 - d) Window signs.
 - e) Election signs during Federal, Provincial, Municipal, and School Board campaign periods and up to seven days after the election.
 - f) Decorative signs or flags located on private property, such as seasonal banners, garden signs, or ornamental yard displays, provided they do not advertise a business or service and do not pose a safety hazard or obstruct traffic visibility.

SECTION 6.3. SIGN STANDARDS IN RESIDENTIAL ZONES

The following applies to signs in the **RS**, **RM** and **MH** Zones:

1. A maximum of one sign is permitted for an approved home-based business (see Section 3.12) or permitted non-residential principal use.
2. Up to two non-commercial signs (e.g. political, personal, advocacy-related), including flags displayed as a form of expression, may be displayed on a residential property.
 - a) Flags (with the exception of flags of any nation or government) are considered signs when they are used to communicate a message, such as political views, personal beliefs, or affiliations. As such, they are counted toward the maximum number of allowable signs per residential site.
3. The following requirements apply to all non-commercial signs (including flags as defined in this Part):
 - a) Shall be located entirely on private property (not on trees or in the public boulevard).
 - b) Shall be non-illuminated and non-electronic.
 - c) Shall be in good condition, securely mounted, and not a hazard or visual blight.
 - d) Each sign shall be no larger than 0.6 m² in area.
 - e) Each flag shall be no larger than 1.5 m² in area.
 - f) Mobile signs are not permitted.

SECTION 6.4. SIGNS STANDARDS IN ALL OTHER ZONES

The following applies to signs in all zones except for the **RS**, **RM** and **MH** Zones.

6.4.1 SIGNS ACCESSORY TO A PRINCIPAL USE

1. All signs and sign structures, accessory to any principal use, shall be permitted in accordance with Table 6.1, subject to the issuance of a Development Permit.

Table 6.1. Zone Specific Sign Regulations

ZONE	TYPE	MAXIMUM HEIGHT PERMITTED	MAXIMUM SURFACE AREA PER SITE
DT, NM, CM	Free-standing	10.5 m	N/A
	Attached to building	Wall Height	N/A
CM	Free-standing	15.0 m	N/A
	Attached to building	Wall Height	N/A
IN, OR	Free-standing	10.5 m	4.7 m ²
	Free-standing, accessory to a School or Community Centre	6.1 m	4.7 m ²
	Attached to building	Wall Height	4.7 m ²
DR	Free-standing	7.6 m	9.3 m ²
	Attached to building	Wall Height	25% of building wall
Signs “attached to building” include fascia signs, projecting signs, swinging signs, marquee signs, and canopy signs.			

2. In the **OR** and **DR** Zones, a maximum of one sign is permitted per site.
3. In the **DT**, **NM**, **CM**, **MI**, and **IN** Zones, there is no limit to the number of signs permitted.

6.4.2 ADVERTISING SIGNS / BILLBOARD SIGNS (OFF-SITE)

1. Advertising / Billboard Signs are not permitted in the **IN** and **OR** Zones.
2. Advertising / Billboard Signs are a Conditional Use in the **DT**, **NM**, **CM**, **MI**, and **DR** Zones.
3. Each Advertising / Billboard Sign shall be set back from each side, front, and rear lot lines a minimum of 1.5 m clear of projections.
4. Where adjacent lots are in related use, and the lots have cross-access easements and/or shared parking agreements so that they have the appearance and function of a single lot development, signage that is accessory to a principal use on any of the lots will not be considered accessory and not a Advertising / Billboard Sign simply because it is erected on the other of the lots.

6.4.3 ILLUMINATED AND ELECTRONIC SIGNS

1. No illuminated sign should be placed in a yard that abuts a lot line of an **RS, RM, MH, or DR** Zone, or on a wall overlooking such a lot line.
2. Images should have a minimum hold time of six seconds.

6.4.4 MOBILE SIGNS

1. No mobile sign shall be illuminated or electrified or have any rotating beam or beacon.
2. No mobile sign shall be located, erected, or placed on City-owned property, except signs that have received prior approval from the City of Dauphin.
3. Any mobile sign occupying a portion of a highway, right-of-way, public place, or where a mobile sign has been abandoned may be removed by the City of Dauphin Bylaw Enforcement Officer or appointee of the City, without notice.
4. A fee, in accordance with any applicable resolution or Bylaw, and the costs of removal shall be payable for recovery of the sign and failing recovery within 30 days of removal, the City may dispose of the sign, retaining sufficient proceeds to pay the fees and costs imposed by this Section and the costs of sale.
5. No person shall erect a mobile sign unless such sign displays the name and contact information of the erector of the sign in clearly legible lettering located in such a place on the sign that it can be easily read.
6. On lots with a frontage smaller than 100.0 m, no person may erect more than one mobile sign per use on a zoning site or site, and the maximum number of mobile signs on that zoning site or site at any time may not exceed two, regardless of the number of individual uses located on that zoning site or site.
7. On lots with a frontage of 100.0 m or greater, no person may erect more than one mobile sign per use on a zoning site or site, and the maximum number of mobile signs on that zoning site or site at any time may not exceed two for every 100.0 m of frontage, regardless of the number of individual uses located on that zoning site or site.
8. Mobile signs are to have a maximum surface area of 8.0 m². A mobile sign that is a flag, an inflatable sign, or a banner is not subject to this size limit.
9. The maximum allowed height of a mobile sign is 2.7 m measured from grade to the highest part of the sign.

6.4.5 PROJECTING SIGNS

1. Projecting signs are subject to requirements of the City of Dauphin Projecting Sign Bylaw.

SECTION 6.5. DEVELOPMENT PERMIT NOT REQUIRED

1. The following signs may be erected in all Zones without first obtaining a Development Permit, provided such signs are not illuminated, flashing, scintillating, or animated, unless otherwise noted:
 - a) Official public notice signs.
 - b) One fascia or free-standing real estate sign per zoning site (e.g. for sale or lease sign), illuminated or non-illuminated, not exceeding 3.0 m² in sign surface area, with a maximum height of 3.5 m. The sign must be removed within 15 days of conclusion of the purpose for which the sign is erected.
 - c) Non-illuminated construction signs not exceeding 11.5 m² in total sign surface area, to be located within the zoning site or attached to a fence or hoarding, with a maximum height of 3.5 m. The sign is permitted from the date a development application is made until 80% of the building(s) is/are occupied.
 - d) Temporary signs not exceeding 3.0 m² in sign surface area or banners related to civic, non-commercial health, safety, or welfare campaigns, or to campaigns by educational or religious organizations, with a maximum height of 3.5 m. The signs must be removed within 15 days following the date of the event and the signs are not to be erected earlier than the official date of the commencement of the above campaigns.
 - e) Non-advertising memorial signs, commemorative plaques, and corner-stones of bronze, brass, stone, or other non-combustible material when built into or attached to the walls of a building or other structure, provided they bear only the name of the owner, the name and use of the building, the date of erection of the building, and/or reading matter commemorating a person or event.
 - f) One illuminated or non-illuminated sign up to a maximum of 0.6 m² in sign surface area indicating the address or name of occupant of a Single-Unit or each unit of a Two-Unit Dwelling.
 - g) One identification fascia sign with illuminated or non-illuminated letters or logo, up to a total of 0.6 m² in sign surface area identifying the civic address and the name of the building of a use other than a Single-Unit Dwelling or Two-Unit Dwelling.
 - h) Any sign that cannot be seen from off the premises.
 - i) Mobile signs not exceeding limits discussed in 6.4.4.
 - j) Garage sale signs, provided the signs are located on the same zoning site.
 - k) Private signs not exceeding 0.6 m² in surface area required for the direction and convenience of the public, including signs identifying restrooms, parking, parking entrances/exits, or events.

PART 7: VERMILLION RIVER FLOOD RISK AND CONSERVATION AREAS

PART 7.0. VERMILLION RIVER FLOOD RISK AND CONSERVATION AREAS (HAZARD LANDS)

SECTION 7.1. APPLICATION

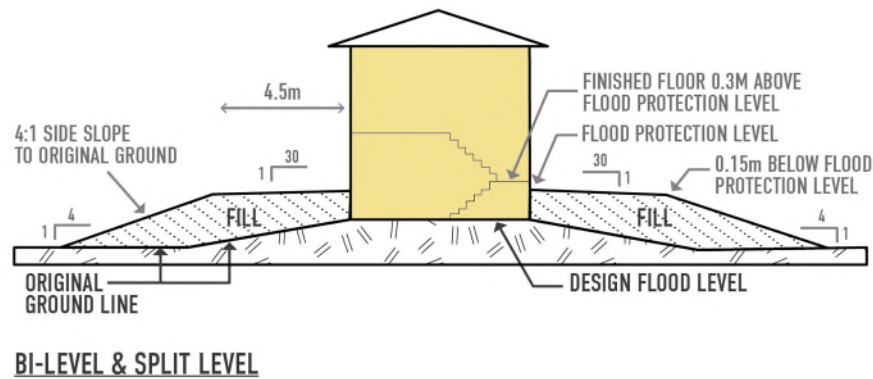
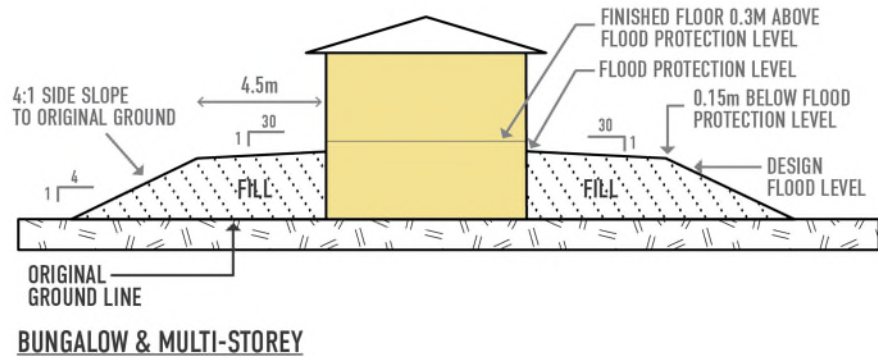
1. Development along the Vermillion River, its floodway and flood fringe, as identified in Appendix A, will be regulated through this Bylaw and the City of Dauphin Building Bylaw.
2. These lands are generally described as those parts of the City that lie in a northeasterly direction from the 2nd Avenue NW Bridge, below an elevation of 294.2 m.
3. The City of Dauphin is not liable for any loss or damage resulting to any person by reason of anything done or caused to be done by the Development Officer under this Part.
4. The Development Officer will prescribe the Flood Protection Level.
5. The Development Officer will prescribe the Flood Protection Level as part of the issuance of the Development Permit.

SECTION 7.2. GENERAL PROVISIONS

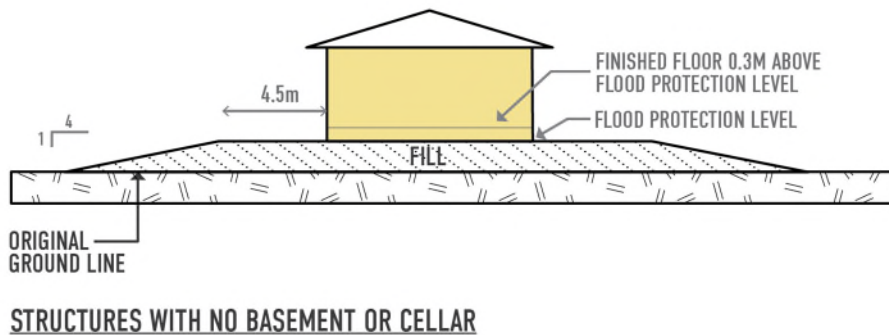
1. No person shall:
 - a) Build, construct, erect, or bring any building, structure, or erection on or within the designated floodway area.
 - b) Make any addition to or reconstruct any building, structure, or erection within the designated floodway area, except as authorized by Council.
 - c) Obstruct, in any manner, any lands lying in the floodway area, nor shall such lands be used for the dumping of any matter or substance or be excavated, graded, or filled.
 - d) Remove native vegetation from the designated floodway area except as authorized by Council.
2. Riverbank stabilization projects or erosion protection measures in the designated floodway will use biostabilization techniques when possible and avoid disturbance to native species and habitats.
3. In the area identified as floodway fringe, only those uses listed below, and which are also permitted in the Zone for which the site is designated, shall be permitted:
 - a) Parks, playgrounds, and outdoor recreation facilities.
 - b) Public works, utilities, water treatment plants, and similar facilities.
 - c) Any use of a site approved as of the date of this Bylaw where the principal building already exists.
 - d) New development, provided it is constructed in accordance with appropriate flood protection measures.
4. In the area identified as floodway fringe, any existing building may be replaced or expanded subject to appropriate flood protection measures, as noted in Section 7.3, and subject to the dimensional standards for that particular Zone.

SECTION 7.3. FLOOD PROTECTION CRITERIA

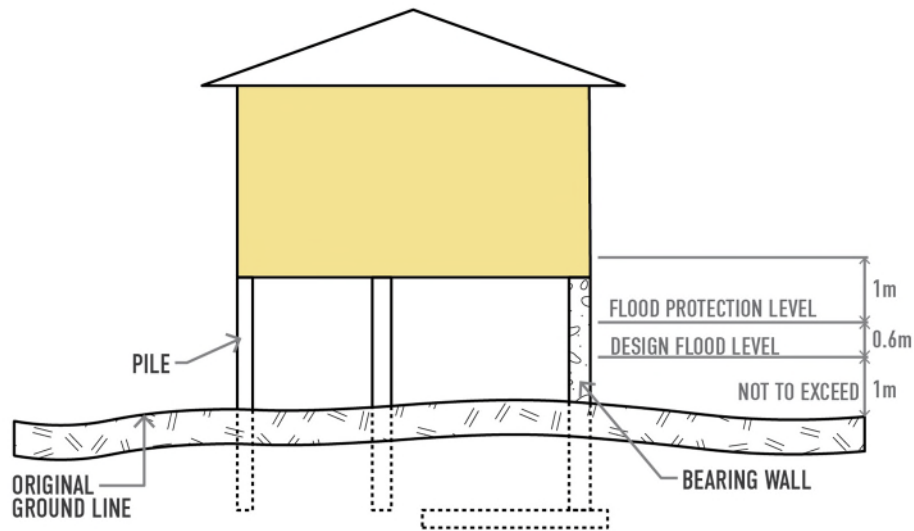
1. For the purpose of this Bylaw, appropriate flood protection measures shall mean all buildings shall be designed to prevent structural damage by floodwaters.
2. Every structure that is subject to flood protection criteria shall be:
 - a) Constructed on a site raised by clean impervious fill,
 - b) Raised on piles, or
 - c) Have a minimum building setback as determined by the Development Officer or a Professional Engineer who is entitled to practice in the Province of Manitoba under *The Engineering and Geoscientific Professions Act*.
3. Development shall be:
 - a) Prohibited on land that is less than 1.5 m (5 feet) above the ordinary highwater level of the Vermillion River or any other nearby known waterways, with a minimum setback distance of 30.5 m (100 ft) from the top of the waterway embarkment, in the absence of a design flood event in areas not within the “Designated Floodway Area”.
 - b) Prohibited on land that is below the 1 in 200-year flood protection level, or the highwater mark plus two feet of freeboard, whichever is higher, unless proposed structures and associated earthen fill on said lands are raised to comply with Manitoba Transportation & Infrastructure requirements and with a specified design flood event.
 - c) Directed away from all lands which would, within a 50-year period, be eroded or become unstable due to the action of water contained in an adjacent waterway or water body.
4. If a structure that is constructed on a site raised by fill has a basement or cellar:
 - a) The elevation of the finished main floor shall be a minimum of 0.3 m above the flood protection level.
 - b) The level of the surrounding fill at the building line shall not be less than the flood protection level and shall not slope more than 30:1 for a horizontal distance of 4.5 m from the building line to a maximum of 0.15 m below flood protection level, and not more than 4:1 to the original ground line thereafter.
 - c) The elevation of the basement floor shall be above the original ground level for a bungalow or multi-storey.
 - d) The elevation of the basement floor shall be above the design flood level for a bi-level or split level.



5. If a structure that is constructed on a site raised by fill has no basement or cellar:
- The elevation of the finished main floor shall be a minimum of 0.3 m above the flood protection level.
 - The level of the surrounding fill at the building line shall not be less than the flood protection level and shall not slope for a horizontal distance of 4.5 m from the building line, and not more than 4:1 to the original ground line thereafter.

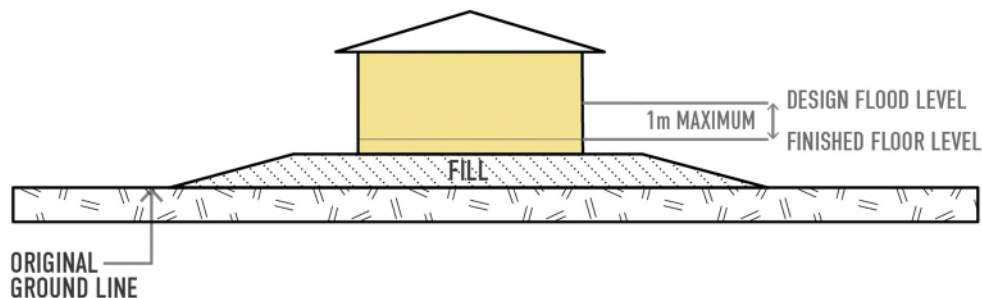


6. If a structure is raised on piles or raised by an equivalent support system:
- The elevation of the finished main floor shall be 1.0 m above the flood protection level.
 - The flood protection level shall be 0.6 m above the design flood level.
 - The design flood level shall not exceed 1.0 m above the original ground line.



STRUCTURE BUILT ON PILES OR BEARING WALLS

7. All other buildings used for storage, such as workshops, sheds or other similar structures shall be constructed on a site raised by fill and the finished floor level shall be 1.0 m below the design flood level.



8. A storage tank for fuel oil, gasoline, or any other gas, liquid, or solid shall:
- Be situated entirely above the applicable flood protection level or be completely buried underground.
 - Be designed, and the installation certified, by a Professional Engineer.
 - Be anchored so as to prevent flotation.
 - Have the vent and filler pipes extend above the applicable flood protection level.

9. Where an accessory structure is a drilled well, the well casing shall:
 - a) Extend upward at least to the applicable flood protection level, or
 - b) Be sealed at the top.
10. Every structure described in this Section shall have all windows, exterior doors, or other exterior openings located above the applicable flood protection level, unless the area immediately surrounding the windows, exterior doors, or other exterior openings is raised by fill to the applicable flood protection level.
11. Where a structure does not conform to the requirements above, the design of the structure must be certified as being capable of withstanding hydrostatic and uplift pressures by a static water level at the flood protection level set by a professional engineer who is, at the time of certification, entitled to practice in Manitoba under *The Engineering and Geoscientific Professions Act*.

SECTION 7.4. ADMINISTRATION

7.4.1 APPLICATION FOR DEVELOPMENT PERMIT IN A FLOOD RISK ZONE

1. An application for a Development Permit to develop a structure in a Flood Risk Zone shall be made in a form prescribed by the Development Officer and shall include such of the following information:
 - a) Plans and/or specifications of the structure.
 - b) A plan drawn to scale showing:
 - i. the lot and all lot dimensions.
 - ii. the location of the proposed structure on the lot and the dimensions of the proposed structure.
 - iii. the exact size and location of any existing buildings on the site.
 - c) An up-to-date surveyors staking certificate. At the discretion of the Development Officer, an up-to-date building location certificate when the proposed work is an alteration or addition to a building shown on the building location certificate.
2. The applicant shall provide any other documentation requested by the Development Officer.

7.4.2 FLOOD PROTECTION CRITERIA MODIFICATION

1. Subject to the conditions of a Development Permit, the owner/applicant may apply to Council to modify the applicable flood protection criteria prescribed in this Part.
2. Council may require that a caveat be filed in the Land Titles Office.

7.4.3 CANCELLATION OF PERMITS

1. The Development Officer may cancel a Building Permit or Development Permit where it is determined that any work being carried out or to be carried out under the Building Permit or Development Permit does not comply with the flood protection criteria and may cancel any occupancy permit where it is determined that any building, structure, or erection occupied, or to be occupied under the occupancy permit, does not comply with the flood protection criteria.

7.4.4 ORDER FOR REMOVAL OF BUILDINGS

1. Where a building, structure, or erection is built, constructed, erected, reconstructed, or brought on or within a floodway area or a floodway fringe area in contravention of any provision of this Part, or is occupied or maintained contrary to any provision of this Part, or where a building, structure, or erection that is, or is being, built, constructed, reconstructed, or erected, or brought on or within the flood protection criteria, the Development Officer may order the building, structure, or erection to be removed from the floodway area or the floodway fringe area within a period specified in the Order.
2. If the owner of the building, structure, or erection does not remove it in compliance with the Order within the period specified in the Order, the Development Officer may cause it to be removed from the floodway area or the floodway fringe area, and the costs thereof may be charged against the owner thereof and collected by the City of Dauphin as a debt due to the City of Dauphin or may be added to the taxes on the land or on the building, structure, or erection, and may be collected in the same manner as other municipal taxes are collected.

PART 8: GENERAL PROVISIONS

PART 8.0. GENERAL PROVISIONS

SECTION 8.1. APPLICATION

1. The general provisions of this Part are intended to apply to all Zones within the City, except where otherwise stated.

SECTION 8.2. DEVELOPMENT ON ZONING SITE ONLY

1. No development shall take place, and no Development Permit shall be issued by the Development Officer, unless the development occurs on a zoning site as defined in this Bylaw.

SECTION 8.3. MULTIPLE BUILDINGS AND USES ON ONE SITE

1. The provisions herein shall be applied to situations where, in the opinion of Council, the development is not of a magnitude to necessitate a Planned Unit Development (Section 3.16) or subdivision.
2. There may be more than one principal use, building, or structure on a single site, except in the **RS** Zone, provided that:
 - a) The second or subsequent use, building, or structure is a Permitted or Conditional Use listed in the Use Table.
 - b) The second or subsequent use, building, or structure is not a Single-Unit or Two-Unit Dwelling.
 - c) The Conditional Use provisions under Section 9.7 of this Bylaw shall apply where the second or subsequent use, building, or structure:
 - i. is listed as a Conditional Use in the subject Zone.
 - ii. involves construction or erection of an additional main building.
 - d) All provisions of this Bylaw relating to each main use are met.
3. Where a proposed second or subsequent use on a zoning site is secondary or incidental to the main use, such as an incidental commercial use contained within the same building, it shall be regulated under Section 8.4.

SECTION 8.4. ACCESSORY BUILDINGS, STRUCTURES, AND USES

1. Accessory buildings, structures, and uses shall be permitted on the same zoning site as the main building, structure, or use, subject to the provisions of this Section, the Use Table, and Dimensional Standards Tables of the Zone in which the accessory buildings, structures, and uses are to be located.
2. Accessory buildings and structures, except as otherwise regulated in this Bylaw, shall be subject to the following regulations:
 - a) Where the accessory building or structure is attached to a main building or structure, it shall be subject to, and shall conform to, all regulations of this Bylaw applicable to the main building or structure.

- b) In no instance shall an accessory building or structure be located within a dedicated easement or right-of-way.
- c) No accessory building or structure shall be erected prior to the erection of the main building or structure, except where it is necessary for the storage of the tools and materials for use during construction of the main building or structure, or is essential to the construction of the main building or structure.
- d) Accessory buildings or structures shall not be used for human habitation except in the case of an Accessory Dwelling, Secondary Suite, or Mobile/Manufactured Home.

SECTION 8.5. TEMPORARY BUILDINGS, STRUCTURES, AND USES

1. No temporary use or structure, except as provided in Section 9.10, may exist without an approval from the City of Dauphin.
2. An approval issued by the Development Officer for a temporary use or structure can be issued subject to the following general requirements, unless otherwise specified in this Bylaw:
 - a) The temporary use or structure must not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare.
 - b) The temporary use must comply with all applicable general and specific regulations of this Section unless otherwise expressly stated.
 - c) The temporary use or structure must not result in permanent alterations to the site.
 - d) Each Development Permit issued for a temporary building, structure, or use shall be valid for the period specified on the Development Permit.
 - e) All temporary signs associated with the temporary use or structure must be removed when the activity ends.
 - f) The temporary use or structure must not violate any applicable conditions of approval that apply to a Permitted Use on the site.
 - g) If the property is undeveloped, it must contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic movement that may be associated with the temporary use, without disturbing sensitive or protected resources such as floodplains.
 - h) Tents and other temporary structures must be located so as not to interfere with the normal operations of any permanent use located on the property.
 - i) A temporary use may not be permitted unless sufficient off-street parking is adequate to the anticipated parking needs associated with the temporary use.
 - j) All temporary uses and structures are subject to fees as outlined in any applicable resolution or Bylaw.

SECTION 8.6. BUILDING GRADE

1. Except as permitted in Section 9.10.2, no new building or structure shall be erected without first obtaining written instructions from the Development Officer as to the grade for the building or structure, to be erected in accordance with Part 4.0 of this Bylaw.

2. Lot surface drainage is the owner's responsibility. It is recommended that it be done in consultation and cooperation with adjacent properties.
3. Each lot shall be graded in such a manner as to allow storm water to drain along the lot line without ponding or obstruction.
4. Roof downspouts shall not be located nor directed so as to cause water to drain directly onto adjacent property.

SECTION 8.7. SUBDIVIDING LAND

1. Except as otherwise provided for in this Bylaw, no parcel of land shall hereafter be divided into sites unless each resultant site conforms to the requirements of this Bylaw.
2. A consolidation of Plan (subject to *The Planning Act*) is required when combining multiple owned lots to create a larger site.

SECTION 8.8. COMPLIANCE WITH SITE REQUIREMENTS

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

SECTION 8.9. PERMITTED PROJECTIONS

1. The Development Officer may allow an obstruction or exception not listed in Section 4.5, provided the obstruction or exception will have no greater impact on surrounding properties than those permitted.

SECTION 8.10. EFFECTS OF PUBLIC LAND ACQUISITION

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

the lot is deemed to comply with this Bylaw, and a building or structure may be erected, altered, or repaired and used on the lot, provided that it conforms to all other requirements of this Bylaw.

- c) If a building or structure having lesser yards than those required by this Bylaw is created by public land acquisition, the building or structure is deemed to comply with this Bylaw.

SECTION 8.11. DEVELOPMENT RESTRICTED

8.11.1 LAND UNSUITABLE FOR DEVELOPMENT

1. Notwithstanding the provisions contained in this Bylaw, Council may prohibit or restrict the development of an area of land for a use permitted in any Zone, if the area has been identified either by Council or other agencies as a flood risk area or as being subject to erosion, bank instability, landslide, subsidence, marshy, unstable, or otherwise hazardous or unsuitable for the proposed development and use by virtue of its soil or topography. In the floodway fringe areas, development may be permitted provided the necessary measures are undertaken to mitigate the effects of potential flooding.

8.11.2 DWELLING SETBACK FROM WASTE DISPOSAL GROUNDS AND LAGOONS

1. No dwelling shall be located within 400 m of the boundary of any active or inactive waste disposal ground or sewage lagoon unless approval has been obtained from the Province of Manitoba.
2. Development within provincially restricted areas of any active or inactive waste disposal ground or sewage lagoon shall comply with Manitoba Regulations.

SECTION 8.12. PUBLIC SERVICES

8.12.1 PUBLIC MONUMENTS AND STATUARY

1. Nothing in this Bylaw shall be so interpreted as to interfere with the maintenance and erection of public monuments, statuary, and similar historic or memorial markers developed or approved by the City of Dauphin.

SECTION 8.13. FUTURE AND UNIMPROVED ROAD ALLOWANCES

1. No building or structure shall be erected upon any land designated for a future road allowance by Council. Any development adjacent to said future road allowance shall comply with the requirements of this Bylaw as if the said future road allowance was already in existence.
2. No use shall be established, and no building or structure shall be erected or constructed on a site or parcel of land that has frontage on an undeveloped street, except by agreement with the City of Dauphin, that the street will be improved to serve that use before occupation or commencement of that use.

PART 9: ADMINISTRATION

PART 9.0. ADMINISTRATION

SECTION 9.1. RESPONSIBILITIES AND AUTHORITY

9.1.1 RESPONSIBLE AUTHORITY

1. The authority responsible for the enactment of this Bylaw shall be the City of Dauphin Council (Council), in accordance with the provisions of *The Planning Act*.
2. Subject to the provisions of *The Planning Act*, the regulations, restrictions, and boundaries set forth in this Bylaw may from time to time be amended, supplemented, changed, or repealed.
3. Subject to the provisions of *The Planning Act*, Council shall appoint a Development Officer or designate who, on behalf of the City, issues Development Permits and otherwise administers and enforces the provisions of this Bylaw and *The Planning Act*, where applicable.

9.1.2 RESPONSIBILITIES OF COUNCIL

1. Subject to the provisions of *The Planning Act*, Council is responsible for:
 - a) Considering the adoption or rejection of proposed amendments or the repeal of this Bylaw.
 - b) Approving or rejecting Conditional Use and Variance Order applications.
 - c) Revoking an authorized Conditional Use or Variance Order, at its sole discretion, for any violation of the Order or any additional conditions imposed under the Order.
 - d) Establishing a schedule of fees.
 - e) Hearing appeals to decisions made under the powers and authority of the Development Officer.

9.1.3 POWERS AND AUTHORITY OF THE DEVELOPMENT OFFICER

1. The City of Dauphin shall appoint a Development Officer as a Designated Officer in accordance with *The Planning Act* who may:
 - a) Issue Zoning Memoranda.
 - b) Allow or refuse such Minor Variances to the requirements of this Bylaw as authorized by and in accordance with *The Planning Act*.
 - c) Enforce building and land use regulations of the City of Dauphin.
 - d) Administer zoning and land use Bylaws.
 - e) Enter and inspect any buildings or premises in accordance with *The Planning Act*.
 - f) Provide recommendations to Council for applications under the Zoning Bylaw.

SECTION 9.2. DUTIES OF THE OWNER

1. The granting of a Development Permit, the approval of the drawing and specifications, and the inspections made by the Development Officer shall in no way relieve the owner of the

responsibility of complying with the requirements of this Bylaw or of any relevant Bylaws of the City of Dauphin, or of complying with the Manitoba Building Code.

2. Every owner shall:

- a) Permit the Development Officer to enter any building or premises at any reasonable time for the purpose of administering or enforcing this Bylaw and shall not obstruct or interfere with the Development Officer in the discharge of their duties under this Bylaw.
- b) Provide such documentation as may be required by the Development Officer if, after the development application has been approved and the permit issued, changes are made to the approved documents filed.
- c) Be responsible for obtaining, where applicable from the appropriate authorities, permits or licenses relating to the buildings, grades, sewers or water supply systems, plumbing, signs, blasting, street access, occupancy, electrical, highways, and all other permits required in connection with the proposed work.

SECTION 9.3. INTERPRETATION AND APPLICATION

1. In their interpretation and application, the provisions of this Bylaw shall be the minimum requirements to satisfy the intent and purpose as set forth herein.

SECTION 9.4. PUBLIC WORKS AND MUNICIPAL SERVICES

1. Nothing in this Bylaw shall be interpreted as to interfere with the construction, maintenance, and operation of the facilities of any public works, as defined by this Bylaw, or public service such as police and fire protection, provided that the requirements of such public works or public service are approved by resolution of Council.
2. All new principal buildings constructed on a site serviced by public sewer and/or water utilities shall be connected to such services in accordance with the Water and Sewer Utility System Bylaw.

SECTION 9.5. ZONING BYLAW AMENDMENTS

9.5.1 PROCEDURE

1. Subject to the procedure required under *The Planning Act*, an amendment to this Bylaw may be initiated by a resolution of intention by Council, or by application of one or more owners of the property or their agents within the area proposed to be changed.
2. An application to amend the Zoning Bylaw shall be filed with the Development Officer and shall be accompanied by a site plan, other data, and such fees as may be determined by Council.
3. An application for an amendment to a Zoning Bylaw by the owner of the affected property, or a person authorized in writing by the owner, through an application made to Council, may be refused if, in the opinion of Council:
 - a) It is without merit,

- b) The proposed amendment is not generally consistent with the City of Dauphin Development Plan Bylaw, or
- c) It is the same as or is substantially similar to an earlier application that was refused within one year before the day when the new application is made.

9.5.2 DECISION BY COUNCIL

1. Council shall give notice and hold a public hearing according to *The Planning Act*, at which time it shall review all the facts presented and any representation, study the facts presented, make its findings and determination in writing, and shall transmit a copy thereof to all persons who made representations at the meeting.
2. If Council approves the application, it shall proceed with the adoption of the amendment in accordance with the provisions of *The Planning Act*.
3. Subject to the procedures required under *The Planning Act*, anyone objecting to any amendment that has been given second reading by Council may file this objection with the Council and the Council shall hold a hearing according to the provisions of *The Planning Act*.

SECTION 9.6. DEVELOPMENT AGREEMENTS

1. As a condition of amending a Zoning Bylaw, or approving a Variance or Conditional Use Order, Council may, unless *The Planning Act* provides otherwise, require the owner of the affected property to enter into a Development Agreement with the City of Dauphin in respect of the affected property and any contiguous land owned or leased by the owner dealing with one or more of the following matters:
 - a) The use of the land and any existing or proposed building.
 - b) The timing of construction of any proposed building.
 - c) The siting and design, including exterior materials, of any proposed building.
 - d) The provision of parking.
 - e) Landscaping, the provision of open space, or the grading of land and fencing.
 - f) The construction or maintenance – at the owner’s expense or partly at the owner’s expense – of works, including but not limited to, sewer and water, waste and recycling removal, drainage, public roads, connecting streets, street lighting, sidewalks, traffic control, access, and connections to existing services.
 - g) The payment of a sum of money to the City of Dauphin in lieu of the requirement under clause (f) to be used for any of the purposes referred to in that clause.
 - h) The dedication of land, or payment of money in lieu thereof, where the application is for an amendment to a Zoning Bylaw to permit a residential use, use for a mobile/manufactured home park, or an increase in residential density, in which case *The Planning Act* applies to the dedication.
2. Any Development Agreement under *The Planning Act* may provide that it runs with the land, and when a caveat with a copy of such an Agreement attached is filed in the appropriate Land Titles Office, the Agreement binds the owner of the land affected by it, and the owner’s heirs, executors, administrators, successors, and assigns.

SECTION 9.7. CONDITIONAL USE ORDERS

9.7.1 GENERAL

1. There are certain uses deemed Conditional Uses, which because of their characteristics cannot be permitted without consideration, in each case, of the impact of these uses upon neighbouring land and of the public need for the particular use at the particular location. Therefore, some uses may be deemed “Conditional” in the Use Table found in Part 2.0.

9.7.2 STANDARDS FOR GRANTING CONDITIONAL USE APPROVAL

1. According to *The Planning Act*, after holding a Conditional Use public hearing, Council must make an Order:
 - a) Rejecting the application, or
 - b) Approving the application if the Conditional Use proposed in the application:
 - i. Will be compatible with the general nature of the surrounding area.
 - ii. Will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area.
 - iii. Is generally consistent with the applicable provisions of the City of Dauphin Development Plan Bylaw, the Zoning Bylaw, and any secondary plan bylaw.
2. Council may impose conditions on a Conditional Use Order that serve to secure the objectives of the Zoning Bylaw, and more specifically meet the general development standards of the subject Zone. Such conditions may include, but are not limited to:
 - a) Safeguards to control potentially dangerous, noxious, or offensive effects such as:
 - i. Noise or vibration.
 - ii. Odour, smoke, dust, or other airborne particles.
 - iii. Radiation, fire, or explosive materials.
 - iv. Heat, humidity, or glare.
 - v. Toxic and noxious matters including waste.
 - b) Hours of operation and other performance standards as required.
 - c) Design and siting requirements including:
 - i. The provision of open space, landscaping, planting, screening, and buffering including fences.
 - ii. Off-street parking and loading areas.
 - iii. Outdoor storage and display areas.
 - iv. Grading and surface drainage.
 - v. Lot surfacing.
 - vi. Pedestrian and vehicular circulation systems.
 - vii. Outdoor lighting.

- viii. Signs.
- ix. Waste and recycling storage.
- x. Location of buildings and structures on the site.
- xi. Building design and architectural appearances.
- d) Upgrading of municipal services including sewer, water, drainage, transportation, and other services and systems as required or for the provision of on-site servicing.
- e) Other matters deemed necessary by Council to ensure a desirable and compatible development.

9.7.3 APPLICATION

1. Council may approve, reject, or approve with conditions any application for a Conditional Use Order in accordance with the provisions of *The Planning Act*.

9.7.4 FILING AN APPLICATION

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

9.7.5 APPLICATIONS IN PROCESS

1. A development for which final approval was granted prior to the effective date of this Bylaw may be completed in accordance with the provisions of the previous City of Dauphin Zoning Bylaw 04/2015.
2. Where a development application has been submitted for any type of approval required, but no final action has been taken by the appropriate decision-making body on such application prior to the effective date of this Bylaw, the application shall be reviewed and considered in accordance with either the provisions of the Bylaw in place on the date of submission of the application or the provisions of this Bylaw, at the applicant's option.

9.7.6 EXISTING CONDITIONAL USE ORDERS

1. Where a use is classified as a Conditional Use under this Bylaw or amendments thereto and exists as a permitted or Conditional Use on the date of the adoption of this Bylaw or amendments thereto, it shall be considered as a legally existing Conditional Use.

9.7.7 CHANGES TO ANY CONDITIONAL USE ORDERS

1. Any change in a Conditional Use Order shall be subject to the provisions of this Section and the appropriate provisions of *The Planning Act*.
2. According to *The Planning Act*, the approval of a Conditional Use Order will expire and cease to have any effect if it is not acted upon within 12 months of the date of the decision. Council may extend the deadline for an additional period as per *The Planning Act*.

SECTION 9.8. VARIANCE ORDERS

9.8.1 GENERAL

1. A Variance is an administrative exception to the Bylaw's land use regulations, generally in order to remedy a deficiency that would prevent the property from complying with the Zoning Bylaw.
2. Any person may apply for a Variance Order, and Council must make an order to either reject, vary, or vary with conditions the application in accordance with *The Planning Act*.
3. An application for a Variance Order and all required information and fees shall be made to the Development Officer.

9.8.2 STANDARDS FOR GRANTING VARIANCE APPROVAL

1. According to *The Planning Act*, after holding a Variance public hearing, Council must make an Order:
 - a) Rejecting the application, or
 - b) Approving the application if the Variance proposed in the application:
 - i. Will be compatible with the general nature of the surrounding area.
 - ii. Will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area.
 - iii. Is generally consistent with the applicable provisions of the City of Dauphin Development Plan Bylaw, the Zoning Bylaw, and any secondary plan bylaw.
2. Council may impose conditions on a Variance Order that serve to secure the objectives of the Zoning Bylaw, and more specifically meet the general development standards of the subject Zone. Such conditions may include, but are not limited to:
 - a) Safeguards to control potentially dangerous, noxious, or offensive effects such as:
 - i. Noise or vibration.
 - ii. Odour, smoke, dust, or other airborne particles.
 - iii. Radiation, fire, or explosive materials.
 - iv. Heat, humidity, or glare.
 - v. Toxic and noxious matters, including waste.
 - b) Hours of operation and other performance standards as required.
 - c) Design and siting requirements including:
 - i. The provision of open space, landscaping, planting, screening, and buffering, including fences.
 - ii. Off-street parking and loading areas.
 - iii. Outdoor storage and display areas.
 - iv. Grading and surface drainage.
 - v. Lot surfacing.

- vi. Pedestrian and vehicular circulation systems.
- vii. Outdoor lighting.
- viii. Signs.
- ix. Waste and recycling storage.
- x. Location of buildings and structures on the site.
- xi. Building design and architectural appearances.
- d) Upgrading of municipal services including sewer, water, drainage, transportation, and other services and systems as required or for the provision of on-site servicing.
- e) Other matters deemed necessary by Council to ensure a desirable and compatible development.

9.8.3 MINOR VARIANCE

1. The Development Officer may, in accordance with the provisions of *The Planning Act*, grant or refuse, at their discretion, a Minor Variance not to exceed 15% or subject to *The Planning Act*, of any height, distance, area, size, intensity of use, or parking space requirement of this Bylaw.

9.8.4 VARIANCE ORDER OR SPECIAL EXCEPTION PRIOR TO BYLAW

1. Where a building, structure, or use is established by a Variance Order under this Bylaw or amendments thereto, and exists as a permitted Order at the date of the adoption of this Bylaw or amendments thereto, it shall be considered as legally conforming.

SECTION 9.9. NON-CONFORMITY

9.9.1 GENERAL

1. According to *The Planning Act*, the enactment of a new Zoning Bylaw does not affect any of the following that lawfully existed before the enactment of the new Zoning Bylaw:
 - a) A building,
 - b) A parcel of land, or
 - c) The use of land, or the intensity of a use of land.
2. The intent of this Bylaw is to permit a non-conformity to continue until it is removed, but not to encourage its survival.
3. Any expansion, addition, relocation, or reconstruction of a non-conforming use or a non-conforming building or structure shall conform to the site requirements, parking, and loading requirements of the Zone in which it is located, unless varied by a Variance Order.

9.9.2 STRUCTURAL ALTERATIONS

1. A building devoted to a non-conforming use may be structurally altered:
 - a) To comply with a legal requirement,
 - b) To accommodate a conforming use, or
 - c) To conform to the development standards of this Bylaw.

9.9.3 REPAIR OR INCIDENTAL ALTERATIONS TO A NON-CONFORMING USE

1. Subject to approval and issuance of a Development Permit, repairs or incidental alterations to a building occupied by a non-conforming use may be made as follows:
 - a) To the exterior of the building, or
 - b) To those portions of the interior of the building occupied by the non-conforming use.

9.9.4 NON-CONFORMING USE DISCONTINUED FOR 12 MONTHS

1. A non-conforming use of a structure or of a parcel of land, or portion thereof, which is or hereafter becomes abandoned, vacant, or unoccupied and remains vacant and unoccupied for 12 consecutive months, must not be used after that time except in conformity with the Zoning Bylaw.

9.9.5 ACCESSORY USES

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

9.9.6 REPAIRS OR INCIDENTAL ALTERATIONS TO NON-CONFORMING STRUCTURES

1. Subject to approval and issuance of a Development Permit, repairs or incidental alterations may be made to a non-conforming structure.
2. If a building that does not conform to the Zoning Bylaw is damaged or destroyed and Council determines that the cost of repairing or rebuilding the building is more than 50% of the cost of constructing an equivalent new building, the building must not be repaired or rebuilt except in conformity with the Zoning Bylaw and any Variance Order approved under this Part.

9.9.7 PREVIOUS VIOLATIONS

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

9.9.8 SITE REDUCED

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

9.9.9 NON-CONFORMING PARCEL

1. No building or structure may be erected on a non-conforming parcel of land unless the required yards are provided as set forth in Part 4.0 for the Zone in which the parcel of land is located.

9.9.10 NON-CONFORMING SIGNS

1. A non-conforming sign shall be subject to all the provisions of this Bylaw relating to non-conformities, except as provided hereafter:

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

SECTION 9.10. DEVELOPMENT PERMITS

9.10.1 GENERAL

1. No person shall undertake or permit the existence of a development that is subject to this Bylaw without first making application and obtaining a Development Permit, subject to Section 9.10.2.
2. Where a person makes application for a Development Permit, the Development Officer shall, where the application does not conform to the Zoning Bylaw or City of Dauphin Development Plan Bylaw, reject the Development Permit.
3. An application for a Development Permit shall be made on a form prescribed by the Development Officer and shall be accompanied by the applicable fees.
4. A Development Permit shall expire and the right of an owner under that permit shall terminate if the work authorized by the permit is not commenced within 12 months from the date of issuance of the permit, or within any extensions of that time period granted by the Development Officer and is not reasonably continued without interruption after the end of such period.
5. The applicant for a Development Permit shall supply all information requested by the Development Officer to demonstrate compliance with this Bylaw and any other relevant Bylaws of the City, including evidence of ownership and, where necessary as determined by the Development Officer, a Building Location Certificate of the site showing the dimensions of the site, the position of all buildings or structures on the site, and the height of the buildings or structures.
6. A Development Permit for a temporary building, structure, or use approved as such under this Bylaw shall expire upon expiration of the date specified in the permit, unless before that expiration date an extension is granted by the Development Officer.
7. The issuance of a Development Permit in respect of a building or structure does not affect the obligation to obtain a Building Permit or any other permit required in connection with the proposed work.

9.10.2 DEVELOPMENT PERMITS NOT REQUIRED

1. The following developments do not require a permit:
 - a) Private communication facilities or towers under 6.1 m in height.
 - b) Permitted accessory structures less than 11.5 m² in building area located in a side or rear yard in the **RS** and **RM** Zones.
 - c) Temporary tents erected for special events for a maximum of seven days.
 - d) Incidental alterations of buildings and structures including:
 - i. Alteration of interior non-structural walls.
 - ii. Replacement or minor changes of interior or exterior finishes.
 - iii. Replacement of or minor changes to the capacity of pipes, ducts, or conduits.
 - e) The installation of sidewalks, exterior steps, fences, lot grading, trees, hedges, shrubs, planters, fountains, flagpoles, accessibility ramps, railings, trellises, playground equipment, and similar landscaping features.
 - f) Open decks at ground level not exceeding 0.25 m in height.
 - g) Garage tents, subject to Section 3.23.2.
 - h) The carrying out by the City of Dauphin any operation for the maintenance or improvement of a public utility or public works placed in or upon a public works easement or street.

9.10.3 EXISTING DEVELOPMENT PERMITS

1. Unless otherwise provided for herein, Development Permits issued prior to the effective date of this Bylaw shall be considered valid for the purpose of this Bylaw, provided there is compliance with all the conditions under which the Permit was issued.

9.10.4 BUILDING TO BE MOVED WITHIN CITY LIMITS

1. No existing building or existing structure, except newly constructed Ready-to-Move structures over 11.5 m², shall be moved in whole or in part to any other property within the City Limits, unless every portion of the building or structure is made to conform to all the regulations of this Bylaw applying to the Zone in which it is to be located, and has been approved by the Development Officer and a Permit has been issued.

9.10.5 DEVELOPMENT PERMITS ADJACENT TO A PROVINCIAL HIGHWAY

1. Permits may be required from the appropriate provincial authority for any access/structure/building located within the control area of a provincial highway.
2. Under *The Transportation Infrastructure Act*, a permit is required from the provincial authority to:
 - a) Construct, modify, relocate, or intensify the use of an access onto a provincial highway.
 - b) Construct, modify, or relocate a structure or sign, or change or intensify the use of an existing structure (including the alteration of existing buildings) within a controlled area / control circle adjacent to a provincial highway.

- c) Place any trees or plantings within 15 m of the edge of the highway right-of-way.
- 3. Any buildings, parking, curbing, etc. within the controlled area are required to be shown on the permit.
- 4. The controlled area along PTH 5A is 38.1 m measured from the edge of the highway right-of-way.

9.10.6 DEVELOPMENT PERMITS ADJACENT TO RAIL CORRIDORS

- 1. Development Permits adjacent to Rail Corridors may be subject to rail authority recommendations.

SECTION 9.11. FEES, FINES, AND CHARGES

- 1. The City shall by Bylaw or resolution of Council establish a fee schedule for Variance and Conditional Use Orders, Development Permits, Development Agreements, Zoning Bylaw Amendments, Zoning Memoranda, Zoning Letters, and other Zoning-related documents.
- 2. Violations of this Bylaw are subject to applicable fines and/or penalties administered under the authority of the City of Dauphin Compliance Bylaw and Administrative Penalties Bylaw.
- 3. An individual found guilty of an offence under this Bylaw is liable on summary conviction to the fees and fines identified in any applicable City Bylaw or resolution.

PART 10: DEFINITIONS

PART 10.0. DEFINITIONS

The definitions in this Part apply to the text, tables, and illustrations of this Bylaw:

A

ABUT OR ABUTTING – means immediately contiguous to, or touching, and when used with respect to a lot or site means the lot or site touches upon another lot, site, right-of-way, or piece of land and shares a property line or boundary with it.

ACCESSIBILITY – means that individuals of all abilities can safely and freely enter or use a space without barriers impeding movement or interaction.

ACCESSORY BUILDING, STRUCTURE, OR USE – means a building, structure, or use established or erected in conjunction with or subsequent to the establishment or erection of a principal building, structure, or use approved under this Bylaw, and is subordinate or incidental to, and located on the same zoning site as a principal building, structure, or use.

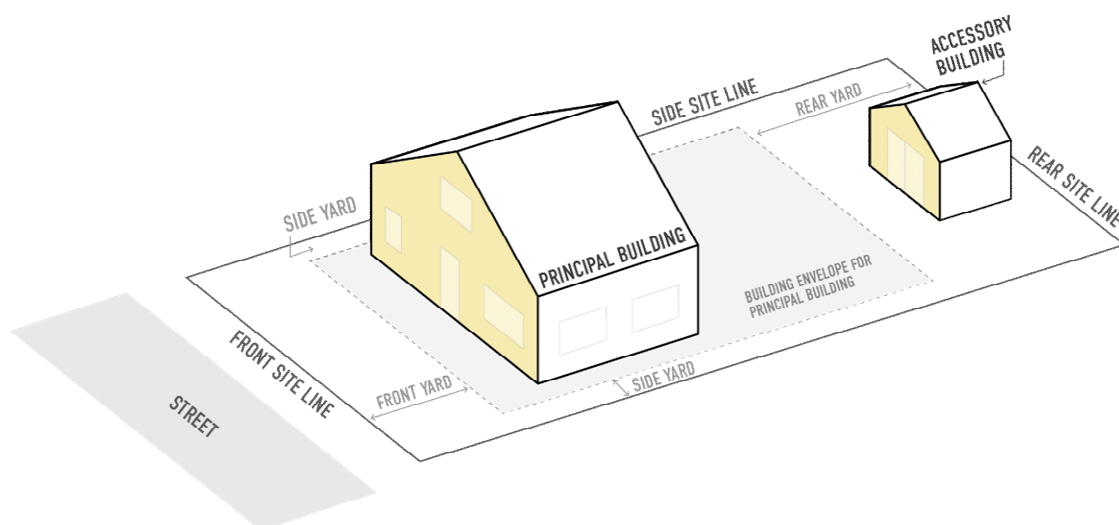


Figure 10.1. Accessory Building

ACT, The – means *The Planning Act*, being *Continuing Consolidation of the Statutes of Manitoba (CCSM) c. P80*, and amendments thereto.

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

ADULT BUSINESS – means any uses on premises to which the adult public, patrons, or members are invited or admitted or wherein any employee or other person provides, exhibits, or performs adult entertainment to or for a member of the adult public, a patron or a member, but does not include establishments licensed by the Manitoba Liquor Control Commission, a dating and escort service, or a massage parlour.

AERIAL WORK PLATFORM – also known as an aerial device, elevating work platform, or mobile elevating work platform, is a mechanical device used to provide temporary access for people or equipment to inaccessible areas, usually at height. There are distinct types of mechanized access platforms, and the individual types may also be known as a “cherry picker” or a “scissor lift.”

AGRICULTURAL ACTIVITY – means a use of land for agricultural purposes including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

AGRICULTURAL CULTIVATION – means the raising for consumption or sale of agricultural vegetation including vegetables, grains, fruits, flowers, and other similar products, and includes production within enclosed facilities or structures.

AGRICULTURAL IMPLEMENT SALES AND SERVICE – means a building and open area, used for display, sale, or rental of new or used farm implements and where incidental repair work is done.

AIRPORT AND ASSOCIATED FACILITIES – means land or water that is used or intended for the landing or take-off of aircraft and any associated areas that are used or intended for use for airport buildings or other airport facilities or rights-of-way, including taxi-ways, aircraft storage, and tie-down areas, hangars, helicopter pads, and other related buildings and open spaces.

ALTER OR ALTERATION – means a change or modification to an existing building, structure, or use which, unless otherwise provided for herein, does not increase the exterior dimensions with respect to height and area.

ALTERATION, STRUCTURAL – means the construction or reconstruction of supporting elements of a building or other structure, such as bearing walls, columns, joists, beams, or girders. For the purpose of this Bylaw, structural alteration shall not include the following alterations:

- a) The alteration of interior non-load-bearing components.
- b) The replacement of, or change in, utility pipes, ducts, or conduits.
- c) Adding or enlarging windows or doors, when the opening is not enlarged.
- d) Replacement of building facades.
- e) Other non-structural maintenance, repair, or renovation.

ALTERATION, SIGN – means a structural modification of a sign but does not include routine maintenance, painting, or change in face, copy, or lettering.

AMUSEMENT ENTERPRISE, INDOOR – means a commercial establishment designed and equipped for assembly occupancy uses for the conduct of sports, exercise, and/or leisure-time activities within a fully enclosed building, uses of which include but are not limited to arcade games, billiard and pool tables, bingo tables, bowling lanes, skating/roller rinks, go kart tracks, shooting ranges, paintball arcades, and related amusements.

AMUSEMENT ENTERPRISE, OUTDOOR – means an outdoor facility whose main purpose is to provide the general public with entertainment or recreation, with or without charge, including but not limited to amusement parks, batting cages, drive-in theatres, golf driving ranges, miniature golf

courses, go kart tracks, target sport ranges, skating rinks, skateboard parks, swimming pools, water parks, zoological parks, and similar uses.

ANIMAL HOSPITAL OR VETERINARY CLINIC – means an establishment providing inpatient and outpatient services for domestic animals, which might involve indoor facilities only, or both indoor and outdoor facilities, depending on the Zone in which they are located.

ANIMAL UNIT – means the number of animals in a particular category of livestock that will excrete 73 kg of total nitrogen in a 12-month period.

APIARY – means a place where bee colonies, hives, combs, or appliances are kept.

APPLICANT – means, unless otherwise specified, a registered owner or an owner's authorized agent, who has filed an application subject to the provisions of this Bylaw.

ASSISTED LIVING FACILITY – means a facility where meals, lodging, and continuing nursing care are provided for compensation, including nursing homes, retirement homes, and medical receiving homes, but excludes facilities providing medical diagnostic services or treatment by licensed physicians.

AUCTION ROOM – means a building or portion of a building used for the public sale of goods, merchandise, or equipment, other than livestock, vehicles or heavy equipment, to the highest bidder.

AUCTION YARD – means an outdoor place where vehicles or heavy equipment (operable or inoperable) are offered for sale to the highest bidder.

AUDITORIUM, CONCERT HALL, THEATRE, OR CINEMA – means an establishment devoted to showing motion pictures or dramatic, dance, musical, or other live performances.

AUTO/LIGHT TRUCK/MOTORCYCLE - SALES AND RENTAL – means the storage, display, sale, lease, or rental of new or used vehicles, including automobiles, light trucks, motorcycles, and similar vehicles and may include repair and service. This use does not include junk or salvage operations. Light trucks include those with a gross vehicle weight of 6,350 kg or less.

AUTO/LIGHT TRUCK/MOTORCYCLE/RECREATION VEHICLE – REPAIR AND SERVICE – means an establishment involved in the repair and maintenance of automobiles, light trucks, motorcycles, recreation vehicles, and similar vehicles. Services include engine, transmission, or differential repair or replacement; body work; upholstery work; painting; engine tune-ups; oil change and lubrication; brake repair; tires; detailing and polishing; and associated repairs. Vehicle parts ordinarily installed on the premises may be sold.

AUTO PARTS AND SUPPLIES – SALES – means an establishment that sells primarily new parts, tires, and other accessories for automobiles, light trucks, motorcycles, recreational vehicles, boats, trailers, snowmobiles, and similar vehicles, but does not include establishments dealing primarily in used parts, including junk or salvage operations.

AVIARY – means a place for keeping birds for the purpose of raising, exhibiting, or selling them.

AWNING – means a shelter:

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

B

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

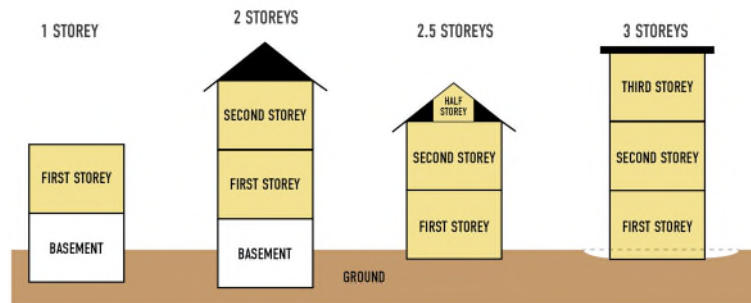


Figure 10.2. Examples of Building Type Basements

BAY WINDOW – means a large window or series of windows projecting from the outer wall of a building.

BED AND BREAKFAST – means a home-based business operated as an accessory use to a single-unit residential dwelling that provides temporary lodging (other than a hotel or motel) to guests for short periods of time, and that may also provide breakfast to guests.

BIOSWALE – means a landscape element designed to capture storm water run-off from adjacent surface areas. It has inverted sloped sides that allow rainwater to drain into it and contains vegetation and mulch designed to remove pollutants before the water infiltrates into the soil.

BOARDER OR ROOMER – means a person who is provided lodging with or without meals at another's home for a fee or services.

BOARDING OR ROOMING HOUSE – means a building, other than a hotel or hostel, that provides living units with separate sleeping areas and some combination of shared bath or toilet facilities. The building may or may not provide meals to guests for compensation, and may or may not have separate shared cooking facilities for residents. Care, treatment, or supervision must not be provided to any resident. There can be a maximum of eight boarders or roomers per dwelling. The sleeping rooms must form part of the proprietor's residence.

BODY MODIFICATION ESTABLISHMENT – means a commercial establishment that provides physical body adornment by body piercing or tattooing including scarification and the insertion of

implants, but excluding piercing of the ear.

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

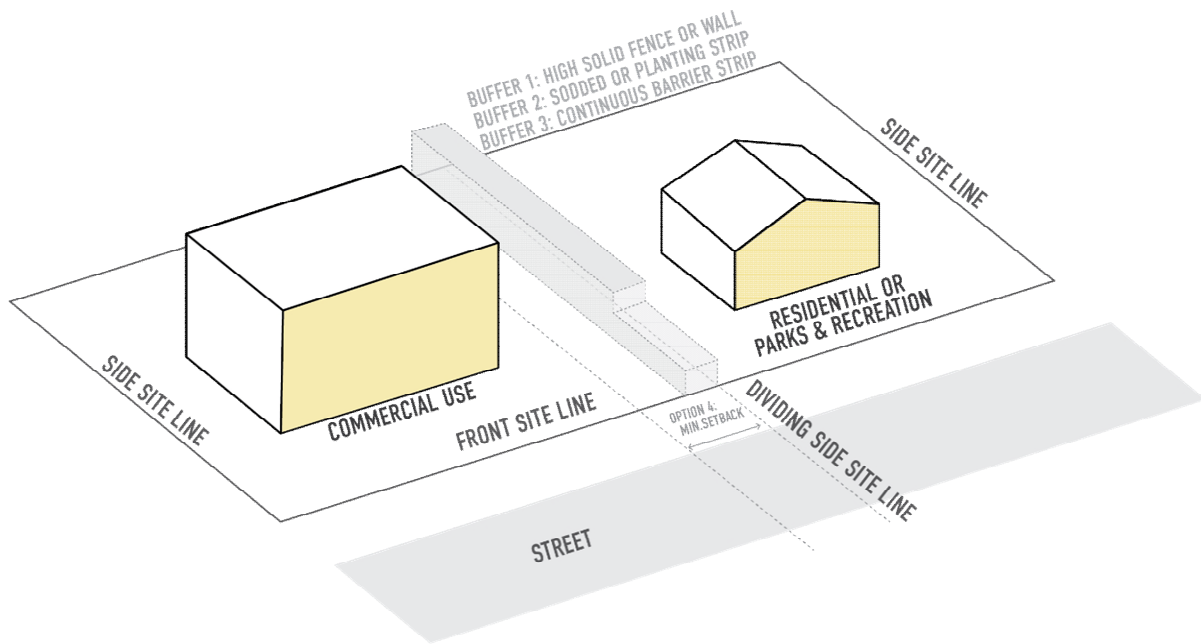


Figure 10.3. Buffers

BUILDING – means a building as defined in *The Planning Act*.

BUILDING LOCATION CERTIFICATE – means a legal document prepared by a Manitoba Land Surveyor, which shows the exact dimensions and positions of the land and buildings on a particular property. It reports any encroachments onto or from adjoining properties.

BUILDING, PRINCIPAL – means the building or structure on a lot used to accommodate the principal permitted use, such use possibly occurring in more than one building or structure.

BULK STORAGE – means the storage of chemicals, petroleum products, and other materials in above-ground containers for subsequent resale to distributors or retail dealers or outlets.

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

C

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

CAMPING AND TENTING GROUND – means an area or tract of land on which accommodations for temporary occupancy are located or may be placed, including tents and recreational vehicle equipment.

CANNABIS – means cannabis as defined in *The Cannabis Act*.

CANNABIS CULTIVATION OPERATION – means the growing of cannabis plants, industrial hemp plants (those containing 0.3% THC or more), and harvesting material from those plants, as well as associated activities.

CANNABIS PROCESSING OPERATION – means the manufacturing, packaging, and labelling of cannabis products designed for sale to consumers, and the intra-industry sale of these products, including to provincially/territorially authorized distributors, as well as associated activities.

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

CAR WASH – means a facility for the cleaning of automobiles or other motor vehicles, whether operated by the public or by on-site employees, whether or not in conjunction with other goods or services provided to customers.

CARETAKER’S RESIDENCE – means an Accessory Dwelling on a non-residential property occupied by the person or family who oversees or guards the operation.

CASINO OR GAMING CENTRE – means a facility that houses and accommodates certain types of gambling activities, as regulated and controlled by the Manitoba Gaming Control Commission.

CATERING/CATERER – means the business of providing food service at a remote site or a site such as a hotel, public house (pub), or other location.

CEMETERY, MAUSOLEUM, OR COLUMBARIUM – means land used or dedicated to the interment of human or animal remains, including columbarium, mausoleums, mortuaries, and associated maintenance facilities when operated in conjunction with, and within the boundaries of, such cemetery.

CHILD CARE CENTRE – means the provision of child care services in a provincially-licensed facility, but does not include child care inside a home.

CHILD CARE FACILITY – means the provision of services in a provincially licensed facility but not inside a home.

CHILD CARE, HOME-BASED – means the provision of child care services for up to 12 children (including the children of the licensed operator), of whom not more than three are infants, in a provincially-licensed facility.

COACH HOUSE – means a Secondary Suite located either above a Detached private Garage (above grade), or in a single-storey Accessory Dwelling attached to the side or rear of a Detached private Garage (at grade). A Coach House is accessory to the principal use of a property, which must be a permanent Single-Unit Detached Dwelling. A Coach House has an entrance separate from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the structure.

COLLEGE OR UNIVERSITY – means a permanent facility recognized by the Province of Manitoba for the purpose of undergraduate and graduate instruction, whether privately or publicly funded, and may include on-site dormitories for enrolled students.

COLUMBARIUM – means a permanent structure used for holding urns containing cinerary urns.

COMMUNITY GARDENS – means a public use of land for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person.

COMMUNITY/RECREATION CENTRE – means a facility for recreational, social, or multi-purpose use where patrons are primarily participants and any spectators are incidental and attend on a non-recurring basis. Examples include recreation and leisure centres, hockey and skating rinks, curling rinks, swimming pools, bowling alleys, racquet clubs, rifle and pistol ranges, community halls, and community centres. Can also mean a commercial establishment designed and equipped for assembly occupancy uses for the conduct of exercise and/or leisure-time activities within a fully enclosed building, uses of which include but are not limited to gymnasiums and health clubs, wellness centres, weightlifting establishments, martial arts studios, fitness studios, yoga studios, dance studios, swimming pools, and related fitness and wellness activities

COMPACT EXCAVATOR – a compact or mini-tracked or wheeled vehicle with approximate operating weight from 900 kg to 7,200 kg. May include a standard back-fill blade and features such as an independent boom swing.

CONDITIONAL USE – means a use of a building or land that may be permitted under this Bylaw. Conditional Uses are uses that may have unique or widely varying operating characteristics, may have potential operational or other impacts on adjacent properties, or may have unusual site development demands.

CONDITIONAL USE ORDER – means an Order in respect of an application for a Conditional Use.

CONDOMINIUM – means individual ownership of dwelling and/or land units and common ownership of all other property including buildings and structures or parts thereof, open space, roadways, pathways, and equipment held by the condominium corporation, as defined by *The Condominium Act*.

CONDOMINIUM, BARE LAND UNIT – as defined by *The Condominium Act*.

CONVENTION CENTRE – means a large building or group of buildings with the intended use of holding meetings and events for large groups of people.

COPY, SIGN – means letters, graphics, or characters that comprise the sign message.

COPY AREA, SIGN – means that area of a sign covered by a single rectangle drawn around the extremities of the message contained on the sign and in the case of a multi-face sign comprises one-half of the total area of all sign faces.

COUNCIL – means the elected Council for the City of Dauphin.

CREMATORIUM – means a facility containing a properly installed, certified furnace, or other apparatus intended for use in the incineration of human or animal corpses.

CRYPTOCURRENCY PROCESSING FACILITY – means the operation of specialized computer equipment for the purpose of mining one or more blockchain-based cryptocurrencies. Typical physical characteristics of cryptocurrency mining include specialized computer hardware for mining operations as well as equipment to cool the hardware and operating space. For the purposes of the associated regulations, cryptocurrency mining does not include the exchange of cryptocurrency or any other type of virtual currency, nor does it encompass the use, creation, or maintenance of all types of peer-to-peer distributed ledgers.

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

D

DATING AND ESCORT SERVICES – means any business that offers to provide or does provide an introduction between two persons for a period of companionship for which service a fee is charged, levied, or otherwise imposed.

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

DENTAL, OPTICAL, OR COUNSELLING CLINIC – means a facility for the provision of human health services and related activities such as preparation of castings, dentures, and x-rays for patients without overnight accommodations and accessory laboratory facilities. Each clinic shall be considered a single use regardless of the number of professional service providers sharing a clinic space.

DESIGN FLOOD LEVEL – means the flood level as shown on the *Canada-Manitoba Flood Damage Reduction Agreement* and comprised of all land identified on *Plan 85-8-104 0A, Sheets 1-9*, filed at

City Hall, City of Dauphin.

DESIGN STANDARD – means a development requirement related to the design or layout of a site or building set out in Part 4.0.

DEVELOPER – means the individual or group undertaking an activity defined as development herein.

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

DEVELOPMENT APPLICATION – means any application in connection with a development or an approval, permit, Order, Bylaw, or amendment that allows or would allow a development, and includes any appeal filed against a Variance Order or Conditional Use Order related to any one or more of them.

DEVELOPMENT OFFICER – means the Development Officer as appointed by the City of Dauphin.

DEVELOPMENT PERMIT – means a permit authorizing a development that is subject to a Zoning Bylaw as defined by *The Planning Act*.

DEVELOPMENT STANDARD – means a development requirement included in Part 4.0.

DIMENSIONAL STANDARD – means a development requirement that establishes maximum size of buildings and structures on a lot and the buildable area within which the building can be located, including lot coverage, yard requirements, height, floor area ratio, and other standards defined in Section 4.2.

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

DRINKING ESTABLISHMENT – means an establishment or portion of an establishment, licensed by the Government of Manitoba, where the principal purpose of the establishment or portion is the sale of alcoholic beverages to the public, for consumption on the premises.

DRIVE-IN OR DRIVE-THROUGH ESTABLISHMENT – means any use designed or operated to allow patrons, while outside on the premises in motor vehicles, to order, request, exchange, donate, or receive goods, wares, merchandise, products, foods, beverages, or services.

DWELLING – means a building or portion of a building designed for and intended to be used for residential occupancy. It does not include establishments for commercial accommodation.

DWELLING, MULTI-UNIT – means a structure, located on a single lot, containing three or more dwelling units, with separate housekeeping and cooking facilities for each.



Figure 10.4. Multi-Unit Building Examples

DWELLING, SINGLE-UNIT – means a development consisting of a building containing only one dwelling, which is separate from any other dwelling or building, including modular and ready-to-move home construction, but not including a mobile home or manufactured home.

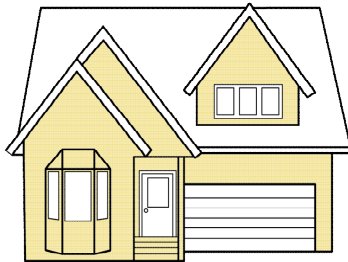


Figure 10.5. Single-Unit Building Example

DWELLING, TWO-UNIT – the whole of a building divided vertically or horizontally into two separate dwelling units, each of which has an independent entrance, including modular and ready-to-move home construction, but not including a mobile or manufactured home.

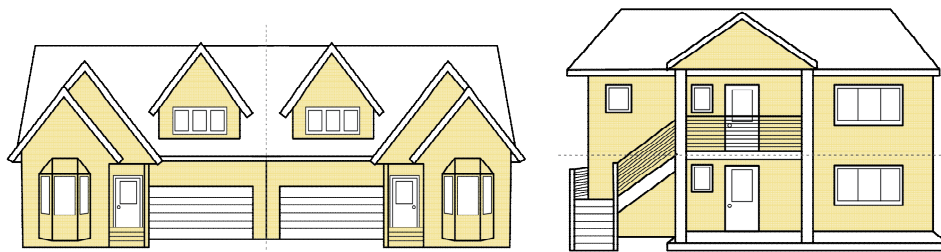


Figure 10.6. Two-Unit Building Examples

DWELLING UNIT – means a building or portion of a building designed or used for residential occupancy, including cooking, eating, living, sanitary, and sleeping facilities.

DWELLING, SEMI-DETACHED – means a Two-Unit Dwelling arranged side-by-side, contained in a single building with a single foundation, connected by a shared common wall. This type of development is designed and constructed as two dwelling units at initial construction. It does not include a Secondary Suite.

E

ELEMENTARY OR MIDDLE SCHOOL – means an accredited school under the sponsorship of a public, private, or religious agency, providing instruction to students between the kindergarten and grade eight levels.

EMERGENCY RESIDENTIAL SHELTER – means a facility where emergency temporary lodging is provided to persons who are unhoused, operated by a public or non-profit agency, and where on-site supervision is provided whenever such shelter is occupied.

F

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

FINANCIAL SERVICES FACILITY – means an institution where money is deposited, kept, lent, or exchanged. This can include a bank, credit union, savings and loan, and cheque cashing facilities (a commercial establishment that engages in the business of cashing cheques, warrants, drafts, money orders, or other commercial paper serving the same purpose).

FEED, SEED, GRAIN, AND VEGETABLE MANUFACTURING AND PROCESSING – means the processing, manufacturing, and packaging of agricultural products including feed, seed, grain, and vegetables.

FEED, SEED, GRAIN, AND VEGETABLE SALES, STORAGE, AND DISTRIBUTION – means a facility or area for the bulk storage and distribution of agricultural feed, seed, grain, and vegetables.

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

FLORICULTURE – the cultivation and production of flowering plants that are typically ornamental in nature.

FLOODWAY AREA – means those areas identified as floodway on the flood risk maps prepared pursuant to the *Canada-Manitoba Flood Damage Reduction Agreement* and comprised of all land identified on *Plan 85-8-104 0A, Sheets 1-9*, filed at City Hall, City of Dauphin.

FLOODWAY FRINGE AREA – means those areas identified as floodway fringe on the flood risk maps.

FLOOD PROTECTION LEVEL – means a level above the design flood level.

FLOOR AREA – means the sum of the gross horizontal areas of the several floors of all buildings

and structures on the zoning site, measured from the exterior faces of exterior walls, or from the centre line of partitions, except spaces in a basement, cellar, or penthouse used for mechanical or heating equipment, and except any space within the building used as a parking area or loading area.

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

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

FRONTAGE – means that part of a zoning site fronting on a public road. For the purposes of frontage metre calculations, “frontage” includes all property lines abutting public roads.

FUEL SALES / SERVICE STATION – means an establishment operated at a fixed location at which gasoline or any other motor vehicle engine fuel is offered for sale to the public.

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

FUNERAL CHAPEL OR MORTUARY – means a facility for the temporary storage of deceased human bodies prior to burial or cremation, a building used for the preparation of the deceased for burial, and the display of the deceased and ceremonies connected therewith before burial or cremation.

G

GALLERY/MUSEUM – means an establishment engaged in the sale, loan, or display of paintings, sculpture, textiles, antiquities, or other works of art.

GARBAGE INCINERATION AND REDUCTION – means a facility for the purpose of treating, burning, compacting, composting, or disposing of solid waste.

GARDEN SUITE – means a single-storey secondary suite, contained in a separate building, positioned at grade and to the rear of an existing principal use on a single zoning site.

GOLF COURSE – means a tract of land laid out with a course having nine or more holes for playing the game of golf. This term does not include miniature golf courses, nor does it include driving ranges that are not an accessory to a golf course.

GRADE – means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Development Officer.

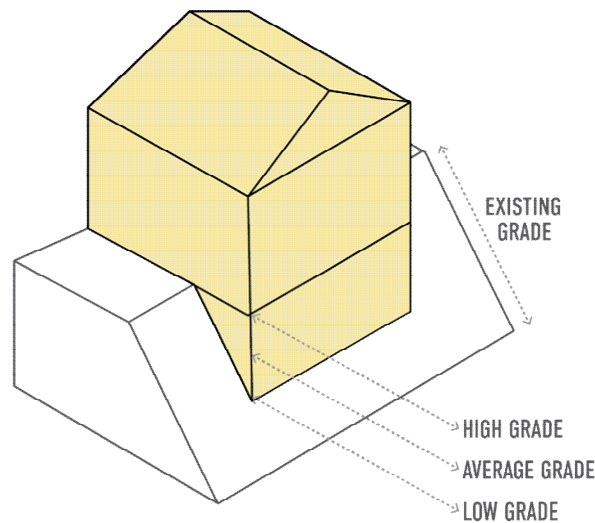


Figure 10.7. Grade Examples

GROUP HOME – see Residential Care Facility.

H

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

HEAVY EQUIPMENT SALES, SERVICE AND RENTAL – means a facility that is engaged in the sales and repair of heavy equipment typically used in agricultural, commercial, or industrial operations, including tractors, trucks with a gross vehicle weight of over 6,350 kg, semi-tractor trucks and/or trailers, harvesters, loaders, and tracked vehicles as well as sales of parts, whether new or used, for heavy equipment.

HEAVY MANUFACTURING – means a use of land that includes the assembly, fabrication, and/or processing of goods and materials using processes that have an impact on the surrounding use and enjoyment of other properties in terms of noise, smoke, fumes, odours, glare, or health or safety hazards, that otherwise do not constitute “light manufacturing” or any use where the area occupied by outside storage of goods and materials used in the assembly, fabrication, or processing exceeds 25% of the floor area of buildings on the lot. Examples include, but are not limited to, battery, chemicals, machinery, and plastics manufacturing; mushroom plants; asphalt or concrete batching plants; packaging plants; slaughterhouses; and rendering plants.

HEIGHT – is measured as the vertical distance from grade to:

- a) The highest point of the roof surface of a flat roof or a shanty roof; or
- b) To the deck of a mansard roof; or
- c) To the mean height level between the eaves and ridge of a gable, hip, or gambrel roof; or
- d) Where the slope of a gable, gambrel, or hip roof, or any portion of such roof, is less than 1:3 (rise:run), the building height is measured as though the roof were flat.

Where a roof contains multiple gables, multiple ridgelines, or multiple flat surfaces, or a combination of those features, the measurement is made pursuant to the provisions above (as these apply to that portion of the roof resulting in the highest measurement (Figure 10.8)

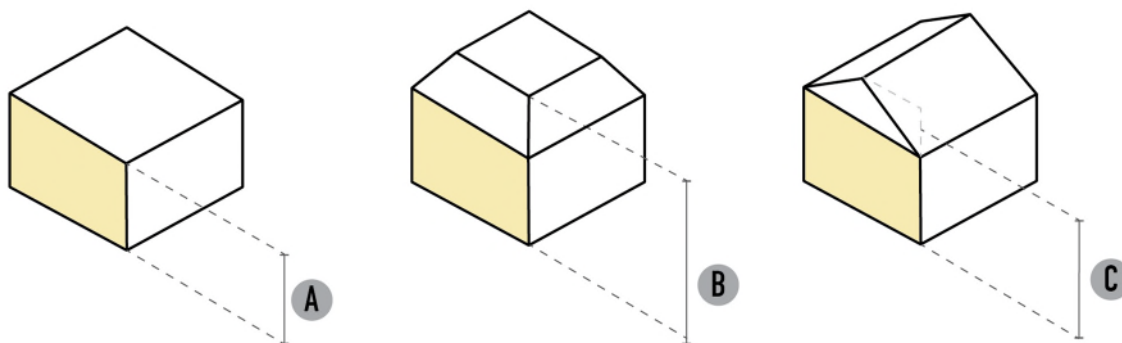


Figure 10.8. Building Height

Height (a) indicates measurement for flat or shanty roof; height (b) indicates measurement for a mansard roof; and height (c) indicates measurement for a gable or hipped roof at the mean level between ridge and eave. Overall height for the structure is determined based on the highest of the various measurements (in this case height (b)).

HELICOPTER PAD – means a landing area used for the taking off and landing of helicopters for the purpose of picking up and discharging passengers or cargo without adjoining fueling, refueling, or service facilities.

HIGH SCHOOL – means an accredited school under the sponsorship of a public, private, or religious agency providing instruction to students at the grade nine to 12 school level.

HOME-BASED BUSINESS (HBB) – means any occupation carried on, in, or from a dwelling unit or its accessory building, for remuneration and that is clearly incidental or accessory to the residential use of the dwelling unit.

HOME INDUSTRY – means a light manufacturing operation that is carried out as a secondary use on the same site as a dwelling.

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

HOTEL OR MOTEL – means a building or portion of a building providing temporary accommodation in individual guest rooms or suites for a fee, with or without provision for cooking in any individual guest room or suite.

I

ILLUMINATION, SIGN – means the lighting of any sign by artificial means.

INCIDENTAL – means a building, feature, or use established or erected in conjunction with or subsequent to the establishment or erection of a principal building, structure, or use approved under this Bylaw, and is incidental to, and located on, the same zoning site as the principal or accessory use, and that has fewer impacts than an accessory use.

INCIDENTAL ALTERATIONS – means changes or replacements in the parts of a building or structure, including but not limited to the following:

- a) Alteration of interior non-structural walls.
- b) Replacement or minor changes of interior or exterior finishes.
- c) Replacement or minor changes of the capacity of pipes, ducts, or conduits.
- d) Other non-structural maintenance, repair, or renovation.

J

JAIL/CORRECTIONAL FACILITY/DETENTION CENTRE – means a place for the confinement of persons in lawful detention.

JUNK YARD – means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, metals, paper, rags, rubber tires, and bottles. A junk yard includes an automobile wrecking or dismantling yard, but does not include uses established entirely within an enclosed building.

K

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

L

LANDFILL – means a permanent facility, either publicly- or privately-owned, operated for the purpose of disposing of, or the composting of, solid waste.

LANDSCAPE OR GARDEN SUPPLIES – means an establishment, including a building, part of a building or open space, for the display and/or sale of plants, trees, and other materials used in

indoor or outside planting, for retail sales and incidental wholesale trade.

LANDSCAPE/GARDEN SUPPLY CONTRACTOR OR PRODUCTION – means a location for the production of landscape materials, including commercial greenhouses or nurseries, and the wholesale sale of supplies, plants, sod, trees, and landscaping materials.

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

LANE, PUBLIC – means a thoroughfare not over 10.0 m in width, in public ownership, that affords only a secondary means of access to abutting property.

LAUNDRY SERVICES/DRY CLEANING – means establishments primarily engaged in providing laundry and dry-cleaning services for both public use and as a paid-for service.

LIBRARY – means a development for the collection of literary, artistic, musical, and similar reference materials in the form of books, manuscripts, recordings, and films for public use.

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

LIGHT TRUCK – means a truck or similar vehicle with a single rear axle and single rear wheels weighing less than 6,350 kg.

LIVESTOCK – means animals or poultry not kept exclusively as pets, excluding bees.

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

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

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

LOADING SPACE – means that portion of a loading facility, excluding vehicle manoeuvring areas such as aisles and driveways that will accommodate one motor vehicle.

LOCKABLE BICYCLE SPACE – means a stationary rack where bicycles can be fastened or secured to prevent theft.

LOT – see definition for PARCEL.

M

MASSAGE PARLOUR – means any premises, room, or place in which the trade of massaging is carried out for commercial purposes by an individual not registered with the Massage Therapy Association of Manitoba.

MEDICAL CLINIC – means an institution that maintains and operates facilities for outpatient medical care without overnight stays, including x-ray, laboratory, and surgical, for the diagnosis, care and treatment of human illness, injury, and disease (physical or mental).

MICRO-BREWERY, DISTILLERY, OR WINERY – means a commercial enterprise at a single location producing malt beverage, alcoholic beverage, or manufacturing wine in quantities not to exceed 15,000 barrels per year.

MINING AND EXTRACTION – means the extraction of minerals, sand, gravel, or ores from their natural occurrences on affected land, and distribution of extracted materials, including the excavation, processing, or distribution of clay, gravel, stone, or soils.

MINI-WAREHOUSE/SELF-STORAGE – means an enclosed permanent facility that provides storage space to the general public on a for-hire basis. Mini-warehouses and self-storage areas may also include vehicle storage for recreational vehicles, boats, and other vehicles. No other business or service may be allowed to operate out of a rented storage space.

MOBILE/MANUFACTURED HOME – means a portable dwelling unit that is designated to be used as living quarters that is capable of being transported on its own chassis and running gear by towing or other means.

MOBILE/MANUFACTURED HOME PARK – means a parcel of land on which mobile/manufactured home spaces are provided.

MOBILE FOOD VENDOR – means enterprises primarily engaged in preparing and serving meals and snacks for immediate consumption from motorized vehicles or non-motorized carts without limiting the generality of the foregoing, wagons, trailers, and trucks.

MODULAR HOME – means a form of dwelling construction method suitable for year-round occupancy that consists of one or more modules, either partially or wholly factory-fabricated, and containing a framework that does not contain wheels or towing tongue. When transported to a building site, it will be placed on a permanent foundation so as to be substantially affixed to the site and connected to the required utilities, thereby making it immobile housing.

N

NEIGHBOURHOOD REHABILITATION HOME – means a building or portion of a building used for boarding or other residential accommodation, plus mandatory supervision or treatment of persons

who are from or discharged from any penal institution, or who are receiving supervision or treatment for alcohol or other drug addictions in which supervision or treatment is not provided to any persons not residing in the rehabilitation home.

NON-CONFORMING SIGN – means any sign lawfully established prior to the effective date of this Bylaw that does not comply with the sign standards of this Bylaw.

NON-CONFORMING STRUCTURE – means any building lawfully existing prior to the effective date of this Bylaw that does not comply with one or more of the applicable Zone dimensional standards set forth in Part 4.0 on the effective date of this Bylaw.

NON-CONFORMING USE – means any use of a building, parcel of land, or portion of a building or parcel of land, lawfully existing prior to the effective date of this Bylaw, that does not conform to one or more of the applicable use regulations of the Zone in which it is located on the effective date of this Bylaw.

NON-CONFORMITY – means any use, structure, sign or lot, individually or in combination, which lawfully existed prior to the effective date of this Bylaw, but that does not conform to one or more of the applicable standards on the effective date of this Bylaw.

NON-FEDERALLY REGULATED WIRELESS COMMUNICATION BUILDING-MOUNTED TOWER – means any structure attached to a building that supports one or more wireless analog or digital communication facilities, and that exceeds the height of the building by 7.3 m or more that is not under the jurisdiction of the Federal government. Such a tower may have a variety of configurations, including a monopole, a lattice tower, or a guyed tower.

NON-FEDERALLY REGULATED WIRELESS COMMUNICATION FREESTANDING TOWER – means any structure that is designed and constructed primarily for the purpose of supporting one or more wireless analog or digital communication facilities, that is located on the ground or anchored to the ground and exceeds 7.3 m in height that is not under the jurisdiction of the Federal government. Such a tower may have a variety of configurations, including a monopole, a lattice tower, or a guyed tower.

O

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

OFFICE/SERVICE AREA OR BUILDING – means an accessory use provided in conjunction to a Mobile Home Park, Multi-Unit Dwelling, or a non-residential use, that is clearly incidental to and customarily found in connection with the principal use, such as administrative offices for the principal use.

OUTSIDE OPERATIONS – means activities conducted outside that are directly related to, and in support of, a permitted principal use on the site. This does not apply to residential uses.

OUTSIDE STORAGE – means outside storage, but not display for sale, of goods and/or materials. Storage of materials in a structure with a roof but no walls is considered outside storage. Does not include wrecking or salvage yards.

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

P

PARAPET – means a low wall at the edge of a roof, especially that part of an exterior wall that rises above the roof.

PARCEL OF LAND – means the aggregate of all land described in any manner on a certificate of title.

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

PARKING AISLE – means that portion of a parking facility that provides vehicular access to a parking space, not directly from a driveway.

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

PARKING DRIVEWAY – means that portion of a parking facility that provides vehicular access from a public right-of-way to a parking space, or an aisle.

PARKING FACILITY – means an open area of land or an area within a structure, not including an area or structure located within a public right-of-way, used for the parking of motor vehicles.

PARKING SPACE – means that portion of a parking facility, excluding vehicle manoeuvring areas such as aisles and driveways, that will accommodate one motor vehicle.

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

PARKING, SURFACE – means an unenclosed area where motor vehicles may be stored for purposes of temporary, daily, or overnight off-street parking as a principal use.

PARTY WALL – means a wall jointly owned and jointly used by two parties under Easement

Agreement or by right in law, and erected at or upon a line separating two parcels of land, each of which is, or is capable of being, a separate real estate entity.

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

PATH / PATHWAY – means off-street pathways that are physically separated from motor vehicle traffic and can be used by any non-motorized user. This includes people walking, cycling, skateboarding, kick scootering, in-line skating, and using other active modes.

PAWNSHOP – means a place where money is loaned on security of personal property left in pawn and pledged as collateral for the loan.

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

PERMITTED USE – means a use permitted in a Zone without the need for special administrative review and approval, upon satisfaction of the standards and requirements of this Bylaw.

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

PET DAYCARE – means a place, facility, or business for grooming, training, or care of pets, but where no animals are kept overnight.

PLACE OF WORSHIP – means facilities used primarily for non-profit purposes to provide assembly and meeting areas for religious activities. Examples include churches, temples, synagogues, mosques, chapels, and meeting houses.

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

- a) Comprehensive re-development – mixed use projects in downtown areas.
- b) Higher quality townhouse and apartment projects characterized by diverse designs and more public and private amenity space.
- c) More interesting subdivision layouts characterized by an open space nature, clustered developments, preservation of natural features, separation of pedestrian and vehicular systems, staggered setbacks, diverse housing types and models and reduced amount of land devoted to streets and public works.

- d) Shopping centres and industrial developments with a greater amount of landscaping and parking, less open storage and building designs, which are more compatible with adjacent uses and more visually pleasing.

PREMISES – means an area of land with or without buildings.

PRINCIPAL BUILDING – means any building on a site that contains permitted principal uses, as opposed to:

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

PRINCIPAL BUILDING ENTRANCE – means the entrance of any building, generally facing a sidewalk or public street, intended to accommodate the majority of public traffic.

PRINCIPAL USE – means the primary or predominant use of any lot, building, or structure.

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

PROHIBITED USE – means a use not permitted in a Zone.

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

PUBLIC PATHWAY – means a walkway, trail, or route for pedestrian usage maintained by the City of Dauphin.

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

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

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

Q

R

RACE TRACK – means a measured course where animals or machines are entered in competition against one another or against time, including tracks used only in the training of animals.

RAIN GARDEN – means a planted depression that allows stormwater runoff to be absorbed into the ground.

REAL ESTATE SALES OFFICES AND MODEL SALES HOMES – means an uninhabited dwelling unit temporarily used for display purposes as an example of a dwelling unit to be available for sale or rental in a particular residential development and located within that development. Model homes may also incorporate sales or rental offices for dwellings within the development.

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

RECYCLING COLLECTION CENTRE – means a use that serves as a drop-off point for temporary storage of recoverable resources, such as newspapers, glassware, plastics, and metal cans. No processing of such items are allowed.

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

RESEARCH INSTITUTION – means an establishment or facility engaged in scientific research, product design, development and testing, and limited manufacturing necessary for the production of prototypes.

RESIDENTIAL CARE FACILITY – means a residence that is licensed or funded under an Act of the Parliament of Canada or the Province of Manitoba for the accommodation of persons, exclusive of staff or receiving family, living under supervision in a single housekeeping unit and who by reason of their emotional, mental, physical, social, or legal status, require a group living arrangement for their well-being. Sometimes called a Group Home or home-type care capacity.

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

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

ROAD ALLOWANCE – means a registered public street right-of-way.

ROOF LINE – means the line made by the intersection of a wall of a building with a roof of the building.

READY-TO-MOVE (RTM) HOME – is a form of dwelling construction that is fully assembled or constructed away from the installation site and where finishing activities like painting and attaching cabinets and interior trim are completed at the installation site. It is single structure designed for use with a permanent foundation as a dwelling unit and is entirely constructed away from the site on which it will be affixed to the permanent foundation.

S

SEASONAL SALES – means the outside sale of seasonal merchandise, other than those sold at a farmer's market, such as Christmas trees, flags, kites, or arts and crafts.

SECONDARY SUITE – means a self-contained Accessory Dwelling unit located either within a permanent Single-Unit Detached Dwelling, or in an Accessory building, on a single zoning site. A Secondary Suite contains a single housekeeping unit and its own separate access, cooking, sleeping, and sanitary facilities, which are separate from and not shared with those of the Principal Dwelling.

SCHOOL – means private or public establishments primarily engaged in providing instruction and training in a wide variety of subjects. This instruction and training are provided by specialized establishments, such as schools, colleges, universities, and training centres. They may also offer food and accommodation services to their students.

SHIPPING CONTAINER – means a standardized reusable steel box used for the safe, efficient, and secure storage and movement of materials from one mode of transport to another, without unloading and reloading the contents of the container.

SHOPPING CENTRE – means a facility that contains five or more retail sales uses, and that may also contain other personal service uses, in a single building or attached buildings, or on adjacent lots, sharing common parking, and with a floor area greater than 4,645 m².

SHUTTLE SERVICE – a transportation service by air, road, rail, or water that takes passengers or freight in either direction between two fixed points, usually over a relatively short distance.

SIGN – means any writing (including letter, word, or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol, logo, or trademark), flag (including banner or pennant, but not the flag of any nation or government), and anything designed or intended to, or having the effect of, announcing, identifying, directing attention to, or advertising any building or use.



Figure 10.9. Sign Types

- **ADVERTISING SIGN (A)** – means a permanent sign or billboard directing attention to a business, commodity, service, thing, message, or entertainment conducted, sold, or offered elsewhere than upon the same zoning site on which that sign is located (offsite sign).
- **BILLBOARD SIGN (A)** – see ADVERTISING SIGN.
- **BUSINESS SIGN** – means a sign directing attention to a business, commodity, service, or entertainment conducted, sold, or offered upon the same zoning site on which that sign is located. The sign must be located entirely on the business property to which it pertains.
- **CANOPY SIGN (C)** – means a canopy or free-standing canopy that utilizes or incorporates 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 user identifies a construction project and information relative thereto.
- **FASCIA SIGN (F)** – means a sign, or individual letters attached to, marked or inscribed on, or erected or placed against, a wall, or other surface, whether forming part of a building or not, and having the exposed face of the sign on a plane approximately parallel to the plane of such wall or other surface and projecting not more than 0.5 m from the face of such wall.
- **FREE-STANDING SIGN (B)** – means a sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure, including a sign that is attached to a fence.
- **IDENTIFICATION SIGN (D)** – means a sign that identifies a business, owner, resident, or institution by name, logo, or street address, and which sets forth no other advertisement.
- **INFLATABLE SIGN (J)** – means an inflated three-dimensional device that may incorporate a sign and is anchored or affixed to a building or site, and is approved as a mobile sign.
- **MARQUEE SIGN** – means a sign attached to a marquee.
- **MOBILE SIGN (K)** – means an advertising sign that is mounted on a trailer, vehicle, stand, or similar support structure, which is designed in such a manner that the sign can be readily relocated to another location, and which may include copy that can be changed through the use of removable characters, panels, or by electronic means.
- **PROJECTING SIGN (D) (G)** – means a sign, other than a fascia or canopy sign, the exposed face or faces of which are not necessarily parallel to a wall and which is attached to a building and extends as a projection of a line of that building or beyond the surface of that portion of the building to which it is attached.
- **REAL ESTATE SIGN** – means a temporary sign advertising real estate that is "for sale", "for lease", or "for rent", or real estate that has been "sold".

- **WINDOW SIGN (E)** – means a sign that is painted on, attached to, or installed on or near a window, for the purpose of being viewed from outside the premises.

SIGN HEIGHT – means the vertical distance measured from the highest point of the sign or sign structure to grade.

SIGN SURFACE AREA – means the entire area of a sign within a single continuous perimeter enclosing the extreme limits of writing, representation, or emblem.

SITE – means a whole lot or block in a registered plan of subdivision; or the aggregate of all contiguous land described in a certificate of title or in more than one certificate of title provided they are in the same ownership.

SITE AREA – computed as the amount of gross land area contained within the property lines of a lot or parcel or a combination of contiguous parcels that collectively form a site such as that of a shopping centre.

SITE, CORNER – means a zoning site that abuts the intersection of two or more public streets, or that abuts the approximately perpendicular intersection of two or more frontages of the same public street. (See Figure 10.10)

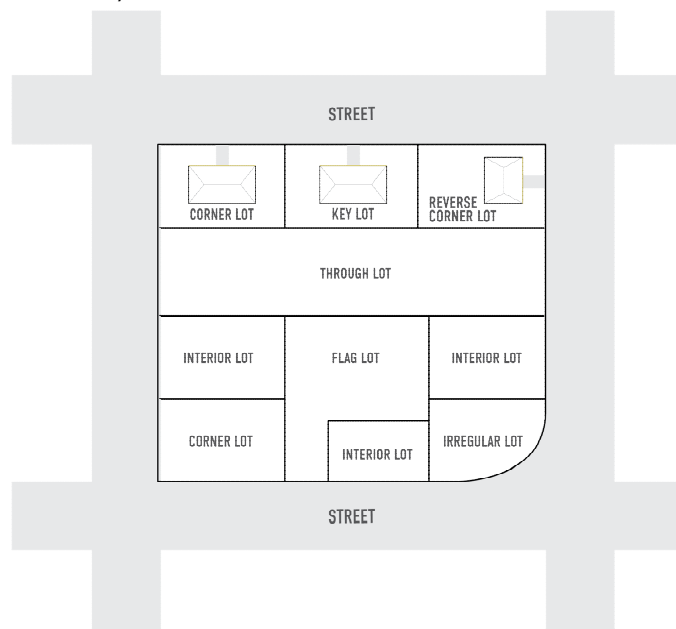


Figure 10.10. Site Types

SITE COVERAGE – means the area, measured as a percentage of the total site area, that is occupied by a principal or accessory building.

SITE DEPTH – is the depth of a site from the street, measured as the horizontal distance between the centre points in the front and rear lot lines, and generally equal to the horizontal length of the lot depth line. (See Figure 10.11)

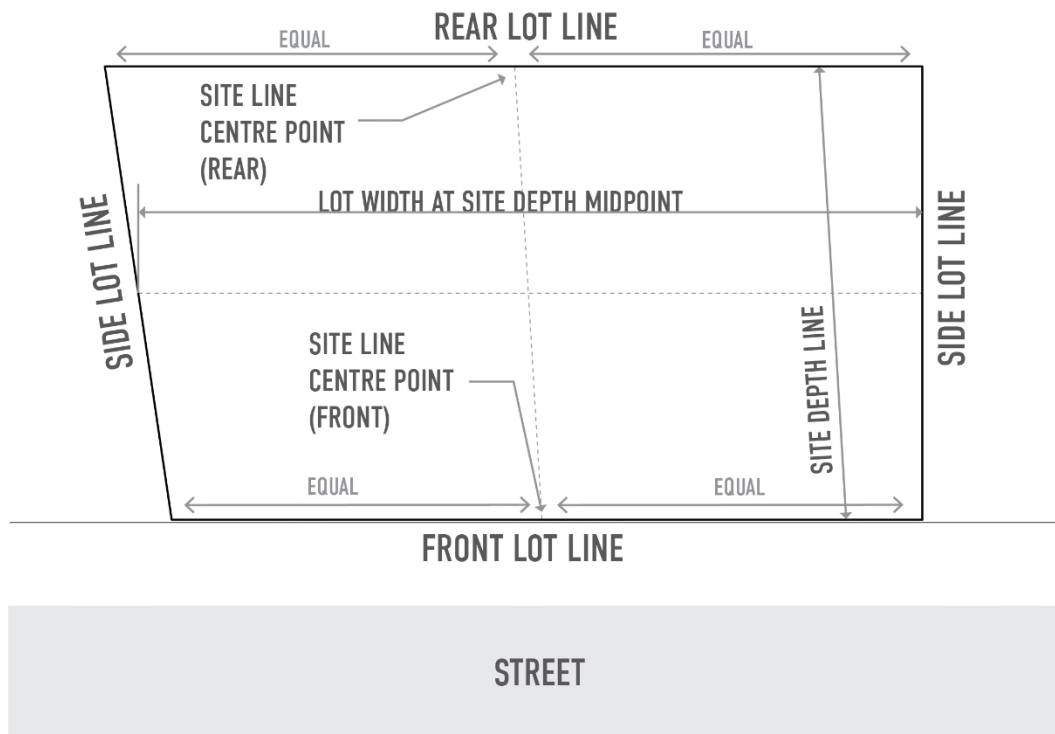


Figure 10.11. Site Characteristics: Depth, Site Depth Line, Site Line Centre Point, Site Coverage, Site Frontage

SITE DEPTH LINE – means the line between the front site line centre point and the rear site line centre point. (See Figure 10.11)

SITE FRONTAGE – means all that portion of a zoning site fronting on a street and measured between side site lines. (See Figure 10.11)

SITE, INTERIOR – means a zoning site that has frontage on only a single public street. (See Figure 10.10)

SITE LINE CENTRE POINT – means the line located at one-half the cumulative distance of the length of all line segments or arcs forming the site line. Where it is not possible to determine site line centre point according to this definition, it shall be determined by the Development Officer. (See Figure 10.11)

SITE LINE, FRONT – means:

- a) In the case of an interior site, all site limits that abut public streets.
- b) In the case of a through site, all site limits that abut public streets from which vehicular access is permitted.
- c) For a corner site, the front site line shall be that which has the shortest boundary along a street, unless determined otherwise by the Development Officer.

SITE LINE, REAR – means that boundary of a site that is most nearly parallel to the front site one; or in the case of a site in which the side site lines intersect, such as in a triangular site, a line 3.0

metres in length within the site, parallel to and at the maximum distance from the rear site line.

SITE LINE, SIDE – means any site limit that intersects with a front site line and that is not a rear site line in accordance with the intent and purpose of yard requirements under this Bylaw.

SITE, REVERSE CORNER – means a corner site, the side street line of which is substantially a continuation of the front site line of the first site to its rear. (See Figure 10.10)

SITE REQUIREMENTS – means the following:

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

SITE, THROUGH – means a zoning site that abuts two or more public streets, but that does not abut the intersection of those streets. (See Figure 10.10)

SITE WIDTH – means the horizontal distance between the side lot lines of a lot, measured at right angles to the site depth line at a point midway between the front and rear lot lines.

SITE, ZONING – means a parcel of land with frontage on a street or having any lawful means of public access satisfactory to the Council and is of at least sufficient size to provide the minimum requirements of this Bylaw for a permitted or conditional use in the Zone where it is located.

SKID STEER LOADER – is a small rigid frame, engine-powered machine with lift arms used to attach a wide variety of labour-saving tools or attachments.

SOCIAL SERVICE FACILITY – means the use of a premises to provide social or welfare services to those in need, for no fee or compensation, or at a fee recognized as being significantly less than charged by for-profit organizations. Services may include but are not limited to information and referral services, counselling, skill development, aid through the provision of food or clothing, life skills and personal development programs, alcohol, drug, or substance abuse counselling centre and drop-in or activity space.

SOLAR COLLECTOR – means a panel or other solar energy device with the primary purpose of gathering, storing, and distributing solar energy for electricity generation, space heating, space cooling, or water heating. Solar collectors can be ground anchored or wall-mounted and used for on-site electrical needs or commercial sale and distribution.

SPECIAL EVENT (CARNIVAL, CIRCUS, FAIR, CONCERT, OR SIMILAR EVENT) – means a transportable group, aggregation, or combination of rides, shows, performances, games, or concessions.

SPORTS OR ENTERTAINMENT ARENA/STADIUM, INDOOR – means a fully-enclosed facility specifically intended for the viewing of public sports, concerts, circuses, or theatrical productions,

where patrons attend on a recurring basis.

SPORTS OR ENTERTAINMENT ARENA/STADIUM, OUTDOOR – means outdoor or partially-outdoor facilities specifically intended for the viewing of public sports, concerts, circuses, or theatrical productions, or exhibition grounds, where patrons attend on a recurring basis.

STABLE OR RIDING ACADEMY – means a commercial facility where horses are sheltered, fed, or kept for sale or hire to the public. Training of horses and riders may also be conducted. A stable may only contain 10 animal units or fewer.

STABLE, PRIVATE – means a building or land where horses are sheltered, fed, or kept for personal use, accessory to a Dwelling Unit. A stable may only contain 10 animal units or fewer.

STAKING CERTIFICATE – means a certificate, prepared by a Manitoba Land Surveyor, that documents the placing of survey monuments on the limits of a particular parcel of land. It indicates the dimensions of the property and reports any building encroachments from or onto adjacent lands.

STANDARD – means a definite rule, principle, or measure with which compliance is mandatory, unless expressly waived or varied. A development application may be denied for failure to meet one or more standards established by this Bylaw.

STOREY – means that portion of any building that is situated between the surface of any floor and the surface of the floor next above it. If there is no floor above it, a storey is that portion between the surface of such floor and the ceiling above it, but does not include a cellar.

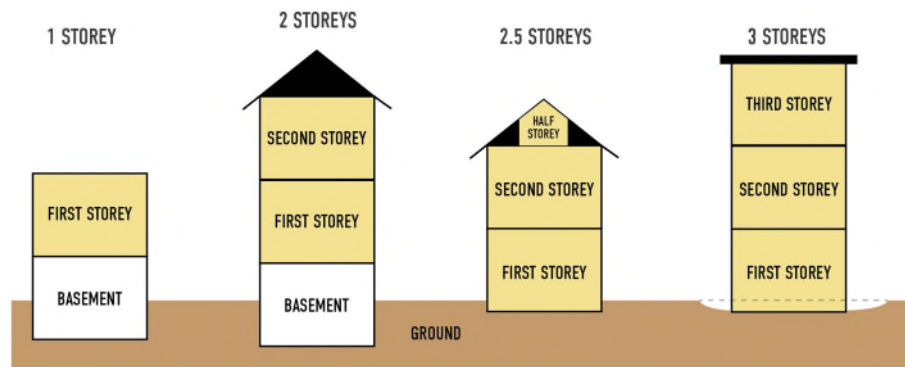


Figure 10.12. Examples of Storeys in Different Building Types

STREET – means a public thoroughfare, but does not include a public lane.

STREET BLOCK – means a group of adjacent lots or parcels whose front lot lines all face a common abutting street and that are located between two intervening side streets. A street block is generally an area bounded by:

- A street abutting the long dimension of a block.
- Two side streets abutting the short dimensions of that block.
- A lane abutting the rear lot lines of the lots, or if there is no lane, then the rear lot lines of other lots or parcels on the same block.

STRUCTURE – means anything constructed or erected on the ground, or attached to the ground, including but not limited to buildings, walls, fences, signs, billboards, poster panels, and light standards.

STUDIO, RADIO, TV, MOTION PICTURE BROADCAST AND PRODUCTION – means a facility for the production and/or broadcasting of motion pictures, videos, television programs, radio programs, or sound recordings. The use may also include facilities for the rehearsal of dance, music, or other performing arts.

T

TEMPORARY CONSTRUCTION TRAILER OR BUILDING – means a movable, portable, or modular structure or trailer used for the storage of construction materials and/or the offices or workspaces for construction managers or workers during the time a principal or accessory building is being constructed.

TEMPORARY USE – means a use established for a temporary period of time in conformance with Section 8.5.

TOWING AND STORAGE FACILITY – means a commercial establishment engaged in the towing of vehicles or equipment from one location to another, and the temporary storage of such vehicles or equipment. Outdoor storage may be permitted, subject to conditional use, provided that all stored vehicles or equipment are screened from public view by a solid fence or landscaping and are not classified as junked, salvage, or permanently inoperable. Indoor storage may also be included as part of such a facility.

TRANSIT STATION – means an area utilized by public or commercial carriers for pick-up or drop-off of passengers. In addition to loading and unloading areas, transit stations may include shelters, restrooms, concessions, benches, information offices, parking, ticket sales, landscaping, lighting, and other such facilities and appurtenances. Transit modes served may include, without limitation, local bus service, express bus service, commuter rail, and light rail.

TRAVEL TRAILER – (including motorized homes, tent or camping trailers and similar recreational vehicles) means a vehicle used or intended to be used as a transient living accommodation facility for travel, recreation, business, trade, vacation, and construction work, which is designed for frequent moves but not for long-term residential occupancy and which:

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

U

UP-TO-DATE – means that it is current, created, produced, or verified within the previous 12 months, and contains all the most recent information.

USE – means the purpose or activity for which land or buildings are designed, arranged, intended, or for which land or buildings are occupied or maintained.

USE SPECIFIC STANDARD – means a standard located in Part 3.0 of this Bylaw that is applied to use types in order to address issues such as building size, location, and operating requirements.

UTILITY FACILITY, MAJOR – means significant utility buildings, plants, or operations that may have employees located at the site. Examples include but are not limited to public works yards, water control works, reservoirs, and works used to provide services or commodities to the public (like power plants, heating plants, steam generating plants, or sewer treatment facilities) by the Crown or the City of Dauphin.

UTILITY FACILITY, MINOR – means those facilities that do not qualify as major utility facilities, and that are used for or incidental to the operation of a public utility. Examples include but are not limited to electric transformer stations, gas regulator stations, telephone exchange buildings, and well, water, and sewer pumping stations.

V

VARIANCE – means the modification of a provision of the Zoning Bylaw.

VARIANCE ORDER – means an Order in respect of an application for a Variance.

W

WAREHOUSE – means a permanent facility for the storage of products, supplies, and equipment within an enclosed building.

WASTE TRANSFER STATION – means a fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site.

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

WIND ENERGY GENERATING SYSTEM, COMMERCIAL – means a Wind Energy Generation System designed and built to provide electricity for commercial sale and distribution to the electricity grid.

WIND GENERATING SYSTEM, ON-SITE/ROOFTOP – means a Wind Energy Generation System intended to primarily serve the electrical needs of the on-site user or consumer (either behind the meter or off-grid) rather than to produce power for resale. Rooftop Wind Energy Generation Systems are a type of On-Site Use Wind Energy Generating System that are roof-mounted.

WRECKING AND SALVAGE YARD – means any lot upon which more than two motor vehicles of

any kind, which are incapable of being operated due to condition or lack of license or registration, have been placed for the purpose of obtaining parts for recycling or resale. Building materials, scrap metal, or any other kind of salvage are also included in this definition.

X

XERISCAPING – means a landscaping technique that focuses on water conservation while creating lush, colourful, and unique landscapes with native or naturalized drought resistant species.

Y

YARD – means those areas of lots that are unobstructed from the ground to the sky except as otherwise specifically allowed in Section 4.5 of this Bylaw. Yards (also known as setbacks) are measured using the horizontal distances between the lot line and the closest foundation wall of a building or structure, along a line perpendicular to the lot line.

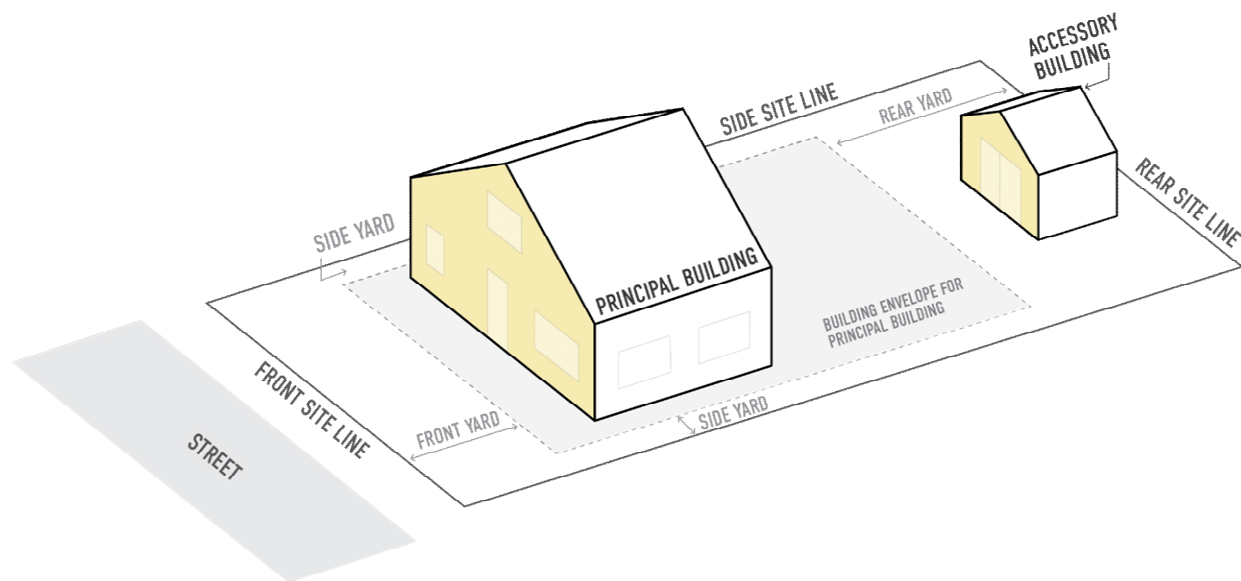


Figure 10.13. Yards

- **YARD, CORNER SIDE** – means a side yard that is adjacent to a public street or lane.
- **YARD, FRONT** – means an open area on a zoning site that is clear from ground to sky, except as otherwise permitted, extending along the full length of the front lot line, the depth of which is measured perpendicularly and radially to the front lot line. (See Figure 10.13)
- **YARD, INTERIOR SIDE** – means a side yard that is adjacent to another zoning site, or to a lane separating such side yard from another zoning site, or to the wall of a building adjacent to the wall of another building in a planned unit development.

- **YARD, REAR** – means an open area on a zoning site that is clear from ground to sky, except as otherwise permitted, extending along the full length of the rear lot line, the depth of which is measured perpendicularly and radially to the rear lot line. (See Figure 10.13)
- **YARD, REQUIRED** – means a yard extending along a site line to a depth or width (measured from the site line) specified in the yard requirement for the Zone in which such zoning site is located.
- **YARD, SIDE** – means an open area on a zoning site that is clear from ground to sky, except as otherwise permitted, extending along the full length of the side lot line between the front yard and rear yard, the depth of which is measured perpendicularly to the side lot line. (See Figure 10.13)

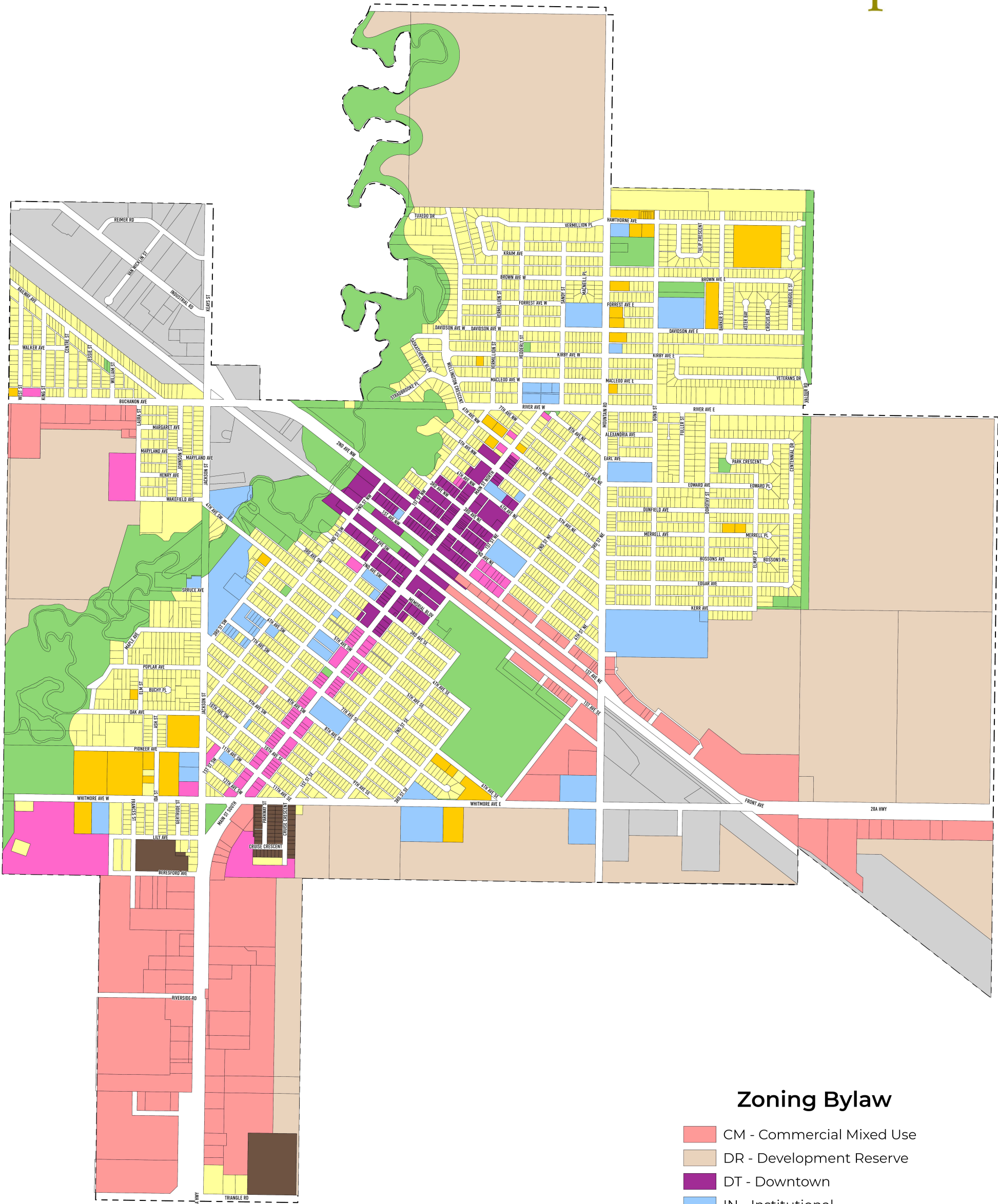
Z

ZONES – means an area or areas within the limits of the City, as established by Part 2.0 of this Bylaw, for which the regulations and requirements governing use, lot, and dimensional standards of buildings and premises are uniform.

ZONING BYLAW – defined by *The Planning Act*.

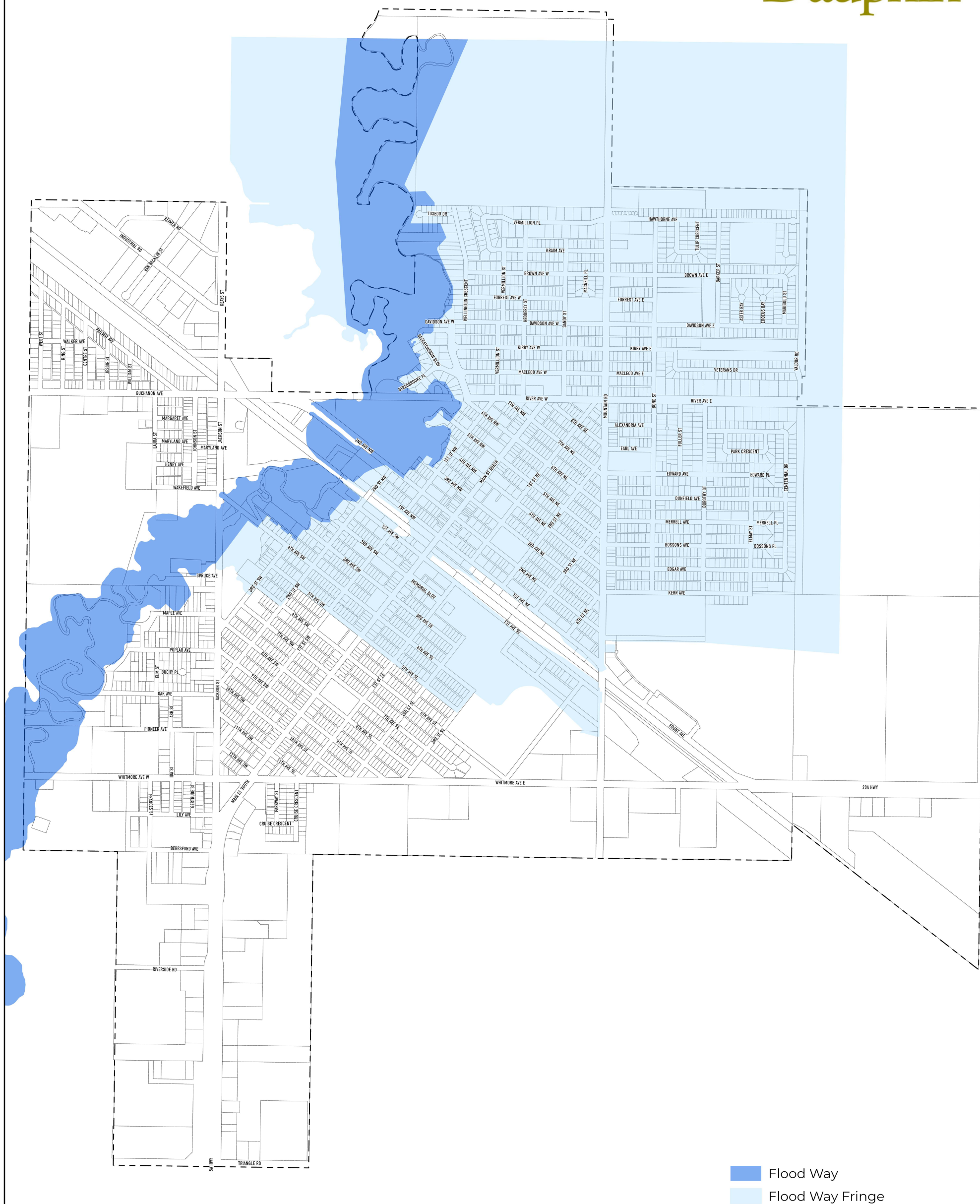
APPENDIX A

MAPS



Zoning Bylaw

- CM - Commercial Mixed Use
- DR - Development Reserve
- DT - Downtown
- IN - Institutional
- MH - Residential Mobile Home
- MI - Industrial
- OR - Open Space / Recreation
- RM - Residential Medium Scale
- RS - Residential Small Scale
- NM - Neighbourhood Mixed Use





21-25-19-W1

23-25-19-W1

16-25-19-W1

15-25-19-W1

14-25-19-W1

DAUPHIN

9-25-19-W1

11-25-19-W1

4-25-19-W1

3-25-19-W1

2-25-19-W1

33-24-19-W1

34-24-19-W1

Jurisdictional Authority

0 125 250 500
Meters



Symbol	Group	Access	Traffic Authority	Control Area
	Declared & Limited Access	MTI	MTI	Yes
	Declared & Non Limited Access	MTI/City	MTI	No
	Designated & Non Limited Access	City	City	No

INFORMATION MAY NOT BE CURRENT. PLEASE CONTACT MTI TO DETERMINE WHAT PERMITTING IS REQUIRED ALONG THESE CORRIDORS.

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APPENDIX B

UNIT CONVERSION TABLE

Table 10.1. Unit Conversion Table

TO CONVERT METRIC	TO IMPERIAL	MULTIPLY METRIC BY
°C	°F	1.8 and add 32
Kg	lb	2.205
kPa	lbf/in ² (psi)	0.1450
kPa	lbf/ft ²	20.88
L	gal (imp)	0.2200
L/s	gal/min (gpm)	13.20
lx	ft-candle	0.09290
m	Ft	3.281
m ²	ft ²	10.76
m ³	ft ³	35.31
mm	In	0.03937
m ³ /h	ft ³ /min (cfm)	0.5886
m/s	ft/min	196.8
MJ	Btu	947.8
N	lbf	0.2248
ng/(Pa·s·m ²)	Btu/h	3.412
Ha	Acre	2.47