



CITY OF DAUPHIN

ZONING BY-LAW 04/2015

**BEING A BY-LAW OF THE CITY OF DAUPHIN
TO REGULATE THE USE AND DEVELOPMENT OF LAND**

January 2016

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HOW TO USE THIS ZONING BY-LAW

This Zoning By-law 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 One

What Zone is your property located in?

- Use the Zoning Map in Schedule A to determine the Zoning for your property.
- Reference Part 3.0 for a description of the intent of that particular Zone.
- Look in your area's Development Plan to confirm your proposal fits with its policies.



Step Two

What uses are permitted in your Zone?

- Find the column with the Zone of your property in Table 4.1: Permitted Uses in Part 4.0 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 "*" have use-specific requirements that are provided in Section 4.5: Use Specific Standards.
- Uses marked with a "-" are Not Permitted in the specific Zone.



Step Three

How and where can you development a property in your Zone?

- Find the column with the Zone of your property on the Bulk Tables in Part 5.0 to determine development and design standards.
- The Bulk Tables 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 rules in Part 2.0 and the definitions in Part 1.0.



Step Four

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 Part 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 By-law and other applicable by-laws.
- If you need a Development Permit, visit the Building Inspector and fill out a Development Permit Application and submit it to the City of Dauphin.
- You are responsible for finding out any additional permits that are required for your development, including Building Permits, Plumbing Permits, Electrical Permits, Demolition Permits, etc.

INTRODUCTION

Title

This By-law shall be known and may be cited as the “City of Dauphin Zoning By-law” (By-law).

Intent

This By-law controls and regulates the use and development of land in the City of Dauphin (the City), as illustrated on the Zoning By-law Maps in Schedule 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; and
- e) the change of use of land, buildings or structures.

All activity and development within the area to which this By-law applies must conform to the provisions of this By-law and must be consistent with the City of Dauphin Development Plan and with any adopted Secondary Plans that cover the land in question.

This By-law does not apply to streets, public lanes and public pathways within a Zone.

This By-law does not apply to the construction, maintenance, or operation of public works within a public utility right-of-way.

Relation to Other By-laws

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

Repeal of and Transition from Previous By-law

1. The following By-laws are repealed:
 - a) The City of Dauphin Zoning By-law No.17/2001 and all amendments as listed:
 - 28/2002
 - 05/2003, 06/2003, 15/2003
 - 01/2004, 03/2004, 06/2004, 18/2004
 - 03/2006, 05/2006, 08/2006, 21/2006, 24/2006
 - 01/2007, 04/2007, 07/2007, 14/2007, 15/2007, 17/2007
 - 04/2008, 06/2008
 - 03/2009, 11/2009
 - 06/2010, 08/2010, 10/2010, 15/2010
 - 09/2011, 11/2011, 12/2011, 17/2011
 - 02/2012, 07/2012, 11/2012, 12/2012, 14/2012
 - 02/2013, 13/2013, 04/2013, 06/2013, 10/2013, 13/2013, 14/2013
 - 07/2014, 08/2014, 10/2014, 12/2014, 17/2014
 - 06/2015, 07/2015, 08/2015, 12/2015, 13/2015

2. Any use of land or a building lawfully in existence under applicable laws and any Variance or Conditional Use Order or both shall, upon enactment of this By-law and repeal of that order or orders, be deemed to comply with this By-law to the extent and for the period of time authorized by such order(s).

Effective Date

This By-law comes into force on January 1, 2016.

DONE AND PASSED by the Council of the City of Dauphin in regular session assembled, this 28th day of September, 2015.

Eric Irwin, Mayor

Brad D. Collett, CA, Chief Administrative Officer

READ A FIRST TIME this 24th day of August, 2015.

READ A SECOND TIME this 28th day of September, 2015.

READ A THIRD TIME this 28th day of September, 2015.

PART 1.0 INTERPRETATION AND DEFINITIONS

Section 1.1 INTERPRETATION

1.1.1 Rules of Construction

1. The following rules of construction apply to the text of this By-law.
 - a) Words, phrases and terms defined herein shall be given the defined meaning;
 - b) Words, phrases and terms not defined herein but defined in the *Planning Act* and the Building or Plumbing By-laws of the City of Dauphin shall be construed as defined in such *Act* and By-laws;
 - c) Words, phrases and terms neither defined herein nor in the Building or Plumbing By-laws of the City of Dauphin shall be given their usual and customary meaning except where the context clearly indicates a different meaning;
 - d) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and", "or" or "either-or", the conjunction shall be interpreted as follows:
 - i) "and" indicates that all the connected items, conditions, provisions or events shall apply in any combination;
 - ii) "or" indicates that the connected items, conditions, provisions or events may apply singly but not in combination; and
 - e) 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;
 - f) Where any requirement of this By-law 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;
 - g) The terms "shall" and "must" are mandatory and not permissive; the word "may" is permissive and not mandatory;
 - h) Unless specified, words used in the singular include the plural and words used in the plural include the singular;
 - i) Words used in the present tense include the future tense and words used in the future tense include the present tense;
 - j) The phrase "used for" includes "arranged for", "designed for", "maintained for" or "occupied for"; and
 - k) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

1.1.2 General Interpretations

1. Illustrations

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

2. Tables

- a) Tables form part of this By-law 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 By-law 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 By-law. Where any conflict or inconsistency arises between a table and the text of the By-law, the text shall govern.

3. Abbreviations

- a) Each Zone created in Part 3.0 of this By-law may be abbreviated using the letter designations used in Part 3.0 and elsewhere throughout this By-law. 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.

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

- a) "Blk." means Block;
- b) "Gov't Rd. All'ce." means Government Road Allowance;
- c) "Pcl." means Parcel;
- d) "Pt." means Part;
- e) "Rge." means Range;
- f) "Sec." means Section;
- g) "Twp." means Township;
- h) "W.P.M." or "W" means West of the Principal Meridian;

5. Footnotes

- a) Footnotes are not part of this By-law. They are provided to assist in cross-referencing to relevant provisions of this By-law, other By-laws or legislation.

1.1.3 Zoning Maps

1. The location and the boundaries of the Zones are shown upon Zoning Maps attached hereto, marked as Schedule A to this By-law. Said Zoning Maps form part of this By-law. All notations, references and other information shown thereon, together with any amendments made by amending By-laws from time to time and shown thereon, together with any amendments to boundaries in the case of any street, lane or public works right-of-way as provided in Section 2.5 of this Part, shall be as much a part of this By-law as if the matters and information set forth by the said Zoning Maps were fully described herein.

1.1.4 Interpretation of Zone Boundaries

1. The location and boundaries of the Zones established in Part 3.0 Zones are shown on the Zoning Maps in Schedule A.
2. The following rules apply in the interpretation and application of the Zoning Maps, Schedule 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 By-law shall not be deemed to be applicable to said streets, public lanes, public walks and rights-of-way;
- c) Boundaries indicated as following the center lines of streets, highways, public walks or public lanes shall be construed to follow such center 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 By-law, 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 centerline of the closed street or lane; and
 - h) Where the application of the above rules do not determine the exact location of the limits of a Zone, the Council, either on its own motion or upon written application being made to it by any person requesting the determination of the exact location of the limits, shall fix the portion in doubt or dispute in a manner consistent with the provisions of this By-law and with the degree of detail as the circumstances may require.

Section 1.2 GENERAL DEFINITIONS

1. The following definitions apply to the text, tables, and illustrations of this By-law:

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 all individuals regardless of their physical abilities can safely and freely enter or use a space without obstacles such as facility design and infrastructure impeding movement.

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

ACT, The – means *The Planning Act*, being 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 SERVICE OR ENTERTAINMENT ESTABLISHMENT – means an establishment where any exhibition, display, dance or service, or the sale or rental of products that involve the presentation or

exposure to view of any portion of the female breast below the top of the areola, male genitals, female genitals, pubic hair, anus, cleft of the buttocks of any person, or male genitals in a discernibly turgid state even if completely and opaquely covered, 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 BUILDING – means a structure on agricultural land designed, constructed and used to house farm implements, livestock or agricultural produce or products used by the owner, occupant, employees or persons engaged in the pick up or delivery of agricultural produce or products grown or raised on the premises, but does not include a dwelling.

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 GRAZING AND FEEDING – means the practice of keeping cattle, sheep, horses or other similar animals on fields for the purpose of grazing and feeding, and includes livestock pasturing, dairy operations and fur farming.

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 which is used or intended for the landing or take-off of aircraft and any associated areas which 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 By-law, 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; and
- e) Other non-structural maintenance, repair or renovation.

AMUSEMENT DEVICE – means any equipment, machine or instrument that may be used or operated as a game, entertainment or amusement, but does not include video lottery terminals as licensed by the Province of Manitoba.

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-cart 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 By-law.

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 6350 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.

AUTOMATED TELLER MACHINE – means a device that dispenses cash and conducts limited banking transactions for customers using a credit card, bank card, or other similar personal banking card.

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; and
- c) Generally constructed of fabric or similar non-rigid material.

B

BARE LAND CONDOMINIUM – means a condominium plan upon which one or more units are defined by delineation of the horizontal boundaries of the unit without reference to any buildings.

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.

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-family residential use 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.

[
BOARD – means The Municipal Board of Manitoba.

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, which 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 8 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 which provide a visual barrier between two types of development, and which also serve as a measure of controlling the movement of other nuisances, such as dust.

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

BUILDING FOOTPRINT – means the square footage contained within the outside foundation and walls of a building. Concrete flat work including walks, porches and patios are not included in the computation, unless enclosed by a structure.

BUILDING LOCATION CERTIFICATE – means a survey performed by a Manitoba Land Surveyor for the location of buildings on a property, including any buildings or structures that encroach from or to neighbouring 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 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.

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 which 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 operate in conjunction with, and within the boundaries of, such cemetery.

CHEQUE-CASHING FACILITY - commonly known as a “payday loan” establishment, means a commercial establishment that engages in the business of cashing cheques, warrants, drafts, money orders, or other commercial paper serving the same purpose, but does not include a bank, savings and loan, or credit union nor establishments selling retail consumer goods, where the cashing of cheques or money orders is incidental to the principal purpose of the business.

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

CHILD CARE HOME – FAMILY – means the provision of child care services for up to eight children of whom not more than 5 are preschool children and not more than 3 are infants, including the children of the licensed operator.

CHILD CARE HOME – GROUP – means the provision of child care services for more than eight children, but not more than 12 children, of whom not more than 3 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-family 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.

COMMERCIAL SCHOOL – means an establishment, other than elementary schools, junior high schools, senior high schools, colleges and universities, offering training or instruction in a trade, art, or occupation, including beauty schools, dance schools and trade or vocational schools.

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

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 nonrecurring 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.

COMPACT EXCAVATOR – a compact or mini-tracked or wheeled vehicle with approximate operating weight from 900 kg to 7200 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 By-law. 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 – as defined by *The Condominium Act*.

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.

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 which 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 5.0 Development and Design Standards.

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, By-law 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 By-law as defined by the *Act*.

DEVELOPMENT STANDARD – means a development requirement included in Part 5.0. Development and Design Standards.

DIMENSIONAL STANDARD – means a development requirement that establishes maximum size of buildings and structures on a lot and the buildable area within which the building can be located, including lot coverage, yard requirements, height, floor area ratio and other standards defined in Part 5.0. Development and Design Standards.

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.

DUPLEX – means two dwellings, contained in a single building. This type of development is designed and constructed as two dwelling units at initial construction and does not include a secondary suite.

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, MULTIPLE-FAMILY – means a structure, located on a single lot, containing three or more dwelling units, each of which is designed for or occupied by one family only, with separate housekeeping and cooking facilities for each.

DWELLING, SINGLE-FAMILY DETACHED – means a building designed for residential occupancy by one family, including modular and ready-to-move homes, but not including a mobile home.

DWELLING, TWO-FAMILY – means a building containing two dwelling units, each designed and used or intended to be used exclusively by one family.

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

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 homeless, due to indigence or disaster, 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.

FITNESS OR WELLNESS CENTRE, INDOOR – means 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.

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.

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 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.

FLOOD PROTECTION LEVEL – means a level of 0.6 m 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 – 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.

FULL CUT-OFF LIGHTING – means lighting with a light distribution pattern that results in no light being projected at or above a horizontal plane beyond the site.

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:

- a) A commercial establishment engaged in the sale, loan or display of paintings, sculpture, textiles, antiquities or other works of art; or

- b) A permanent facility, open to the public, with or without charge, for the collection and display of paintings, sculpture, textiles, antiquities or other works of art. This type of use is distinct from and does not include libraries.

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. The principal use must be a permanent single-family detached dwelling.

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.

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.

HALL RENTAL – means any building or portion of a building that is hired or rented for wedding receptions, private banquets, socials, or other functions to which public access is restricted and to which no direct fee is charged for admission.

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 6350 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 percent of the floor area of buildings on the lot. Examples include, but are not limited to, battery, chemicals, machinery, and plastics manufacture; mushroom plant; asphalt or concrete batching plant; packaging plant; slaughterhouse; and rendering plant.

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 (See Illustration 1.1)

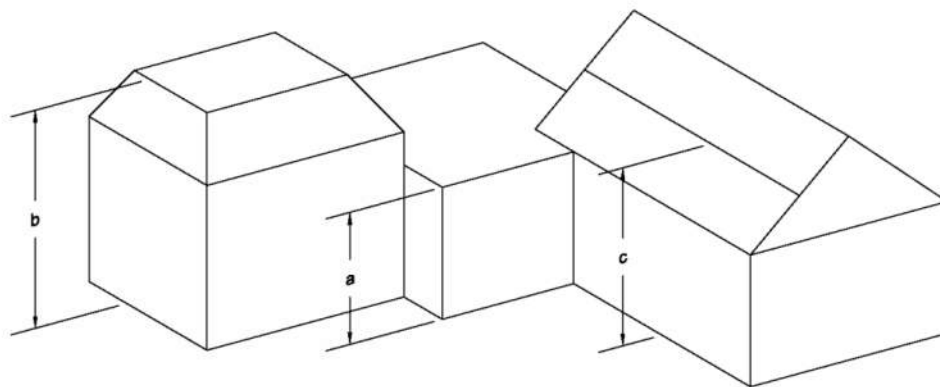


Illustration 1.1: Building Height – height (a) indicates measurement for flat or shanty roof; height (b) indicates measurement for a mansard roof; and height (c) indicates measurement for a gable or hipped roof at the mean level between ridge and eave. Overall height for the structure is determined based on the highest of the various measurements (in this case height (b)).

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 twelve school level.

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

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.

HOSTEL – means a building or portion of a building other than a private home where temporary accommodation with cooking facilities or meals is provided, but not including a hospital, a care home, a rehabilitation home, or a social service facility.

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

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 By-law, 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.

ISO Container (AKA: Sea Can or Shipper 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. Includes modified containers to be used as primary structures in applicable Zones.

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.

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 percent 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 6350 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 maneuvering 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 HOME – means a portable dwelling unit that is designed or used for residential occupancy,

built upon or having a frame or chassis to which wheels may be attached for transportation purposes, whether or not such structure actually has at any time such wheels, or is jacked up or skirted.

MOBILE HOME PARK – means a parcel of land on which mobile home spaces are provided and meets the requirements of Section 5.5 of this By-law.

MODULAR HOME – means a single-family dwelling 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 By-law that does not comply with the sign standards of this By-law.

NON-CONFORMING STRUCTURE – means any building lawfully existing prior to the effective date of this By-law that does not comply with one or more of the applicable zone dimensional standards set forth in Part 5.0 on the effective date of this By-law.

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 By-law, 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 By-law.

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

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, multiple-family 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.

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 maneuvering areas such as aisles and driveways, which 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.

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 By-law.

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.

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 municipality.

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; and
- d) Other government services, but does not include government administration and office buildings and public works yards.

Q

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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.

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.

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.

RTM (ready-to-move) HOME – is a single family dwelling 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. Also is:

- a) a single structure designed for use with a permanent foundation as a dwelling unit(s);
- b) 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-family 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. This use does not include duplex housing, semi-detached housing or apartment housing.

SEMI-DETACHED HOUSING – means two dwellings, 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.

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.

SIGNS – Notwithstanding anything else in this By-law, the following terms are defined for the purposes of Section 5.9 Signs:

ADVERTISING SIGN – 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).

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

BILLBOARD SIGN – see ADVERTISING SIGN.

BULLETIN BOARD SIGN – means a sign of permanent character, but with movable letters, words or numerals indicating the names of persons associated with, or events conducted upon, or products or services offered upon the premises upon which such sign is located.

BUSINESS SIGN – means a sign directing attention to a business, commodity, service or entertainment conducted, sold, or offered upon the same zoning site on which that sign is located. The sign must be located entirely on the business property to which it pertains.

CANOPY SIGN – means a canopy or free-standing canopy which 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.

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

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

FASCIA SIGN – 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 – 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 – means a sign that identifies a business, owner, resident or institution by name, logo or street address, and which sets forth no other advertisement.

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

INFLATABLE SIGN – means an inflated three-dimensional device which 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 – means an advertising sign which is mounted on a trailer, vehicle, stand or similar support structure which is designed in such a manner that the sign can be readily relocated to another location, and which may include copy that can be changed through the use of removable characters, panels or by electronic means.

PROJECTING SIGN – 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".

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.

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.

WINDOW SIGN – means sign which is painted on, attached to or installed on or near a window, for the purpose of being viewed from outside the premises.

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 Illustration 1.2)

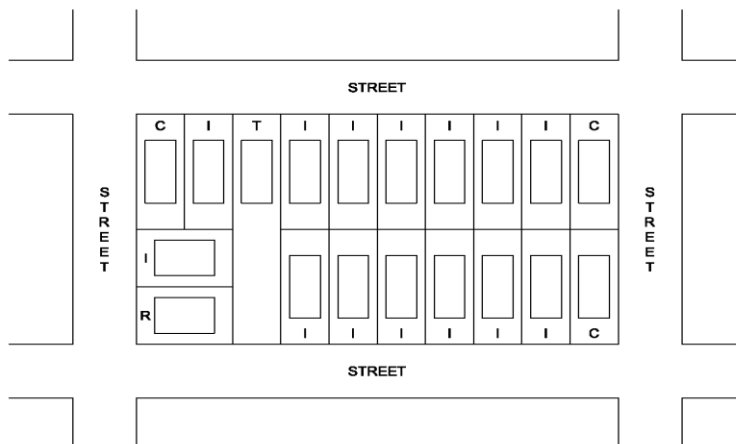


Illustration 1.2: Site Types: (c) corner site, (I) interior site, (R) reverse corner site and (T) through site

SITE COVERAGE – means the area, measured as a percentage of the total site area, which 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 Illustration 1.3)

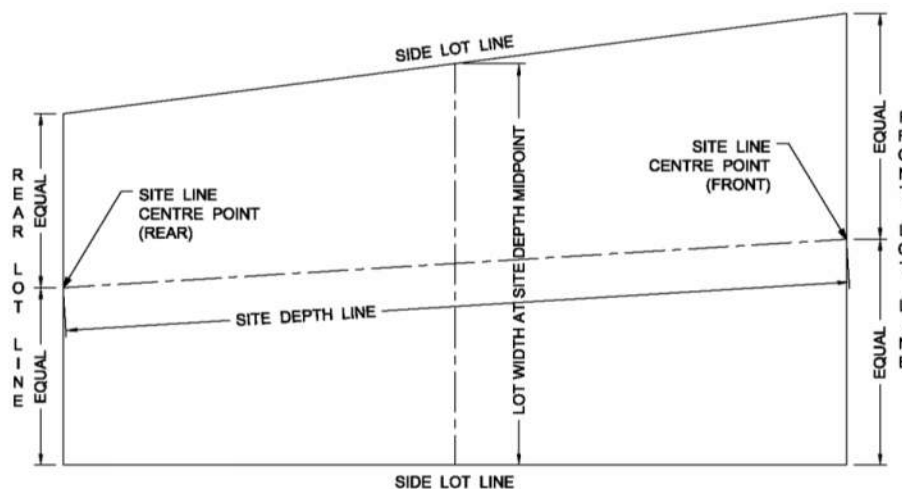


Illustration 1.3: Site Characteristics: Depth, Site Depth Line, Site Line Centre Point, Site Coverage, Site Frontage

SITE DEPTH LINE – means the line between the front site line centre point and the rear site line centre point. (See Illustration 1.3)

SITE FRONTAGE – means all that portion of a zoning site fronting on a street and measured between side site lines. (See Illustration 1.3)

SITE, INTERIOR – means a zoning site that has frontage on only a single public street. (See Illustration 1.2)

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 Illustration 1.3)

SITE LINE, FRONT – means:

- a) In the case of an interior site, all site limits which abut public streets; or
- b) In the case of a through site, all site limits which abut public streets from which vehicular access is permitted; or
- 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 which 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 which intersects with a front site line and which is not a rear site line in accordance with the intent and purpose of yard requirements under this By-law.

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 Illustration 1.2)

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; and
- 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 Illustration 1.2)

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 has any lawful means of public access satisfactory to the Council and is of at least sufficient size to provide the minimum requirements of this By-law for a permitted or conditional use in 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 counseling centre and drop-in or activity space.

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 less.

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 less.

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 By-law.

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.

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) A street abutting the long dimension of a block;
- b) Two side streets abutting the short dimensions of that block; and
- c) 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 is 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 work spaces 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 5.4.

TOWING AND STORAGE FACILITY – means a commercial establishment engaged in towing of vehicles or equipment from one location to another. Such facilities may also include an indoor storage component for such vehicles or equipment, but may not include outdoor storage, junked, salvage or permanently inoperable vehicles or equipment.

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; or
- c) Forms part of a motor vehicle.

U

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 4.0 of this By-law 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.

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 By-law.

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.

WHOLESALING – 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.

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 be included in this definition.

X

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Y

YARD – means those areas of lots that are unobstructed from the ground to the sky except as otherwise specifically allowed in Section 5.2 of this By-law. 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.

YARD, CORNER SIDE – means a side yard which is adjacent to a public street or lane.

YARD, FRONT – means an open area on a zoning site which 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 Illustration 1.4)

YARD, INTERIOR SIDE – means a side yard which is adjacent to another zoning site, or to a lane separating such side yard from another zoning site, or to the wall of a building adjacent to the wall of another building in a planned unit development.

YARD, REAR – means an open area on a zoning site which 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 Illustration 1.4)

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 which 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 Illustration 1.4)

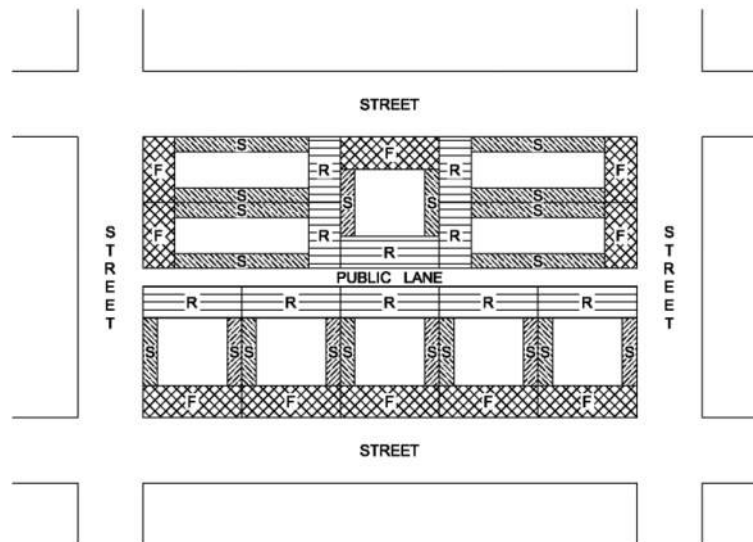


Illustration 1.4: Yard Types: (F) front yard, (R) rear yard, (S) side yard

Z

ZONES – means an area or areas within the limits of the City, as established by Part 3.0 of this By-law, for which the regulations and requirements governing use, lot and dimensional standards of buildings and premises are uniform.

ZONING BY-LAW – defined by *The Act*.

PART 2.0 ADMINISTRATION

Section 2.1 GENERAL

2.1.1 Responsible Authority

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

2.1.2 Responsibilities of Council

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

2.1.3 Powers and Authority of the Development Officer

1. The City of Dauphin shall appoint a Development Officer who may:
 - a) Issue Zoning Memoranda;
 - b) Allow or refuse such Minor Variances to the requirements of this By-law 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 By-laws;
 - e) Enter and inspect any buildings or premises in accordance with The Planning Act; and
 - f) Provide recommendations to Council for applications under the Zoning By-law.

2.1.4 Duties of the Owner

1. Neither the granting of a Development Permit nor the approval of the drawing and specifications nor the inspections made by the Development Officer shall in any way relieve the owner of the responsibility of complying with the requirements of this By-law or of any relevant By-laws of the 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 By-law and shall not obstruct or interfere with the Development Officer in the discharge of his/her duties under this By-law;

- 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; and
- c) Be responsible for obtaining, where applicable from the appropriate authorities, permits or licenses relating to the buildings, grades, sewers or water supply systems, plumbing, signs, blasting, street access, occupancy, electrical, highways and all other permits required in connection with the proposed work.

2.1.5 Interpretation and Application

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

2.1.6 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 By-law in force on the effective date of this By-law and amendments thereto shall not become or be made legal solely by reason of the adoption of this By-law; and to the extent that, and in any manner that, said illegal building, structure or use is in conflict with the requirements of this By-law, said building, structure or use shall remain illegal hereunder.

2.1.7 Site Reduced

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

2.1.8 Public Works and Services

- 1. Nothing in this By-law shall be interpreted as to interfere with the construction, maintenance and operation of the facilities of any public works, as defined by this By-law, or public service such as police and fire protection, provided that the requirements of such public works or public service is approved by resolution of City of Dauphin Council.

2.1.9 Connecting to Municipal Services

- 1. All new principal buildings constructed on a site served by public sewer and/or water utilities shall be connected to such services unless the specific use of such building does not require such services.

2.1.10 Fee Schedule

- 1. The City shall by By-law or resolution of Council establish a fee schedule for Variance Orders, Zoning By-law Amendments, Zoning Memoranda, Conditional Use Orders, Certificates of Non-Conformity and other appropriate documents.

Section 2.2 GENERAL SITE PROVISIONS

2.2.1 Intent and Purpose

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

2.2.2 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 By-law.

2.2.3 Building Grade

1. Except as permitted in 2.10.2, 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 6.0 of this By-law, Vermillion River Flood Risk and Conservation Area (Hazard Lands) criteria.
2. Lot surface drainage is the property owner's responsibility. It is recommended that it be done in consultation and cooperation with adjacent property owners.
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.

2.2.4 Number of Buildings and Uses Permitted Per Site

1. There shall be only one main building or one main use on a RSF zoning site, except as provided in Part 5.0 of this By-law. For example, a Residential zoning site shall contain only one single-family dwelling or 1 two-family dwelling and their accessory buildings, structures and uses.

2.2.5 Subdividing Land

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

2.2.6 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, yard and open space allocated to a use as required by this By-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the minimum site area, site width, site depth, yards or other open space requirements for any other use.

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

2.2.7 Permitted Projections

1. The Development Officer may allow an obstruction or exception not listed in Part 5.1.2, Yard Exceptions, provided the obstruction or exception will have no greater impact on surrounding properties than those permitted.

2.2.8 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 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 By-law.
 - b) If a lot having a lesser width and/or area than that required by this By-law is created by expropriation, street-widening or other land acquisition from the owner of the lot by the City or the Province, and the non-conformity is due to no other cause, the lot is deemed to comply with this By-law, 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 By-law.
 - c) If a building or structure having lesser yards than those required by this By-law is created by public land acquisition, the building or structure is deemed to comply with this By-law.

Section 2.3 DEVELOPMENT RESTRICTED

2.3.1 Land Unsuitable For Development

1. Notwithstanding the provisions contained in this By-law, 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.

2.3.2 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 established by the City of Dauphin 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 established by the City of Dauphin shall comply with Manitoba Regulations.

Section 2.4 PUBLIC SERVICES

2.4.1 Public Monuments and Statuary

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

Section 2.5 STREETS

2.5.1 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 By-law 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 which 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.

Section 2.6 UNIQUE SITES

2.6.1 Landlocked Sites

1. In unique circumstances, Council may permit development on a site which 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.

2.6.2 Through Sites

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

2.6.3 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 1, the Development Officer may

designate the location of the required yards. The location and required dimensions of such yards shall be consistent with the intent of the yards specified for the Zone within which the site is located.

Section 2.7 AMENDMENTS

2.7.1 Procedure

1. Subject to the procedure required under the *Act*, an amendment to this By-law 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. An application to amend the Zoning By-law 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.
2. An application for an amendment to a Zoning By-law 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 Development Plan By-law; or
 - c) It is the same as or substantially similar to an earlier application that was refused within one year before the day when the new application is made.

2.7.2 Decision by Council

1. Council shall give notice and hold a public hearing according to the *Act*, at which time it shall review all of 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 to the meeting. If Council approves the application, it shall proceed with the adoption of the amendment in accordance with the provisions of the *Act*.
2. Subject to the procedures required under the *Act*, anyone objecting to any amendment which has been given second reading by Council may file that objection with the Council and the Council shall hold a hearing according to the provisions of the *Act*.

2.7.3 Development Agreements

1. As a condition of amending a Zoning By-law, making a Variance Order or approving a Conditional Use Order, Council may, unless the *Act* provides otherwise, require the owner of the affected property to enter into a Development Agreement with the municipality 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 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 municipality 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 By-law to permit a residential use, use for a mobile home park or an increase in residential density, in which case item 6 of section 135 of the *Act*, applies to the dedication.
2. Any Development Agreement under the *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 2.8 CONDITIONAL USE ORDERS

2.8.1 General

1. The development and execution of this By-law is based upon the division of the City into Zones, within which Zones the use of land, buildings, and structures in relation to the land are substantially compatible. It is recognized, however, that there are certain uses, deemed Conditional Uses, which because of their characteristics, cannot properly be classified in any particular Zone or Zones without consideration, in each case, of the impact of those uses upon neighbouring land and of the public need for the particular use at the particular location. Therefore, some uses may be deemed "Conditional" in the use tables found in Part 4.0 Use Regulations.

2.8.2 Standards for Granting Conditional Use Approval

1. According to the *Act*, after holding a Conditional Use 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; and
 - iii) is generally consistent with the applicable provisions of the Development Plan By-law, the Zoning By-law and any secondary plan by-law.
2. Council may impose conditions on a Conditional Use Order which serve to secure the objectives of the Zoning By-law, 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; and
 - 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) refuse and garbage storage;
 - x) location of buildings and structures on the site; and
 - 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; and/or
 - e) Other matters deemed necessary by Council to ensure a desirable and compatible development.

2.8.3 Application

- 1. Council may approve, reject or approve with conditions any application for a Conditional Use Order in accordance with the provisions of Section 5(6) of *The Planning Act*.

2.8.4 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.

2.8.5 Applications in Process

- 1. A development for which final approval was granted prior to the effective date of this By-law may be completed in accordance with the provisions of the previous City of Dauphin Zoning By-law 17/2001. 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 By-law, the application shall be reviewed and considered in accordance with either the provisions of the By-law in place on the date of submission of the application or the provisions of this By-law, at the applicant's option.

2.8.6 Existing Conditional Use Orders

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

2.8.7 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 *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 not longer than 12 months if an application is received before the initial deadline.

Section 2.9 VARIANCE ORDERS

2.9.1 General

1. A Variance is an administrative exception to the By-law's land use regulations, generally in order to remedy a deficiency which would prevent the property from complying with the Zoning By-law.
2. Any person may apply for a Variance Order, and Council must make an order to either reject or vary 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.

2.9.2 Minor Variance

1. The Development Officer may, in accordance with the provisions of *The Planning Act*, grant or refuse, at his/her discretion, a Minor Variance not to exceed 10 percent of any height, distance, area, size, intensity of use or parking space requirement of this By-law.

2.9.3 Variance Order or Special Exception Prior to By-law

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

Section 2.10 DEVELOPMENT PERMITS

2.10.1 General

1. No person shall undertake or permit the existence of a development that is subject to this By-law without first making application and obtaining a Development Permit, subject to subsection 2.10.2.
2. Where a person makes application for a Development Permit, the Development Officer shall, where the application does not conform to the Zoning By-law or Development Plan By-law, 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 By-law and any other relevant By-laws 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 or structure approved as such under this By-law 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.

2.10.2 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 of a Residential Zone;
 - c) Temporary tents erected for special events for a maximum of 7 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 or minor changes of the capacity of pipes, ducts or conduits;
 - e) The installation of sidewalks, exterior steps, fences, lot grading, trees, hedges, shrubs, planters, fountains, flagpoles, handicapped access ramps, railings, trellises, playground equipment and similar landscaping features;
 - f) Open decks at ground level not exceeding 0.25m in height;
 - g) Garage tents in Residential Zones subject to 5.3.3; or
 - 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.

2.10.3 Existing Development Permits

1. Unless otherwise provided for herein, Development Permits issued prior to the effective date of this By-law shall be considered valid for the purpose of this By-law, provided all the conditions under which the Permit was issued are complied with.

2.10.4 Building to Be Moved Within City Limits

1. No existing building or existing structure, except newly constructed RTMs over 10.0 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 By-law 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.

2.10.5 Development Permits Adjacent To A Provincial Highway

1. Permits may be required from the appropriate provincial authority (Manitoba Infrastructure and Transportation or Highway Traffic Board) for any access/structure/building located within the control area of a provincial highway.

Section 2.11 NON-CONFORMITY

2.11.1 General

1. According to *The Planning Act*, the enactment of a new Zoning By-law does not affect any of the following that lawfully existed before the enactment of the new Zoning By-law:
 - 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 By-law is to permit a non-conformity to continue until it is removed, but not to encourage its survival. 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.

2.11.2 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 By-law.

2.11.3 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.

2.11.4 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 By-law.

2.11.5 Accessory Uses

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

2.11.6 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 By-law 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 By-law and any Variance Order approved under this Part.

2.11.7 Non-Conforming Parcel

1. No building or structure may be erected on a non-conforming parcel of land unless:
 - a) The required yards are provided as set forth in Table 5.1: Bulk Requirements Table of the Zone in which the parcel of land is located.

2.11.8 Non-Conforming Signs

1. A non-conforming sign shall be subject to all the provisions of this By-law relating to non-conformities, except as provided hereafter:
 - a) A change in the subject matter represented on a sign shall not be considered a change of use; and
 - b) A non-conforming sign may be structurally altered, 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 2.12 REMEDIES AND PENALTIES

2.12.1 General

1. An individual found guilty of an offence under this By-law is liable on summary conviction to the following fines, which may not exceed that which is stipulated in the *Act*.
 - a) For a first offence, a fine of not less than \$500;
 - b) For a second offence with respect to any property, a fine of not less than \$1,000; or
 - c) For a third or subsequent offence with respect to any property, a fine of not less than \$1,000, imprisonment for a term not to exceed 6 months, or both a fine and imprisonment.
2. A corporation found guilty of an offence under this By-law is liable on summary conviction to a fine of not more than \$20,000:
 - a) For a first offence, a fine of not less than \$500;
 - b) For a second offence with respect to any property, a fine of not less than \$2,000; or
 - c) For a third or subsequent offence with respect to any property, a fine of not less than \$5,000.
3. Collect as debt and add to taxes if unpaid.

PART 3.0 ZONES

Section 3.1 GENERAL

1. The provisions of this By-law shall apply to all lands within the boundaries of the City of Dauphin, which lands, for the purpose of this By-law, are hereby divided into the following Zones.

3.1.1 Zones Established

1. The Zones and abbreviations shown in Table 3.1, and the locations and boundaries of the Zones shown on maps set out in Schedule A, are hereby established.

Table 3.1: Zones Established

Abbreviation	Zones
RSF	Residential Single Family
RMF	Residential Multiple Family
RMH	Residential Mobile Home
CC	Commercial Central
CM	Commercial Mixed
M	Industrial
I	Institutional
OR	Open Space/Recreational
A	Agriculture Urban Reserve

Section 3.2 RESIDENTIAL ZONES

3.2.1 Residential Single Family (RSF)

1. The Residential Single Family (RSF) Zone provides areas for single family dwellings, including those that contain a secondary suite, and other associated and compatible uses. This Zone may also contain limited small scale commercial, institutional, recreational and service facilities needed to support residential development.

3.2.2 Residential Multiple Family (RMF)

1. The Residential Multiple Family (RMF) Zone provides areas for dwellings such as duplexes, triplexes, fourplexes, town or row type dwellings, walk-up apartments and high rise apartments, and associated or compatible uses. Single family and two family dwellings are also permitted. This Zone may also contain limited small scale commercial, institutional, recreational and service facilities needed to support residential development.

3.2.3 Residential Mobile Home Park (RMH)

1. The Residential Mobile Home Park (RMH) Zone provides areas for the location of mobile homes and associated and compatible uses.

Section 3.3 COMMERCIAL ZONES

3.3.1 Commercial Central (CC)

1. The Commercial Central (CC) Zone is intended to accommodate a broad range of commercial uses, and is not limited to a local or neighbourhood orientation. The Zone is intended to include retail, institutional, recreational and service facilities needed to support the surrounding neighbourhoods and the broader community.

3.3.2 Commercial Mixed (CM)

1. The Commercial Mixed (CM) Zone is intended primarily for uses that provide commercial goods and services to residents of the broad community and beyond, in areas that are dependent on automobile access and exposed to heavy automobile traffic, including regional shopping malls or regional shopping areas. This Zone may include commercial uses such as light manufacturing, processing, service, storage, wholesale and distribution operations, with all operations being contained within an enclosed building with some limited outside storage. Although the Zone should have a predominately commercial character, multiple family housing may be incorporated within the Zone.

Section 3.4 INDUSTRIAL ZONE (M)

1. The Industrial (M) Zone is intended to provide an opportunity for a mix of commercial and industrial activities that are supportive of industrial functions and are compatible with surrounding industrial uses. Uses may include offices, wholesale and business service establishments, campus-style industrial or business parks and limited retail/personal service storefronts.

Section 3.5 INSTITUTIONAL ZONE (I)

1. The Institutional (I) Zone is intended to provide areas for concentrations of governmental, educational, places of worship and similar public or semi-public uses. Typical uses may include schools, colleges and universities, libraries, cultural facilities, hospitals, and large research facilities, as well as associated residential and directly related commercial uses.

Section 3.6 OPEN SPACE/RECREATIONAL ZONE (OR)

1. This Zone provides areas for public parks and recreational purposes and for the conservation of undeveloped scenic or hazard lands, lands buffering different types of land uses and major utility right-of-ways that have an open space character.

Section 3.7 AGRICULTURE URBAN RESERVE ZONE (A)

1. The Agriculture Urban Reserve (A) Zone provides for agricultural cultivation and other large space uses.

PART 4.0 USE REGULATIONS

Section 4.1 DEFINITIONS OF SYMBOLS USED IN TABLES

4.1.1 General

1. In Table 4.1 Permitted Use Table:
 - a) “P” in a cell indicates that the use identified at the far left of that row is permitted in the Zone identified at the top of that column;
 - b) “C” in a cell indicates that in the Zone identified at the top of that column, the use identified at the far left of that row is allowed only if reviewed and approved as a Conditional Use in accordance with the procedures of the *Planning Act*;
 - c) “-” indicates that the use identified at the far left of that row is not permitted in the Zone identified at the top of that column;
 - d) a **number** in a cell within the column headed “Use Specific Standards” identifies a section within this By-law which imposes an additional standard with which the use must comply, except as authorized by this By-law, a Conditional Use Order or a Variance Order;
 - e) “*” following the “P” or “C” symbols indicates that a use specific standard imposed by a section identified in the cell located within the same row and within the column headed “Use Specific Standards” applies to Permitted or Conditional Uses, as the case may be, within the Zone;
 - f) a **number** in a cell within the column headed “Parking Class” identifies a parking class described in Table 5.5: Requirement by Parking Class, in Section 5.7; and
 - g) “ ” (a blank cell) in any column means there is no specific requirement.

Section 4.2 INTERPRETION OF TABLE ABBREVIATIONS

1. The following applies to Table 4.1: Permitted Use Table:

4.2.1 Permitted Uses

1. Permitted Uses (P) are subject to all applicable regulations of this By-law, including the use specific standards set forth in this Part and the requirements of Part 5.0 Development and Design Standards.

4.2.2 Conditional Use Orders

1. Conditional Use Orders (C) are subject to all applicable regulations of this By-law, including the use specific standards set forth in this Part, the requirements of Part 5.0, and the standards below:
 - a) unless otherwise provided in a Conditional Use Order, all approved Conditional Uses:
 - i) must be operated in accordance with all plans and documents submitted as part of the application; and
 - ii) must comply with all other applicable provisions of this By-law.

4.2.3 Uses Not Permitted

1. If a use is not specifically listed in the tables, or deemed similar by the Development Officer pursuant to Section 4.4 Classification of Uses, the use is not permitted.

4.2.4 Prohibited Uses

1. 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 Section 4.4 Classification of Uses.
2. Prohibited uses include:
 - a) dating and escort service;
 - b) massage parlour; and
 - c) wrecking and salvage yard.

4.2.5 Home-Based Business (HBB)

1. Regardless of whether a use is allowed as a Permitted Use or as a Conditional Use and regardless of the Zone in which the use is located, there are some uses that may be allowed as a home-based business in an individual's principal residence. Permitted or Conditional Use home-based businesses are identified in a column in Table 4.1 headed "HBB".
2. In some cases there may be Use Specific Standards, as described in Section 4.2.6 that will apply to the home-based business. These Use Specific Standards are in addition to the requirements of Section 4.5.2 for all home-based businesses.

4.2.6 Use-Specific Standards

1. Regardless of whether a use is allowed as a Permitted Use or as a Conditional Use, and regardless of the Zone in which the use is located, there may be additional standards that are applicable to the use, and the use must comply with such standards except as authorized by this By-law, a Conditional Use Order or a Variance Order. The existence of these use-specific standards is noted in a column in Table 4.1 headed "Use-Specific Standards", which cross-references the section of this By-law that imposes the additional standard. In some cases, use-specific standards apply only in select Zones, as indicated by an asterisk symbol (*) following the "P" or "C" symbols described in Section 4.1.1.
2. An application to establish a Permitted or Conditional Use that does not meet the applicable use-specific standards in Section 4.5 may only be approved through the Variance Order procedure.

4.2.7 Parking Classes

1. Regardless of whether a use is allowed as a Permitted Use or as a Conditional Use, and regardless of the Zone in which the use is located, it must meet the parking requirement of Section 5.7 of this By-law, except as authorized by this By-law or by a Variance Order. Cross-references in the last column of Table 4.1 refer to parking classes described in Table 5.5.

Section 4.3 TABLE ORGANIZATION

- 4.3.1 In Table 4.1, land uses and activities are grouped into general "use categories" and specific "use types" based on common functional or physical impact characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use category titles are intended as an indexing tool, are not exhaustive and do not form part of the By-law.

Table 4.1: Permitted Uses
P = Permitted / - = Not Permitted / C = Conditional / * = Use Specific Standard Applies to this Zone

Zone Use Category/Type	RSF	RMF	RMH	CC	CM	M	I	OR	A	HBB	Use Specific Standards	Parking Class
RESIDENTIAL & RESIDENTIAL-RELATED												
Household Living												
Dwelling, Single-Family Detached	P	P	-	C	-	-	-	-	C	*	4.5.2	1
Dwelling, Two Family	C	P	-	C	C	-	-	-	-	*	4.5.2	2
Dwelling, Multiple-Family	-	P	-	P	C	-	P	-	-	*	4.5.2	4
Secondary Suites	P*	-	-	-	-	-	-	-	-	*	4.5.1 / 4.5.2	1
Mobile Home	-	-	P	-	-	-	-	-	-	*	4.5.2	1
Modular Home	P*	P*	P*	C*	-	-	-	-	C*	*	4.5.2 / 4.5.8	1
Bed & Breakfast	C	C	C	C	-	-	C	-	-	C*	4.5.2	15
Condominium	-	P	-	P	C	-	-	-	-	*	5.11.2	4
Group Living												
Assisted Living Facility	-	P	-	C	C	-	P	-	-	-		3
Neighbourhood Rehabilitation Home	C*	C*	-	C*	C*	-	C*	-	-	-	4.5.3	3
Residential Care Facility	P*	P*	-	-	-	-	P	-	-	-	4.5.3	3

Table 4.1: Permitted Uses P = Permitted / - = Not Permitted / C = Conditional / * = Use Specific Standard Applies to this Zone												
Zone Use Category/Type	RSF	RMF	RMH	CC	CM	M	I	OR	A	HBB	Use Specified Standards	Parking Class
RESIDENTIAL & RESIDENTIAL-RELATED												
Dormitory	-	-	-	-	C	C	P	-	-	-		5
Boarding or Rooming House	P	P	P	P	C	-	-	-	C	-		1
COMMERCIAL												
Accommodation												
Hotel or Motel	-	-	-	P	P	C	-	C	-	-		15
Hostel	-	-	-	P	C	C	C	-	-	-		5
Animal Service												
Animal Hospital or Veterinary Clinic	-	-	-	C	P	P	-	-	-	-		10
Kennel or Animal Pound	-	-	-	-	P	P	-	-	-	-		10
Pet Daycare	-	-	-	P	P	P	-	-	-	C*	4.5.2	10
Food & Beverage Service												
Restaurant/Drinking Establishment	-	-	-	P	P	P	C	C	-	-		17
Catering/Caterer	-	-	-	P	P	P	P	C	-	C*	4.5.2	10

Table 4.1: Permitted Uses P = Permitted / - = Not Permitted / C = Conditional / * = Use Specific Standard Applies to this Zone												
Zone Use Category/Type	RSF	RMF	RMH	CC	CM	M	I	OR	A	HBB	Use Specific Standards	Parking Class
COMMERCIAL												
Micro Brewery, Distillery, or Winery	-	-	-	P	P	P	-	-	C	-		10
Mobile Food Vendors	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	4.5.7	
Office												
Call Center	-	-	-	P	P	P	-	-	-	-		10
Office	-	-	-	P	P	P	P	-	-	P*	4.5.2	10
Research Institution	-	-	-	P	P	P	P	-	C	-		10
Personal Service												
Personal Services (unless otherwise listed)	-	-	-	P	P	P	-	-	-	P*	4.5.2	10
Body Modification Establishment	-	-	-	P	P	-	-	-	-	-		10
Cheque-Cashing Facility	-	-	-	P	P	P	-	-	-	-		10
Dental, Optical or Counselling Clinic	-	-	-	P	P	P	C	-	-	C		10

Table 4.1: Permitted Uses P = Permitted / - = Not Permitted / C = Conditional / * = Use Specific Standard Applies to this Zone												
Zone Use Category/Type	RSF	RMF	RMH	CC	CM	M	I	OR	A	HBB	Use Specific Standards	Parking Class
COMMERCIAL												
Funeral Chapel, Mortuary or Crematorium	-	-	-	C	P	P	-	-	-	-		7
Laundry Services/Dry Cleaning	C	C	C	P	P	P	P	-	-	-		10
Retail Sales												
Retail Sales (unless otherwise listed)	C	C	C	P	P	P	C	-	-	C		10
Auction Room	-	-	-	C	P	P	C	-	-	-		12
Landscape or Garden Supplies	-	-	-	P	P	P	-	-	-	-		10
Mobile Homes & RTM Sales	-	-	-	C	P	P	P	-	-	-		10
Travel Trailer Sales / Recreational Vehicle Sales	-	-	-	C	P	P	P	-	-	-		10
Shopping Centre	-	-	-	C	P	P	-	-	-	-		10
Farmers Market	-	-	-	P	P	P	P	P	P	-		10
Restricted												
Pawnshop	-	-	-	P	P	P	-	-	-	-		10
Drive Through	-	-	-	C	C	C	C	-	-	-		10
Adult Service & Entertainment	-	-	-	C	C	P	-	-	-	-		10

Table 4.1: Permitted Uses P = Permitted / - = Not Permitted / C = Conditional / * = Use Specific Standard Applies to this Zone												
Zone Use Category/Type	RSF	RMF	RMH	CC	CM	M	I	OR	A	HBB	Use Specific Standards	Parking Class
COMMERCIAL												
ISO Containers/Non-Licensed Semi-Trailers used for Storage	-	-	-	P*	P*	P*	P*	P*	P*	-	4.5.4	
Wrecking & Salvage Yard	-	-	-	-	-	-	-	-	-	-		
Signs												
Advertising Sign	-	-	-	C	C	C	-	-	C	-		
Private Motor Vehicle Related												
Auto/Light Truck/Motorcycle, Recreational Vehicles, Repair, Service, Sales & Rental	-	-	-	C	P	P	-	-	-	-		10
Auto Parts and Supplies, Sales	-	-	-	P*	P*	P*	-	-	-	-	4.5.5	10
Car Wash	-	-	-	C	P	P	-	-	-	-		16
Fuel Sales	-	-	-	P	P	P	-	-	-	-		16
Parking, Structure	-	-	-	P	P	P	P	-	-	-		
Parking, Surface	-	-	-	P	P	P	P	P	-	-		
Towing & Storage Facility	-	-	-	-	P*	P*	-	-	-	-	4.5.6	10

Table 4.1: Permitted Uses P = Permitted / - = Not Permitted / C = Conditional / * = Use Specific Standard Applies to this Zone												
Zone Use Category/Type	RSF	RMF	RMH	CC	CM	M	I	OR	A	HBB	Use Specific Standards	Parking Class
COMMERCIAL												
Transportation, Utility & Communications												
Airport and Associated Facilities	-	-	-	-	-	-	-	-	-	-		19
Bus Depot	-	-	-	C	P	P	-	-	-	-		10
Helicopter Pad	-	-	-	-	-	C	P	-	-	-		10
Shuttle Service	-	-	-	P	P	P	-	-	-	-		13
Utility												
Utility Facility, Major	-	-	-	-	C	P	-	-	C	-		18
Utility Facility, Minor	P	P	P	P	P	P	P	P	P	-		18
Communications												
Non-Federally Regulated Wireless Communication, Bldg.- Mounted Tower	-	-	-	P	P	P	P	P	P	-	5.1.3	19
Non-Federally Regulated Wireless Communication , Freestanding Tower	-	-	-	P	P	P	P	P	P	-	5.1.3	19

Table 4.1: Permitted Uses P = Permitted / - = Not Permitted / C = Conditional / * = Use Specific Standard Applies to this Zone												
Zone Use Category/Type	RSF	RMF	RMH	CC	CM	M	I	OR	A	HBB	Use Specified Standards	Parking Class
COMMERCIAL												
Cultural and Entertainment												
Gallery/Museum	-	-	-	P	P	-	P	C	C	C		10
Cultural Centre	-	-	-	P	P	-	P	-	-	-		12
Recreational and Entertainment, Indoor												
Amusement Enterprise, Indoor	-	-	-	P	P	P	C	P	-	-		10
Auditorium/Concert Hall/ Theatre/Cinema	-	-	-	P	P	P	P	P	-	-		11
Private Club, Not Licensed	-	-	-	P	P	P	P	-	-	-		13
Studio, Radio/TV/Motion Picture Broadcast & Production	-	-	-	P	P	P	-	-	-	-		16
Casino or Gaming Centre	-	-	-	P	P	P	C	C	C			11
Convention Centre	-	-	-	C	P	C	C	-	-	-		11
INDUSTRIAL												
Auction Yard	-	-	-	-	-	C	-	-	-	-		10
Contractor's Establishment	-	-	-	C	P	P	-	-	-	P*	4.5.2	10

Table 4.1: Permitted Uses P = Permitted / - = Not Permitted / C = Conditional / * = Use Specific Standard Applies to this Zone												
Zone Use Category/Type	RSF	RMF	RMH	CC	CM	M	I	OR	A	HBB	Use Specific Standards	Parking Class
INDUSTRIAL												
Fleet Services	-	-	-	C	P	P	-	-	-	-		16
Heavy Equipment Sales, Service, and Rental	-	-	-	-	P	P	-	-	-	-		10
Landscape/Garden Supply or Production	-	-	-	-	P	P	-	-	C	-		10
Wholesaling	-	-	-	C	P	P	-	-	-	-		10
Manufacturing & Production												
Heavy Manufacturing	-	-	-	-	C	P	-	-	-	-		10
Light manufacturing	-	-	-	C	P	P	-	-	-	-		10
Warehouse and Freight Movement												
Freight or Truck Yard	-	-	-	-	P	P	-	-	-	-		10
Mini Warehouse, Self-Storage	-	-	-	C	C	P	-	-	-	-		10
Outside Storage	-	-	-	C	C	P	-	-	-	-		19
Warehouse	-	-	-	C	C	P	-	-	-	-		10

Table 4.1: Permitted Uses P = Permitted / - = Not Permitted / C = Conditional / * = Use Specific Standard Applies to this Zone												
Zone Use Category/Type	RSF	RMF	RMH	CC	CM	M	I	OR	A	HBB	Use Specified Standards	Parking Class
INDUSTRIAL												
Feed, Seed, Grain & Vegetable Sales, Storage and Distribution	-	-	-	-	P	P	-	-	C	-		10
Feed, Seed, Grain & Vegetable Manufacturing & Processing	-	-	-	-	C	P	-	-	C	-		10
Waste and Salvage												
Garbage Incineration and Reduction	-	-	-	-	-	C	-	-	-	-		19
Landfill and Snow Dump	-	-	-	-	-	-	-	-	-	-		
Recycling Collection Centre	-	-	-	-	C	P	-	-	-	-		16
Recycling Plant	-	-	-	-	C	P	-	-	-	-		16
Waste Transfer Station	-	-	-	-	-	C	-	-	-	-		19
Wrecking and Salvage Yard	-	-	-	-	-	-	-	-	-	-		
INSTITUTIONAL												
Community/Recreation Centre	C	C	C	P	P	P	P	P	-	-		11
Jail/Detention Centre	-	-	-	-	-	C	C	-	-	-		16
Library	C	C	C	P	-	-	P	-	-	-		10

Table 4.1: Permitted Uses P = Permitted / - = Not Permitted / C = Conditional / * = Use Specific Standard Applies to this Zone												
Zone Use Category/Type	RSF	RMF	RMH	CC	CM	M	I	OR	A	HBB	Use Specific Standards	Parking Class
INSTITUTIONAL												
Protection and Emergency Services	C	C	C	P	P	P	P	-	-	-		10
Social Services Facility	-	-	-	P	P	P	P	-	-	-		10
Education												
College or University	-	-	-	-	-	-	P	-	-	-		9
Senior High School	-	-	-	-	-	-	P	-	-	-		8
Elementary or Junior High School	-	-	-	-	-	-	P	-	-	-		8
Other Institutional												
Child Care Centre	-	C	C	C	C	C	P	-	-	-		16
Child Care Home (Group or Family)	P	P	P	-	-	-	-	-	-	P*	4.5.2	10
Hospital	-	-	-	-	-	-	P	-	-	-		6
Medical Clinic	-	-	-	C	C	-	P	-	-	-		10
Place of Worship	-	-	-	C	C	P	P	-	-	-		7

Table 4.1: Permitted Uses P = Permitted / - = Not Permitted / C = Conditional / * = Use Specific Standard Applies to this Zone												
Zone Use Category/Type	RSF	RMF	RMH	CC	CM	M	I	OR	A	HBB	Use Specified Standards	Parking Class
OPEN SPACE/ RECREATIONAL												
Amusement Enterprise, Outdoor	C	-	C	C	P	P	-	P	C	-		11
Camping Ground	-	-	-	-	C	-	C	P	C	-		19
Golf Course	-	-	-	-	-	-	-	P	-	-		14
Race Track	-	-	-	-	-	-	-	P	C	-		11
Sports or Entertainment Arena/ Stadium, Outdoor	-	-	-	-	-	-	-	P	-	-		11
Park and Park-Related												
Cemetery, Mausoleum, Columbarium	-	-	-	-	-	-	-	-	C	-		19
Community Garden	C	C	C	C	-	-	C	C	C	-		19
Park/Plaza/Square/Playground	P	P	P	P	P	P	P	P	P	-		19
AGRICULTURE URBAN RESERVE												
Agricultural Cultivation	-	-	-	-	-	-	-	-	P	-		0
Agricultural Grazing and Feeding	-	-	-	-	-	-	-	-	-	-		
Apiary	-	-	-	-	-	-	-	-	-	-		

Table 4.1: Permitted Uses P = Permitted / - = Not Permitted / C = Conditional / * = Use Specific Standard Applies to this Zone												
Zone Use Category/Type	RSF	RMF	RMH	CC	CM	M	I	OR	A	HBB	Use Specific Standards	Parking Class
AGRICULTURE URBAN RESERVE												
Aviary	-	-	-	-	-	-	-	-	-	-		
Floriculture	-	-	-	-	-	-	-	-	P*		4.5.9	
Stable, Private	-	-	-	-	-	-	-	-	C	-		0
Stable, or Riding Academy	-	-	-	-	-	-	-	-	C	-		10
Alternate Development												
Planned Unit Development	C	C	C	C	C	C	C	C	C	-		19

Comments:

*See Sections 5.3 and 5.4 for Accessory Building and Structure Use.

Section 4.4 CLASSIFICATION OF USES

4.4.1 General

1. The list of uses in Table 4.1 is not exhaustive. Developers may seek to located new types of land uses and unanticipated forms of land uses in the City.

4.4.2 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 Table 4.1, and, if so, which one. 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.
2. The authority to provide an interpretation does not include the authority to add a new Permitted or Conditional Use to Table 4.1.

4.4.3 Appeal

1. The decision of the Development Officer with respect to interpretation under subsection 4.4.2 is final.

4.4.4 Use Tables

1. Table 4.1 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.

Section 4.5 USE SPECIFIC STANDARDS

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 additional standards must be met in respect of the uses identified, except as authorized by other sections of this By-law or by a Conditional Use Order or Variance Order.

4.5.1 Secondary Suites – Bulk Requirements

4.5.1.1 Accessory Units (within principle dwelling):

1. General:
 - a) Not more than one secondary suite shall be permitted within a principal dwelling;
 - b) Not more than one secondary suite shall be permitted on a single zoning site;
 - c) The property containing a secondary suite shall be Zoned for residential use and contain a permanent habitable single-family (detached) dwelling;
 - d) The principal dwelling must be an existing permanent structure; and
 - e) The principal dwelling is to be occupied by the owner of the property.

2. Maximum 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. Amenity space:
 - a) An exterior, private amenity space such as a deck or patio may be provided for the secondary suite.
4. Parking:
 - a) A minimum of one off-street parking space must be provided for each secondary suite.

4.5.1.2 Detached Accessory Unit (Coach House & Garden Suites):

1. General:
 - a) Not more than one secondary suite shall be permitted on an established zoning site;
 - b) The zoning site containing the secondary suite shall be zoned for residential use and contain a permanent habitable single-family (detached) dwelling; and
 - c) The principal dwelling is to be occupied by the owner of the property.
2. Maximum floor area shall be no greater than 80.0 m², and shall not exceed the maximum lot coverage for ancillary structures as permitted within this Zoning By-law.
3. Building Height (maximum):
 - a) Coach House (above grade)
 - i) 8.0 metres
 - b) Garden Suite and Coach House (at grade)
 - ii) 5.0 metres
4. Setbacks (minimum):
 - a) From Front Lot Line:
 - i) Must be equal to or greater than the minimum setback from the front property line for a principal dwelling within the same Zone;
 - b) From Rear Lot Line:
 - i) Must be equal to or greater than the minimum setback from the rear property line for a principal dwelling within the same Zone;
 - ii) 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 m.
 - c) From Side Lot Line:
 - i) Must be equal to or greater than the minimum setback from the side property line for a principal dwelling within the same Zone.
 - d) From Corner Side Lot Line:
 - i) Must be equal to or greater than the minimum setback from the exterior side property line for a principal dwelling within the same Zone.
5. Separation from the Principal Dwelling (minimum):
 - a) 3.0 metres
6. Amenity Space:
 - a) An exterior, private amenity space such as a deck or patio may be provided for the secondary suite.
7. Parking:
 - a) A minimum of one off-street parking space must be provided for each secondary suite.

4.5.2 Home-Based Business (HBB)

1. If you are earning business income out of a Residentially Zoned area in the City of Dauphin you have two options:
 - a) Obtain a Home-Based Business License; or
 - b) Apply to rezone the property.
2. Any use not listed as a Permitted home-based business in Section 4.5.2(4), and any use not prohibited in Section 4.5.2(3) may be approved as a Conditional Use pursuant to the provisions of *The Act*.
3. The following home-based businesses are prohibited in all Zones in the City of Dauphin:
 - 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 utilizing radio transmission equipment;
 - h) Any business engaged in the sale and rental of autos, light trucks, or motorcycles; and
 - i) Salvage and wrecking operations.
4. The following home-based businesses are permitted, provided all of the limitations contained herein are complied with:
 - a) Office or studio of and artist, musician, clergyman, salesman, professional agent, consultant; or person engaged in home crafts and hobbies.
 - b) Office of Tradesman or Contractor;
 - c) Private tutoring or lessons;
 - d) Family child care home [see Section 4.5.2(7)];
 - e) Public stenographer;
 - f) Telephone/Internet mail order or answering service;
 - g) Office limited to providing a personal service and the handling of paperwork by a person authorized to practice medicine or healing such as a physician, dentist, holistic health practitioner, physiotherapist, chiropractor, and similar;
 - h) Catering business licensed under Manitoba Health;
 - i) Bed & Breakfast [see Section 4.5.2(6)];
 - j) Massage therapy, providing the service is registered and in good standing with the Massage Therapy Association of Manitoba;
 - k) Hairdressing, Stylist, Barber or Esthetician [see Section 4.5.2(8)].
5. In addition to all standards applicable in the Zone where the use is located, the following conditions apply to all home-based businesses, as defined in Part 1.0:
 - a) All home-based businesses must be operated in accordance with all plans and documents approved as part of the application;
 - b) The operators of the home-based business must be residents of the dwelling unit;
 - c) A home-based business must not have non-resident employees;
 - d) More than one home-based business per dwelling may be permitted, provided that all applicable regulations are satisfied;
 - e) An accessory structure may be used for conducting a home-based business, provided that the structure complies with all other requirements of this By-law;

- f) The cumulative size of all home-based businesses within a dwelling unit and accessory building must not exceed 25 percent of the total gross floor area of the dwelling unit and accessory building, or 37.2 m², whichever is less;
 - g) Work or activity must be conducted entirely within the dwelling unit or accessory building;
 - h) 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 By-law;
 - i) 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:
 - Skid-steer loader,
 - Compact excavator,
 - Aerial work platform,
 - Enclosed or flatbed trailer not exceeding 6 meters in length,
 - Single or tandem axle truck with Gross Vehicle Weight Rating (GVWR) less than 24000 kg.
 - j) 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, except that 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;
 - k) 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; and
 - l) A home-based business may provide instructional classes for not more than four pupils at a time.
6. If the home-based business is a ***Bed and Breakfast***, the use must comply with the following additional requirements:
- a) The operator of the business must reside on the premises and must use it as their principal residential dwelling;
 - b) The maximum number of guest rooms is the number of bedrooms existing in the structure, minus one for occupancy by the owner/operator of the facility;
 - c) No cooking facilities are permitted in guest rooms;
 - d) Guests may reside at the Bed and Breakfast for a maximum of two weeks;
 - e) Bed and breakfast facilities are not subject to the restriction that home-based businesses occupy no more than 25 percent of the gross floor area of the principal building; and
 - f) A minimum of two off street parking spaces must be provided per three guest rooms.
7. If the home-based business is a ***Family Child Care Home***, the use must comply with the following additional requirements:
- a) General:
 - i) Must follow provincial regulations and be provincially licensed prior to approval of home-based business license;
 - ii) Must be operated in accordance with all plans and documents approved as part of the application;
 - iii) The operators of the home-based business must be 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;
 - iv) More than one home-based business per dwelling may be permitted, provided that

- all applicable regulations are satisfied;
- b) Family Child Care Home:
 - i) A home-based business must not have non-resident employees.
- c) Group Child Care Home:
 - i) Must provide one off-street parking space for each non-resident employee or joint owner.
- 8. If the home-based business is a ***Hairdressing, Stylist, Barber or Esthetician***, the use must comply with all required Provincial Health regulations.

4.5.3 Group Living

- 1. No neighbourhood rehabilitation home or group home may be located within 152.4 m from another neighbourhood rehabilitation home or group home.

4.5.4 Storage Containers/ISO Containers

- 1. Storage Containers/ISO Containers are permitted in non-Residential Zones, subject to fees as outlined in the City of Dauphin Fees & Charges By-law.

4.5.5. Auto Parts and Supplies, Sales

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

4.5.6 Towing & Storage Facility

- 1. No outdoor storage associated with a towing or storage facility is permitted in any Zone.

4.5.7 Mobile Food Vendors

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

4.5.8 Modular Homes

- 1. Modular Homes are permitted in RSF and RMF Zones, when located on a permanent foundation in accordance with the Manitoba Building Code, providing that the look of the structure is compatible with the area (shape/footprint), as determined by the Development Officer.
- 2. Modular Homes are permitted in RMH if not placed on permanent foundations.

4.5.9 Floriculture

- 1. Floriculture is permitted in an Agriculture Urban Reserve Zone when contained entirely within an enclosed building or structure.

PART 5.0 DEVELOPMENT AND DESIGN STANDARDS

Section 5.1 DIMENSIONAL STANDARDS

5.1.1 Application

1. This Part of the Zoning By-law 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. Where specific design or development standards apply in different Zones, they apply to the Zone designated on the Zoning Maps in Schedule A of this By-law.

5.1.2 Standards for All Zones

1. The following standards apply to all development under the jurisdiction of this By-law:
 - a) The owner has a continuing obligation to maintain the minimum yards and other open spaces required in this By-law;
 - b) The minimum yards and other open spaces required by this By-law for one use may not serve to satisfy the requirements of this By-law for minimum yards and other open spaces for any other use;
 - c) Yards and other open space required for a use must be located on the same Zoning site as the use;
 - d) The owner may provide lots with larger lot areas, frontages, or yards than the minimum amounts required by Table 5.1, but may not exceed any maximum established by Table 5.1, or any maximum imposed as a condition of any Zoning Amendment, Variance Order or Conditional Use Order;
 - e) In Table 5.1, each row indicates a Zone and each column indicates a dimensional requirement for development. The principal building must either comply with the dimensional standards in Table 5.1, another provision of this By-law or by a Variance Order;
 - f) The contents of each cell sets out the dimensional requirement in metres in the case of length, and in square metres in the case of area, unless otherwise stated. In the case of “maximum site coverage” the requirement is expressed as a percentage of the total area of the lot. “N/A” means “not applicable”. Notes within Table 5.1 have legal effect and indicate special situations that affect the application of dimensional standards to specific Zones. Development must comply with all dimensional standards applicable to the Zone where the property is located; and
 - g) If the conversion between metric and imperial measurements pertaining to a Development Permit application is not exact as prescribed in this By-law, the Development Officer may apply metric or imperial measurement to the Development Permit application.

Table 5.1: Bulk Requirements for Principal Buildings and Structures

Zone	Minimum Lot Area (m ²)	Minimum Lot Width (m)	Minimum Front Yard (m)	Minimum Rear Yard (m)	Minimum Interior Side Yard (m)	Minimum Corner Side Yard (m) *	Minimum Dwelling Unit Area (m ²)	Maximum Site Coverage (%)	Maximum Height Building (m) or Storeys
RSF	450.0	15.0	9.0	7.5	1.5 (a)	3.0	70.0	50	9.0
RMF Two Family	930.0 (c) 600.0	30.0 19.8	9.0 9.0	7.5 7.5	3.5 1.5 (a)	4.5 3.0	32.0 70.0	60 50	18.0 (5storey) 9.0
RMH (d)	450.0	15.0	4.5	4.5	2.0 (a)	3.0	37.0	50	4.5
CC	300.0	7.5	0.0	6.0	0.0	0.0	37.0 (b)	95	18.0
CM	600.0	15.0	0.0	6.0	0.0 (e)	3.0	37.0 (b)	80	14.0
M	1860.0	30.0	7.5	3.0	3.0	4.5	N/A	80	14.0
I	1200.0	30.0	7.5	7.5	1.5	3.0	37.0 (b)	80	14.0
OR	N/A	N/A	7.5	7.5	5.0	4.5	N/A	80	10.5
A	80,000.0 (8.0 ha)	183.0	15.0	7.5	5.0	4.5	55.7	50	10.5

Explanations & Exceptions to the Bulk Requirements are as follows:

- (a) When no public lane is located at the rear of a site and no garage is attached to the house, one side yard shall be a minimum of 3.5 m.
- (b) Applies to multi-family dwellings with or without Commercial / Institutional uses.
- (c) Plus 93 m² for each dwelling unit in excess of 4.
- (d) These requirements apply to Mobile Homes in Mobile Home Parks, see Section 5.5 for Mobile Home Parks.
- (e) Where a side yard is provided, it shall not be less than 1.2 m.

* See Corner Alignments site visibility requirements, Section 5.2.3.

Table 5.2: Bulk Requirements for Accessory Buildings and Structures

Zone	Explanations & Exceptions	Minimum Front Yard (m)	Minimum Rear Yard (m)	Minimum Interior Side Yard (m)	Minimum Corner Side Yard (m) *	Maximum Site Coverage (%)	Maximum Building Height (m)
RSF	(a), (b), (c)	9.0	1.5	1.5	3.0	20	4.5
RMF Two Family	(a), (b), (c)	9.0	1.5	1.5	3.0	20	4.5
	(a), (b), (c)	9.0	1.5	1.5	3.0	20	4.5
RMH (f)	(a), (b), (c)	4.5	1.5	1.5	3.0	20	4.5
CC	(d), (e)	0.0	1.5	0.0	0.0	10	4.5
CM	(d), (e)	6.0	3.0	0.0	3.0	20	4.5
M	(e)	7.5	3.0	3.0	4.5	20	9.0
I		7.5	0.6	0.6	3.0	20	6.0
OR	(c)	9.0	7.5	5.0	4.5	50	14.0
A		15.0	7.5	4.5	4.5	10	6.0

Explanations & Exceptions to the Bulk Requirements are as follows:

- (a) When an accessory building is located to the rear of the principal building, the side yard may be reduced to 0.6 m .
- (b) 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.
- (c) Except for outdoor pools and hot tubs, which shall be located a minimum of 1.5 m from any site line.
- (d) Where a side yard is provided, it shall not be less than 1.2 m.
- (e) Except that Service Station Pumps shall be located min 4.5 m from site line.
- (f) These requirements apply to Mobile Homes in Mobile Home Parks, see Section 5.5 for Mobile Home Parks.

*See Corner Alignment site visibility requirements, see Section 5.2.3.

5.1.3 Height Exceptions

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

Section 5.2 YARDS

5.2.1 General Requirements

1. Except as herein provided, the following provisions shall apply in all Zones to ensure adequate yards and setbacks:
 - a) The yard requirements shall be as set forth in the Bulk Requirements Table of each Zone;
 - b) Yards provided for a building or structure, existing on the effective date of this By-law or amendments thereto, shall not be further reduced if already less than the minimum requirements of the Zone;
 - c) 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;
 - d) Where permitted in this By-law, a building containing more than one unit with common party walls, such as a semi-detached two-family dwelling, row housing or businesses shall be considered as one building occupying one site for the purpose of side yard regulations; and
 - e) Minimum required yards contained in this By-law do not relieve the owner from compliance with the provincial requirements or Manitoba Building Code requirements where said requirements demand greater setbacks.

5.2.2 Yard Exceptions

1. Where sites comprising 50 percent or more of the entire frontage of the block (excluding reversed corner sites) are developed with buildings, the average front yard depths established by such buildings shall establish the minimum front yard depths for the entire frontage of the block.
2. The following features and accessory buildings, structures and uses may be permitted to project into or locate in required yards:
 - a) Horticultural and agricultural crops including haying and grazing fields – may project into any required yard;
 - b) Architectural features such as eaves, gutters, chimneys, bay windows, alcoves, awnings and canopies, fire escapes – may project 1.5 m into any yard, provided said features project no closer than 0.6 m to any site line;
 - c) 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.

- d) Fences – except as provided in Subsections 5.2.4(1)(e) and 5.3.4(3), fences may be located in any front yard to a maximum height of 1.2 m and in any side or rear yard to a maximum height of 1.8 m. These height restrictions do not apply to CC, M, OR, I and A Zones.
- e) Incidental storage of materials – shall be permitted in any required rear or side yard.
- f) Landscape features such as trees, shrubs, flowers or plants – shall be permitted in any required yard, provided they do not produce a visual barrier. (See section 5.2.3).
- g) Open, unenclosed and uncovered stairways, balconies, porches or decks attached to the main building – with a maximum 1.0 m high deck 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.
- h) Parking spaces and off-street parking and loading areas – as regulated in Section 5.7 and 5.8 may be located in any required yard, except as provided in Section 5.2.4.1(c) of this Part.
- i) Public recreation areas – may be located in any required yard, where it is a Permitted Use.
- j) Public works equipment, cables and lines necessary for the provision of services – may be located in any required yard.
- k) Compost bins, refuse garbage storage bins and similar structures - may be located in any required rear or side yard.
- l) Signs - as regulated in Section 5.9.
- m) Uncovered walks, driveways, lighting fixtures and other landscape architectural features, guardrails for safety purposes around ramps and ramps for the handicapped – may be located in any required yard.
- n) Unenclosed outdoor display of commodities and products normally sold on the site (i.e. vehicles, machinery, etc.) – may be located in any required yard in all CC, CM, and M Zones.
- o) Water storage tanks, electrical apparatus or mechanical rooms, without habitable space, associated with the operation of a building or structure.

5.2.3 Corner Alignments

1. Notwithstanding any provision contained in this Part,
 - a) on corner sites the CC Commercial Central Zone, within the triangular shaped areas of corner sites as shown in Illustration 5.1, 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; and
 - b) on all zones, within the triangular shaped areas of corner sites as shown in Illustration 5.1, if visibility is an issue, no fence, hedge, shrubs, or other horticultural landscape features 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.

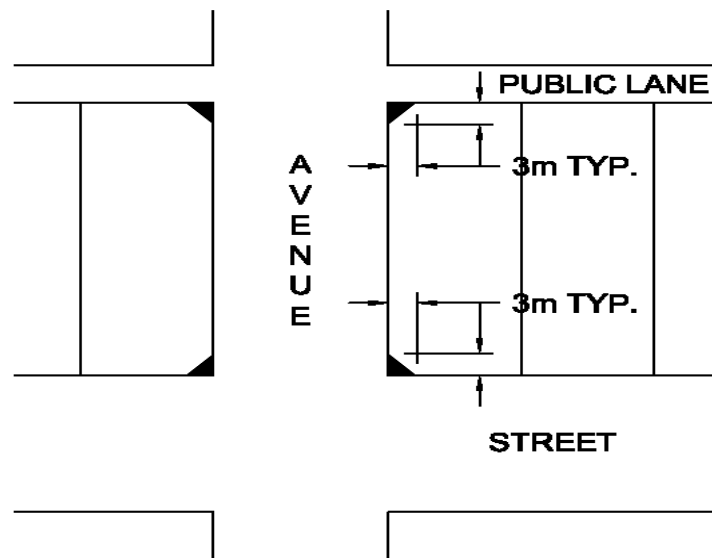


Illustration 5.1: No Visual Barriers at Corners

5.2.4 Commercial and Industrial Yards Abutting Residential Zone Limits

1. Notwithstanding any provision of this By-law, the following special yard requirements shall apply along all Residential Zone boundaries;
 - a) Where a side site line in a Commercial or Industrial Zone abuts a side site line of an adjacent Residential Zone, the required front yard in the Residential Zone shall extend for a distance of 15.0 m in the case of a Commercial Zone, and 30.0 m in the case of an Industrial Zone, from the Zone boundary;
 - b) A side yard of 3.0 m in the case of a Commercial Zone and 7.5 m in the case of an Industrial Zone shall be provided along the side site line which abuts the Residential Zone;

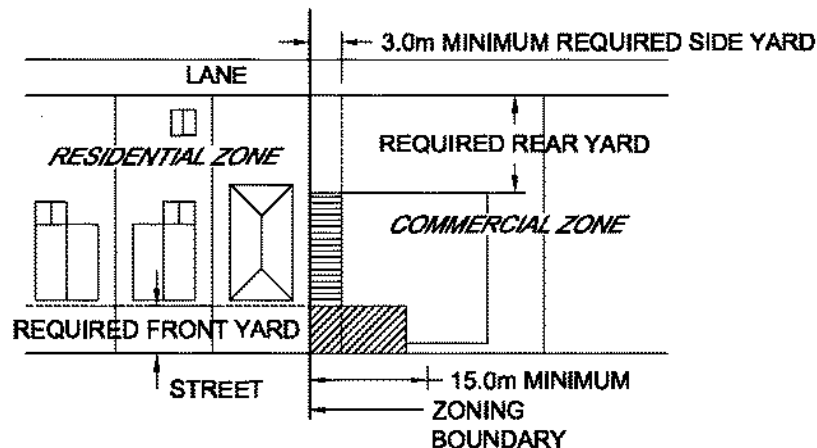


Illustration 5.2: Commercial (and Industrial) Yards Abutting Residential Zones – Side and Front Yards (showing issues in (a) and (b) above)

- c) Parking spaces within the required front yard shall not be permitted within 3.0 m of the said Zone boundaries;
- d) Where a rear site line in a Commercial or Industrial Zone abuts a side or rear site line of an adjacent Residential Zone, a rear yard of 7.5 m in the case of a Commercial Zone, and 15.0 m in the case of an Industrial Zone shall be provided along the rear site line;

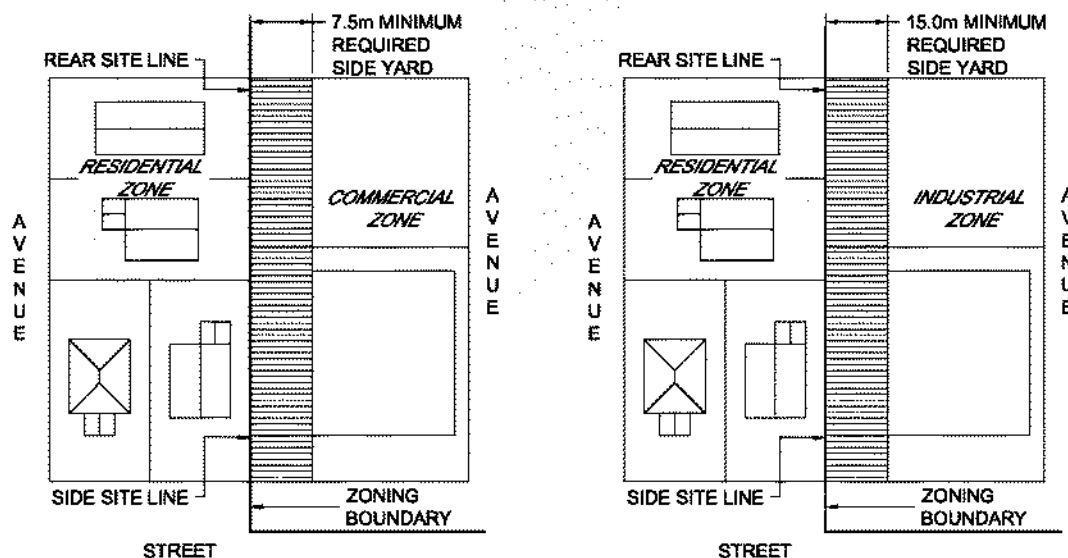


Illustration 5.3: Commercial and Industrial Yards Abutting Residential Zones – Parking and Rear Yards (showing issues in (c) and (d) above)

- e) Where a yard as described in Clauses (a), (b) or (d) is provided in a Commercial or Industrial Zone, 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 Residential Zone boundary.

Section 5.3 ACCESSORY BUILDINGS, STRUCTURES AND USES

5.3.1 General

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 Bulk Requirements Tables of the Zone in which the accessory buildings, structures and uses are to be located.

5.3.2 Location and Use

1. Accessory buildings and structures, except as otherwise regulated in this By-law, shall be subject to the following regulations:
 - a) Where the accessory building or structure is attached to a main building or structure, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building or structure;
 - b) To be classified as a detached garage, the building must first be either located 18.0 m from the front property line or 1.5 m behind the rear wall of the principle structure;
 - c) Detached accessory buildings or structures shall not be located closer than 1.5 m to any main building or structure;
 - d) In no instance shall an accessory building or structure be located within a dedicated easement or right-of-way;
 - e) 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; and
 - f) Accessory buildings or structures shall not be used for human habitation except in the case of a permitted accessory dwelling, mobile home or dwelling unit, or in the case of temporary accommodation for a caretaker, watchman and other workers employed on the same construction site.

5.3.3 Garage Tents

1. Only one garage tent, with a maximum size of 18.6 m² (200.0 ft²) will be permitted in a side or rear yard in a residential zone, provided that the required setbacks are met for the yard.
2. All garage tent structures must meet the requirements under the City of Dauphin Property Standards By-law.

5.3.4 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 residential use.
2. Outdoor pools and hot tubs shall comply with yard requirements for accessory buildings, structures and uses as set forth in the relevant Bulk Requirements 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 in accordance with the Manitoba Building Code.

4. Notwithstanding the provisions of Subsection 5.2.2(2), 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-family dwelling site nor used solely by the occupants of the dwelling or their guests, are subject to the regulations governing swimming pools under *The Public Health Act*.
6. Nothing in this Subsection shall relieve any such structure from complying with spatial, structural, electrical, plumbing, health and safety or operational requirements contained in regulations under *The Buildings and Mobile Homes Act*, *The Public Health Act* or other applicable statutes.

Section 5.4 TEMPORARY BUILDINGS, STRUCTURES AND USES

5.4.1 Permit Required

1. No temporary use or structure, except as provided in Section 2.10, may exist without an approval from the City of Dauphin.

5.4.2 General Requirements for All Temporary Uses and Structures, Excluding Shipping Containers/ISO Containers

1. An approval issued for a temporary use or structure can be issued subject to the following general requirements, unless otherwise specified in this By-law:
 - 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; and
 - 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 the City of Dauphin Fees and Charges By-law.

5.4.3 Real Estate Sales Offices and Model Sales Homes

1. All real estate sales offices and model sales homes must meet all dimensional standards and parking requirements set forth in Section 5.3 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.

5.4.4 Seasonal Sales

1. Seasonal sales areas:
 - a) Must not reduce the number of required off-street parking or loading spaces below the minimum required by this By-law; and
 - b) Must not obstruct any vehicular circulation route into or through the property.

5.4.5 Temporary Construction Trailer (including ISO Container) or Building

1. Temporary construction trailers or buildings must be removed from the premises within one month after completion of construction.

Section 5.5 MOBILE HOME PARKS

1. The minimum area dimensions and setback requirements for mobile home park developments are outlined in Table 5.3: Mobile Home Park Requirements.
2. No mobile home park shall be established or expanded without the approval of Council. Scaled and dimensional plans of the mobile home park shall be submitted to Council for approval and shall show mobile home sites, internal roads and walkways, buffers, storage areas, recreation areas, drainage, sewer and water services.
3. All mobile home parks shall provide:
 - a) A common recreation area that:
 - i) Contains a minimum of five percent of the mobile home park area or 223.0 m², whichever is greater; and
 - ii) Is not part of the required buffer area;
 - b) A suitably designed and landscaped minimum 4.5 m wide buffer strip along any mobile home park boundary;
 - c) A mobile home park must have an internal roadway system as follows:
 - i) An all-weather surface internal roadway to serve all mobile 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 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; and
 - g) Clear marking of the boundaries of each mobile home site and identification of each site by a numbered sign.
4. All mobile homes to be placed on a mobile home site shall:
 - a) Meet all structural standards as determined by *The Buildings and Mobile Homes Act* and amendments thereto;
 - b) Be connected to an approved sewer and water system; and
 - c) Ensure the site preparation, foundation and anchorage of mobile homes conforms to applicable CSA standards.

5. The site and other requirements for accessory uses, buildings and structures in the RMH Zone, as outlined in Table 5.2, shall apply in mobile home parks, except that the requirements shall be interpreted as applying to a “mobile home site”.

Table 5.3: Mobile Home Park Requirements

Item	Requirement
Site Area, Minimum for Mobile Home Park	3,716.0 m ²
Site Width, Minimum for Mobile Home Park	76.0 m
Maximum Density	20 mobile homes Per gross hectare
Minimum area of each Mobile Home Space	372.0 m ²
Minimum width of each Mobile Home Space	12.2 m
Minimum depth of each Mobile Home Space	27.5 m
Minimum side-to-side clearance between Mobile Homes (porches, carports, additions and projections are considered to be part of The Mobile Home)	4.5 m
Minimum end-to-end clearance between Mobile Homes	6.0 m
Minimum distance from Mobile Home to Roadway	3.0 m
Minimum distance from Mobile Home to Public street or mobile home park boundary ⁽¹⁾	9.0 m
Dwelling Unit Area, Minimum	55.7 m ²
Notes: (1) In the case of provincial trunk highways and provincial roads, greater setbacks may be required.	

Section 5.6 CAMPING AND TENTING GROUNDS

1. The minimum site area, width, yard and other requirements for camping and tenting grounds are set forth in the Use Tables and Bulk Requirements Tables in this By-law.
2. No person shall construct, operate or maintain camping and tenting grounds without approval from Council. Scaled and dimensioned plans of the camping and tenting grounds shall be submitted to Council showing the camping sites; internal roads and walkways; playground, park and vehicle parking areas; existing and proposed buildings and structures; drainage; lighting; garbage and other storage; and proposed electrical, sewer and water services.
3. All camping and tenting grounds shall provide:
 - a) A common recreation area that:
 - i) Contains a minimum of five percent of the camping/tenting area or 223.0 m², whichever is greater; and
 - 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) All camping and tenting grounds must have 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, and
 - 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; and
- i) Utility services and on-site liquid waste facilities in a suitable location for the use of tenants, in accordance with City By-laws and provincial regulations.

4. The following regulations shall apply, as outlined in Table 5.4:

Table 5.4: 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 5.7 OFF-STREET PARKING

5.7.1 General

1. Off-street parking spaces shall be provided and maintained in accordance with the specific requirements of the Zone where the use is located and the following provisions.
 - a) 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 further than 100.0 m from the Zoning Site it serves. 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 above agreement shall be registered as a caveat against both properties;
 - b) The surface of an accessory off-street parking area and its access driveways shall be surfaced and designed in such a manner that there will be no free flow of water onto either adjacent properties or along public sidewalks. They may be paved with either asphalt, concrete or paving bricks, or suitably surfaced with gravel, crushed rock or other aggregate material in all Zones except the RM Zone, which shall be surfaced with asphalt, concrete or paving brick when the development contains more than 4 dwelling units per site;

- c) 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.
- 2. An accessory open off-street parking area associated with commercial, industrial, institutional, educational or major recreational uses shall be provided with bumper guards, wheel stops, masonry walls or ornamental fences in order to prevent a vehicle from encroaching onto public or private property. Said bumper guards, wheel stops, masonry walls or ornamental fences shall be maintained in good condition at all times.
- 3. 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.
- 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. Where a common parking area other than a driveway abuts the RSF Residential-Single Family Zones, 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 RSF Zone.

5.7.2 Number of Parking Spaces Required

- 1. Accessory off-street parking for all uses shall be provided according to Table 5.5: Parking Class Table. The parking class for each use shall be identified on the Use Tables in each Zone. For the purpose of computing the off-street spaces, the following shall apply.
 - a) 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.
 - b) In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating, each 0.5 m of such seating facilities shall be counted as one seat for the purpose of determining the accessory off-street parking.
 - c) In cases where a place of public assembly has both fixed seats and open assembly area, the requirements shall be computed separately for each type and added together.
 - d) In cases where movable seats or chairs are used in a place of public assembly, and a determination of seating capacity is required, said seating capacity shall be determined on a basis of one seat for every 0.6 m² of assembly area.
 - e) When the computation of the number of accessory off-street parking spaces required by this By-law results in a requirement of a fractional parking space, any fraction less than one-half of a parking space may be disregarded, whereas a fraction of one-half or more of a parking space shall be counted as 1 parking space;
 - f) When multiple principal uses listed in Table 4.1 are located within a single building (for example: retail and service uses in a hotel or office building, or offices combined with warehousing uses), the number of parking spaces required is reduced to 80 percent of the aggregate of the accessory off-street parking spaces required for each use, established on the Zoning site pursuant to Table 4.1.

2. Accessible parking space requirements will be in accordance with the requirements of the Province of Manitoba.

Table 5.5: Requirements by Parking Class

Parking Class	Example Use Type	Required Number of Parking Spaces
0	Advertising Signs; Agricultural Uses	No off-street parking required
1	Dwelling, single-family; Mobile home	1 per dwelling unit
2	Dwelling, two-family	1.5 per dwelling unit
3	Assisted Living facility; Rehabilitation Home; Group Home	1 per 5 dwelling units or beds
4	Multiple-family ^(a)	1.5 per dwelling unit plus 10% unassigned for guest parking
5	Dormitory	1 for every 3 bedrooms
6	Hospital	1 per room
7	Place of Worship; Funeral chapel or mortuary	1 for each 4 seats in the principal assembly area, no less than 10
8	Schools	2 per elementary & middle school classrooms & 5 per high school
9	College or University	10 per classroom
10	Gallery; Museum; Library; Industrial Uses; Post Office/Carrier; Call Centre; Personal Services: Retail Sales; Shopping Centres	1 for each 46.5 m ² of gross floor area, no less than 2 spaces
11	Amusement Enterprises Outdoor; Sports Arena/Stadium; Auditorium/Concert; Hall/Theatre/Cinema	1 per 4 persons at maximum occupancy load
12	Licensed Club; Cultural Centre; Hall Rental	1 for each 9.3 m ² of floor area

Table 5.5: Requirements by Parking Class (continued)

Parking Class	Example Use Type	Required Number of Parking Spaces
13	Private Club, not licensed	1 for each 23.2 m ² of floor area, but not less than 4 per establishment
14	Golf Course	3 per hole or 1 per 9.3 m ² in club house, whichever is greater
15	Hotel or motel	1 for every guest room ^(b)
16	Fuel Sales/Car Wash; Service Stations	1 for each 30.7m ² of floor area (1 space minimum) or 1 for each 46.5 m ² (1 space minimum), plus 1 for every 3 employees on the maximum shift, whichever is the greater.
17	Restaurant	Without drive-through facility: 1 for each 9.3 m ² With drive-through facility: 1 for each 13.9 m ² of floor area
18	Utility Facility	1 for every 464.5 m ² of floor area
19	Service & Maintenance; Garbage Incineration; Airport & Associated Facilities	As determined by the Development Officer
Notes: (a) the requirement for 10% guest parking applies for Multiple Family uses with over 4 dwelling units per site. (b) If meeting rooms are provided, an additional 1 parking space per 4 seats must be provided.		

5.7.3 Parking Area Design

1. The layout and design of accessory off-street parking areas shall be as follows:
 - a) The minimum dimensions for off-street accessory parking areas shall be in accordance with Table 5.6 Parking Area Dimensions;

- b) Where access to a parking space is directly from a lane, the width of the lane adjacent to said parking space may be computed as part of the aisle width required for said parking space;
- c) Each parking area shall have a vertical clearance of at least 2.3 m from floor to grade;
- d) 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 5.6, the Development Officer shall determine which set of requirements will apply.
- e) Access to the site for vehicles shall be only by way of entrances and exits provided in accordance with Table 5.6.

Table 5.6: Parking Area Dimensions

PARKING AREA REQUIREMENTS									
STALL ANGLE (degrees)	MINIMUM						MAXIMUM		
	STALL WIDTH (m)	STALL LENGTH (m)	AISLE WIDTH (m)	STALL DEPTH PERPENDICULAR TO AISLE (m)	STALL WIDTH PARALLEL TO AISLE (m)	ONE WAY ENTRANCE/EXIT WIDTH (m)	TWO WAY ENTRANCE/EXIT WIDTH (m)	ONE WAY ENTRANCE/EXIT WIDTH (m)	TWO WAY ENTRANCE/EXIT WIDTH (m)
30	2.7	7.01	3.50	5.84	7.42	4.50	7.50	7.50	10.00
45	2.7	7.01	3.50	6.87	6.87	4.50	7.50	7.50	10.00
60	2.7	7.01	6.00	7.42	5.84	4.50	7.50	7.50	10.00
90	2.7	7.01	7.30	7.01	2.70	4.50	7.50	7.50	10.00
NOTES: In all RSF Zones entrance/exits to parking areas will be a minimum width of 3 metres and a maximum width of 5.5 metres. 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 metres. 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 by-law.									

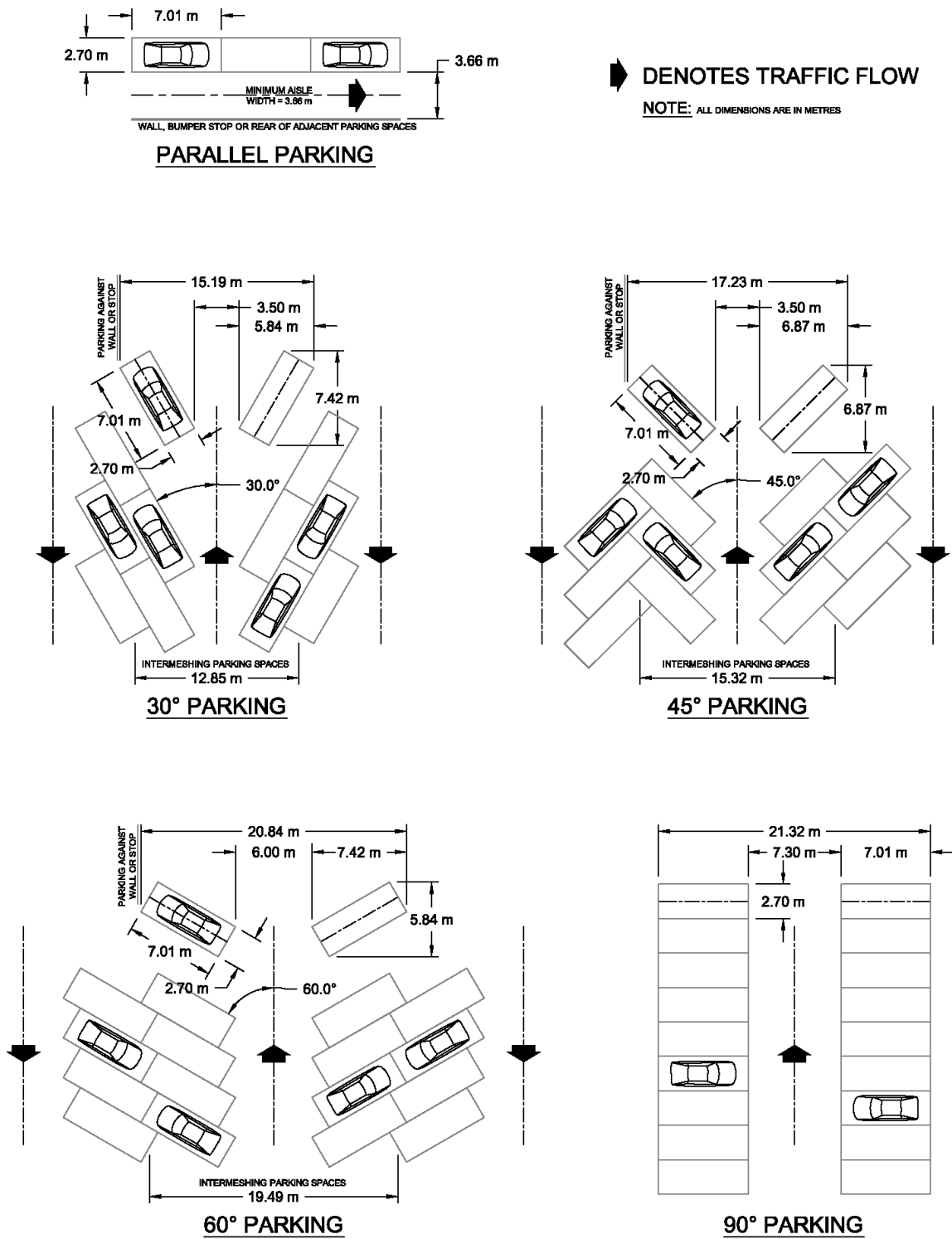


Illustration 5.4: Minimum Parking Configurations

Section 5.8 OFF-STREET LOADING

5.8.1 General Provisions for Off-Street Loading

1. All accessory off-street loading spaces shall be located within the same zoning site and shall be maintained in accordance with the following provisions:
 - a) each off-street loading space shall have access to a public street or lane;
 - b) 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;
 - c) 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;
 - d) when a building or structure is enlarged, or a use is extended or changed, the accessory off-street loading spaces shall be provided for the enlargement, extension or new use; and
 - e) when the computation of the number of accessory off-street loading spaces required by this By-law results in a requirement of a fractional loading space, any fraction less than one-half 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.

5.8.2 Loading Requirements

1. Accessory off-street loading spaces shall be provided as follows:
 - a) No separate off-street loading space is required for any building having a gross floor area of less than 930.0 m²; however, one of the required off-street parking spaces shall also serve as an off-street loading space;
 - b) Commercial and industrial uses which occupy a floor area larger than 930.0 m² shall provide for one loading space for each 4,650.0 m² of gross floor area or part thereof;
 - c) Institutional and public uses including hospitals, assembly halls, clubs, lodges, government, schools and office buildings which occupy a floor area larger than 930.0 m² shall provide for one loading space for each 2,787.0 m² of gross floor area or part thereof.

Section 5.9 SIGNS

5.9.1 General Provisions

1. Flashing signs will not be permitted in the designated control area of any Provincial Road or Provincial Truck Highway.
2. 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.

5.9.2 Compliance with Sign Regulations Required

1. No person may commence or cause to be commenced on a site the construction, erection, alteration, relocation or repair, other than normal maintenance, of any sign, except in compliance with the provisions of Section 5.9, unless exempted by this By-law.

5.9.3 Development Permit Required

1. No person may commence or cause to be commenced on a site the construction, erection, alteration, relocation or repair, other than normal maintenance, of any sign, unless a Development Permit has been approved, or unless exempted by this By-law. For purposes of this section, normal maintenance includes a change of sign copy if the sign face is damaged.

5.9.4 Unspecified Signs

1. The Development Officer may permit signs of types that are not specified in this By-law under the sign type regulations that most nearly reflect the characteristics of the unspecified sign.

5.9.5 Abandoned Signs

1. 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.

5.9.6 Adjacent Lots in Related Use

1. 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 advertising signage simply because it is erected on the other of the lots.

5.9.7 Maximum Number of Signs per Zoning Site

1. In all Residential Zones, a maximum of one sign is permitted for an approved home-based business or permitted non-residential principal use. A maximum of one sign is permitted in all Open Space/Recreation and Agriculture Urban Reserve Zones.
2. In all Commercial, Industrial and Institutional Zones, there is no limit to the number of business signs permitted.

5.9.8 Signs Not Subject to this By-law

1. The following types of signs are not subject to the provisions of this By-law:
 - a) Signs installed by the City for traffic control, public transit, parking, street names and direction;
 - b) Street decorations or community billboards installed by or authorized by the City;
 - c) Signs required to be erected or maintained by law or governmental order;
 - d) Window signs; and
 - e) Election signs during Federal, Provincial, Municipal, and School Board campaign periods and up to seven days after the election.

5.9.9 Signs Permitted in All Zones Without a Development Permit

1. An owner may erect or maintain the following signs 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 (i.e., 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 percent 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 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) Bulletin boards not exceeding 2.0 m² in sign surface area, limited to one per site;
- g) For a single-family dwelling and each dwelling unit of a two-family dwelling, one illuminated or non-illuminated sign up to a maximum of 0.5 m² in sign surface area indicating the address, name of occupant, or a permitted use;
- h) For each use other than a single or two-family dwelling, one identification fascia sign with illuminated or non-illuminated letters or logo, up to a total of 0.5 m² in sign surface area identifying the civic address and the name of the building;
- i) Any sign that cannot be seen from off the premises;
- j) Mobile signs not exceeding limits discussed in Subsection 5.9.10(5)(e);
- k) Garage sale signs, provided the signs are located on the same zoning site; and
- l) Private signs not exceeding 0.5 m² in surface area required for the direction and convenience of the public, including signs identifying restrooms, parking, parking entrances/exits or events.

5.9.10 Regulations for Specific Types of Signs

The following standards apply only to the specific types of signs listed below:

1. Accessory Signs

The owner may erect and maintain accessory signs to all sites and uses other, than single and two-family dwellings, and excepting advertising signs, subject to the following standards:

- a) **Location** – each free-standing accessory sign shall be set back from each side, front and rear lot line, a minimum of 0.6 m clear of projections.
- b) **Zone-Specific Regulations** – all signs and sign structures, accessory to any use, shall be permitted in accordance with Table 5.7, subject to the issuance of a Development Permit.

Table 5.7: Zone Specific Sign Regulations

Zoning Area	Type (a)	Maximum Height Permitted	Surface Area Per Zoning Site
RSF, RMF, RMH	Free-standing or attached to building	6.0 m (b)	4.5 m ² maximum (c)
	Attached to building	Wall height	0.5 m ² per dwelling unit
CC, CH, M	Free-standing	15.0 m	N/A
	Attached to building	Wall Height	N/A
I, OR	Free-standing	10.5 m	4.7 m ²
	Attached to building	Wall Height	4.7 m ²
A	Free-standing	7.6 m above grade	9.3 m ²
	Attached to building	Wall Height	25% of building wall

NOTES:

(a) Signs “attached to building” include fascia signs, projecting signs, swinging signs, marquee signs, and canopy signs.

(b) For lots containing a permitted non-residential principal use.

(c) Maximum height of a sign accessory to a school or community centre is 6.1 m.

2. Advertising Signs (off-site)

- a) Advertising signs are not permitted in any Residential, Institutional or Open Space/ Recreation Zone. A Conditional Use Order is required for all advertising signs in Commercial, Industrial and Agriculture Urban Reserve Zones.
- b) Each advertising sign shall be set back from each side, front and rear lot lines a minimum of 1.5 m clear of projections.

3. Flashing, Animated, Scintillating, Rotating, Electronic Message Board Signs and Video Display Screens

- a) Flashing, animated or scintillating features, rotating features, beacons and electronic message boards are not permitted on mobile signs.
- b) No electronic message board may be located within 15.2 m of a pedestrian crosswalk/corridor or controlled intersection.

4. Illuminated Signs in Certain Yards

- a) No owner may place an illuminated sign in a yard in a Commercial, Institutional or Industrial Zone that abuts a lot line in an Agriculture Urban Reserve Zone or Residential Zone, or on a wall overlooking such a lot line.

5. Mobile Signs

- a) No mobile sign shall be illuminated or electrified, or have any rotating beam or beacon.
- b) No mobile sign shall be located, erected or placed on City-owned property, except signs which have received prior approval from the City of Dauphin.

- c) 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 By-law Enforcement Officer or appointee of the City, without notice. A fee, in accordance with the Fees & Charges By-law, 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.
- d) 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.
- e) On lots with a frontage smaller than 100.0 m, no property owner 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. On lots with a frontage of 100.0 m or greater, no property owner 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 2 for every 100.0 metres of frontage, regardless of the number of individual uses located on that Zoning Site or Site.
- f) 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.
- g) The maximum allowed height of a mobile sign is 2.7 m measured from grade to the highest part of the sign.

6. Projecting Signs

- a) Projecting signs are subject to requirements of the City of Dauphin Projecting Sign By-law.

Section 5.10 PEDESTRIAN AND BICYCLE ACCESSES AND PATHWAYS IN C, M AND I ZONES

5.10.1 Pedestrian and Bicycle Access

- 1. Each Commercial, Industrial and Institution development 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, must comply with the following standards, where applicable.
- 2. **Paths and Pathways**
 - a) Pedestrian and bicycle paths and pathways must be developed where indicated in the City's active transportation plan. Paths and pathways must be designed and constructed to the City of Dauphin standards.
- 3. **Pedestrian Connections**
 - a) All principal entrances of principal buildings must have direct access (i.e. access without having to cross a street) to a sidewalk, walkway, path, or pathway that leads to a public street. Each such sidewalk, walkway, path, or pathway must be a minimum of 1.5 m wide.

4. Bicycle Access

- a) Bicycle access routes must be provided between public bicycle lanes, paths or pathways and on-site bicycle parking areas. Sites should be designed to avoid or minimize all conflicting bicycle/motor vehicle and bicycle/pedestrian movements. All bicycle paths and pathways connecting to the City's path and pathway system must comply with the City of Dauphin standards.

Section 5.11 ALTERNATE FORMS OF DEVELOPMENT

5.11.1 General Provisions

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

5.11.2 Condominiums

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

2. New Condominium Developments

In bare land unit condominium developments:

- a) each "bare land unit" as defined in *The Condominium Act* that is delineated by horizontal land boundaries shall be considered a "site" as defined herein for the purposes of determining site area and width, yards and other requirements;
- b) those "common elements" as defined in said *Act*, which will be ordinarily used for the passage of vehicles or pedestrians including roads, road allowances, streets and lanes, but not including pedestrian walkways or off-street vehicle parking areas, shall be considered:
 - i) a "street" as defined herein where such thoroughfare is over 10 m in width; and
 - ii) a "lane" as defined herein where such thoroughfare is not over 10 m in width.
- c) the provisions of the Use Table and Bulk Requirements Tables for the Zone in which the development is to be located and all other regulations and requirements of this By-law shall apply; and
- d) In condominium developments where the individual dwelling units within a building form the condominium units, the development shall be considered as a multiple-family dwelling. That is, the individual condominium units within the building shall be considered as dwelling units within a multiple-family dwelling (apartment block or townhouse) for the purposes of this By-law, and the building containing the condominium units shall be considered as a multiple-family dwelling for the purposes of site, yard, height, etc. requirements.

3. Condominiums as Planned Unit Developments
 - a) Condominium developments that propose a mixture of different land uses, or that do not conform to the requirements of this By-law may be deemed by Council, a Planned Unit Development and shall be subject to Subsection 5.11.3.

5.11.3 Planned Unit Developments

1. A Planned Unit Development is primarily a major land development project which, because of its size or complexity, high density, mixture of land uses or other unusual characteristics, is planned as a single entity in accordance with an overall site plan. There are many possible innovative projects with Planned Unit Development, including but not limited to the following:
 - 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; and
 - 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.
2. Planned Unit Developments are listed as Conditional Uses in appropriate Zones and shall be subject to the following requirements:
 - a) The Use Table and Bulk Requirements Tables of each specific Zone shall not directly apply to Planned Unit Developments. The design, however, shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards of amenity, open spaces, building separation, parking and other requirements and provisions of this By-law;
 - b) An application for the establishment of a Planned Unit Development shall be accompanied by the following information:
 - i) those requirements for Conditional Use application and approval as outlined in Section 2.8; and
 - ii) those requirements normally required for the issuance of a Development Permit as outlined in Section 2.10.
 - c) A residential Planned Unit Development may contain two or more principal buildings subject to the following criteria:
 - i) the minimum site area for a Planned Unit Development shall be 0.4 hectares;
 - ii) side, front and rear yards equal to the requirements of the Zone in which the Planned Unit Development is located shall be maintained; and
 - iii) in no case shall buildings be closer to each other than the sum of the required yards for adjoining walls.

5.11.4 Multiple Uses

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

- necessitate a Planned Unit Development.
2. There may be more than one main use, building or structure on a single site, except in RSF Zones, provided that:
 - a) The second or subsequent use, building or structure is a Permitted or Conditional Use listed in the Use Table of the subject Zone;
 - b) Where the second or subsequent use, building or structure:
 - i) is listed as a Conditional Use in the subject Zone; or
 - ii) involves construction or erection of an additional main building; the Conditional Use provisions under Section 2.8 of this By-law shall apply;
 - c) All provisions of this By-law relating to each main use are met; and
 - d) Where a proposed second or subsequent use on a Zoning Site is accessory or incidental to the main use, such as an incidental commercial use contained within the same building, it shall be regulated under Section 5.3 Accessory Buildings, Structures and Uses.

5.11.5 Subdivision of Attached Dwellings

1. A site with two-family attached dwellings, row type dwellings or multiple family dwellings located thereon may be subdivided into two or more sites provided that:
 - a) Any new side site line shall, where possible, be a straight line between the front and rear site lines, located in such a manner that the party wall of two adjacent units shall form part of the new site line;
 - b) Each site created shall have frontage on a street other than a lane;
 - c) Each site created shall provide not less than one on-site parking space having access directly to either a public lane or street;
 - d) The Permitted Use for each site created shall be for one attached single-family dwelling unit only;
 - e) All applicable provisions of the City of Dauphin Building By-law shall be complied with; and
 - f) Notwithstanding the minimum requirements of the Bulk Requirements Tables, any new site created pursuant to this Subsection shall have a minimum site area of 300.0 m² and a minimum frontage of 10.0 m.

PART 6.0 VERMILLION RIVER FLOOD RISK AND CONSERVATION AREAS (HAZARD LANDS)

Section 6.1 GENERAL

6.1.1 Application

1. The Canada-Manitoba Flood Damage Reduction Program and the Flood Risk Maps associated with that program have identified flood hazard lands within the City. These lands are generally described as those parts of the City which lie in a northeasterly direction from the Second Avenue NW bridge, below an elevation of 294.2 m. These lands are subject to periodic flooding from the Vermillion River. A Flood Risk Map of the Dauphin Area that illustrates the floodway and the flood fringe areas within the City of Dauphin is included as a reference document in Appendix B of the City of Dauphin Development Plan.
2. Development on hazard lands may create risks to the population, the natural environment, the municipal infrastructure and/or the financial base of the community. The purpose of the guidelines below is to minimize and/or mitigate risks to people and property that are associated with hazard lands.
 - a) Generally, lands lying in designated floodway areas shall not be obstructed in any manner to impede water flow and water storage during peak runoff and so shall not be utilized for the construction of permanent structures;
 - b) Permanent structures constructed upon lands lying within designated floodway fringe areas require flood protection and/or remedial measures to minimize flood damage risks;
 - c) Development along the Vermillion River, its floodway and flood fringe, will be regulated through this By-law and the City of Dauphin Building By-law.
3. The provisions of this Part are intended to implement the objectives and policies of the City of Dauphin Development Plan with respect to:
 - a) The Vermillion River Conservation Area, shown as “Open Space/Recreation Area” on Development Plan Map 1, of the said Development Plan;
 - b) The floodway, being part of the Vermillion River Flood Risk and Conservation Areas shown as shaded areas on the Flood Risk Map, Dauphin Area, as files at City Hall, City of Dauphin; and
 - c) The floodway and floodway fringe areas shown on the flood risk maps prepared pursuant to the Canada-Manitoba Flood Damage Reduction Agreements and comprised of all land identified on Plan 85-8-1040A, Sheets 1-9, filed at City Hall, City of Dauphin.

6.1.2 Liability of Municipality

1. The municipality 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.

Section 6.2 PROHIBITIONS WITHIN DESIGNATED FLOOD AREAS

6.2.1 Standards

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; or
- 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, as noted in 2(a) above).

Section 6.3 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.

Section 6.4 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 and, 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 municipality as a debt due to the municipality 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.

Section 6.5 CONSTRUCTION IN FLOODWAY FRINGE AREA

- 1. In the area designated as floodway fringe on the Flood Risk Areas Map contained in the Development Plan, 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 By-law where the principal building already exists; and
 - d) New development, provided it is constructed in accordance with appropriate flood protection measures.
- 2. In the floodway fringe, any existing building may be replaced or expanded subject to appropriate flood protection measures, as noted in Sections 6.6 and 6.7, and subject to the Bulk Requirements for that particular Zone.

Section 6.6 FLOOD PROTECTION CRITERIA

- 1. For the purpose of this By-law, 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 set back 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. If a structure that is constructed on a site raised by fill has a basement or cellar:
 - a) The site shall be raised by fill in accordance with the criteria noted in Illustration 6.1; and
 - b) Where the structure does not conform to the requirements of Illustration 6.1, 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*.
4. If a structure that is constructed on a site raised by fill has no basement or cellar, it shall be constructed in accordance with the criteria noted in Illustration 6.1.
5. A structure raised on piles or raised by an equivalent support system shall be constructed in accordance with the criteria noted in Illustration 6.2.

Section 6.7 FLOOD PROTECTION CRITERIA FOR ACCESSORY STRUCTURES

1. A detached garage shall be constructed in accordance with the criteria noted in Illustration 6.2.
2. All other buildings used for storage, such as workshops, sheds or other similar structures, shall be constructed in accordance with the criteria noted in Illustration 6.2.
3. A storage tank for fuel oil, gasoline or any other gas, liquid or solid shall:
 - a) be situated entirely above the applicable flood protection level or be completely buried underground;
 - b) be designed, and the installation certified, by a Professional Engineer;
 - c) be anchored so as to prevent flotation; and
 - d) have the vent and filler pipes extend above the applicable flood protection level.
4. 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.
5. 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.

Section 6.8 APPLICATION TO CONSTRUCTION

1. An application for a Permit to construct a structure shall be made in a form prescribed by the Development Officer and shall include such of the following information as the Development Officer may require:
 - a) Plans and/or specifications of the structure;

- b) A plan drawn to scale showing the location of the proposed structure on its site;
- c) A copy of the certificate of title respecting the site;
- d) A plan of survey certified by a Manitoba Land Surveyor showing the site boundary; and/or
- e) The existing and proposed ground elevations on the site where the structure is to be constructed.

Section 6.9 DETERMINATION OF FLOOD PROTECTION LEVEL

1. The Development Officer will prescribe the Flood Protection Level, based on the Canada-Manitoba Flood Risk Maps, as noted on Plans 85-8-1040A, Sheets 1-9, filed at City Hall, City of Dauphin.
2. The Development Officer will provide the Flood Protection Level as part of the issuance of the Development Permit.

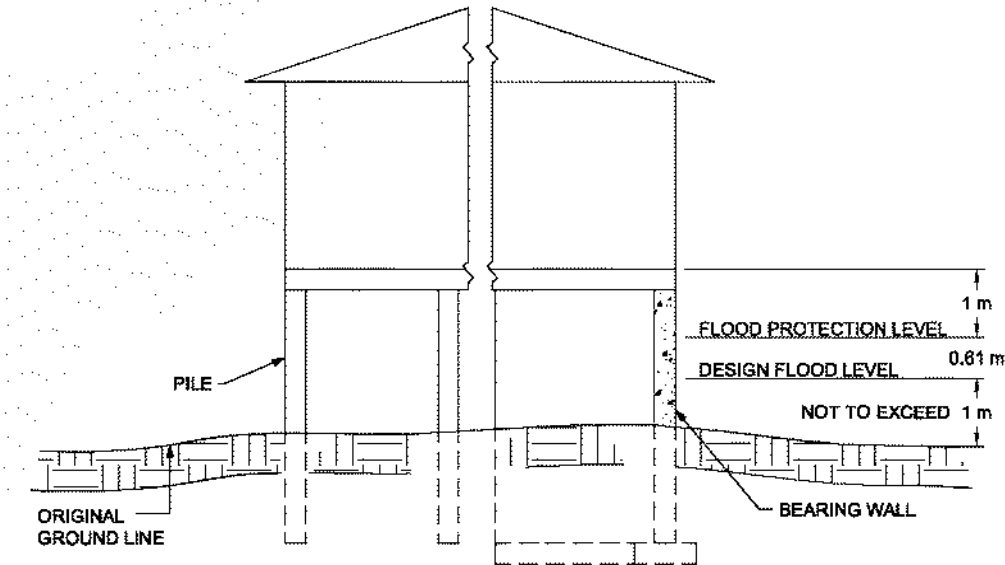
Section 6.10 ESTABLISHMENT OF REFERENCE ELEVATION

1. Where a permit holder makes a written request for the establishment of a reference mark, the Development Officer may, after the receipt of the request, provide a reference elevation at or near the site of the structure.

Section 6.11 APPLICATION FOR VARIANCE ORDER

1. Subject to the conditions of a Development Permit, the owner/applicant may apply to Council for a Variance Order of any provision of the applicable flood protection criteria prescribed in this Part.
2. Where Variance Orders to the flood protection requirements contained herein have been approved, Council may require that a caveat be filed in the Land Titles Office.

**STRUCTURE BUILT ON PILES
OR BEARING WALLS**



DETACHED GARAGES

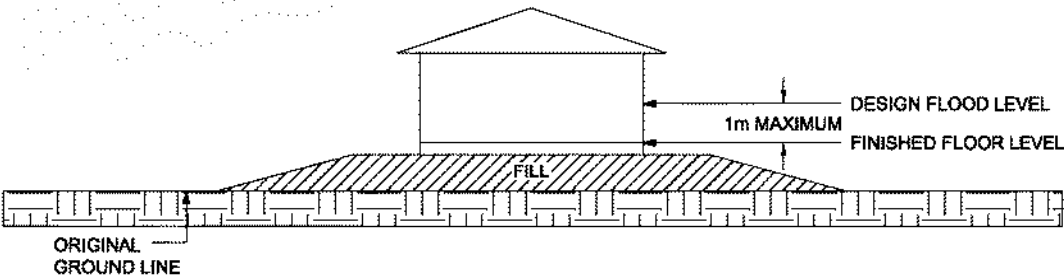


Illustration 6.2: Structure Built on Piles or Bearing Walls, Detached Garages

APPENDIX A

ZONING BY-LAW MAPS

APPENDIX B

UNIT CONVERSION TABLE

Conversion Factors		
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



Dauphin
THE CITY OF
DAUPHIN

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LEGEND

RESIDENTIAL

- RSF Residential Single-Family Zone
RMF Residential Multiple-Family Zone
RMH Residential Mobile Home Zone

COMMERCIAL

- CC Commercial Central Zone
CM Commercial Mixed Zone

INDUSTRIAL

- M Industrial Zone

OTHERS

- I Institutional Zone
OR Open Space / Recreation Zone
A Agriculture Urban Reserve Zone

FLOOD AREAS

- Flood Way
Flood Way Fringe
City Boundary

SCHEDULE "A"
CITY OF DAUPHIN
ZONING BY-LAW No. 04/2015

FLOOD AREA INFORMATION OBTAINED FROM THE
CANADA-MANITOBA FLOOD RISK MAP PLAN
85-8-1040A.
SHEETS 1-11 FILED AT CITY HALL, DAUPHIN, MB.

January 2016

MAP 1






Dauphin

THE CITY OF DAUPHIN

1	2	3
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LEGEND


RESIDENTIAL

- RSF  Residential Single-Family Zone
RMF  Residential Multiple-Family Zone
RMH  Residential Mobile Home Zone

COMMERCIAL

- CC  Commercial Central Zone
CM  Commercial Mixed Zone

INDUSTRIAL

- M  Industrial Zone

OTHERS

- I  Institutional Zone
OR  Open Space / Recreation Zone
A  Agriculture Urban Reserve Zone

FLOOD AREAS

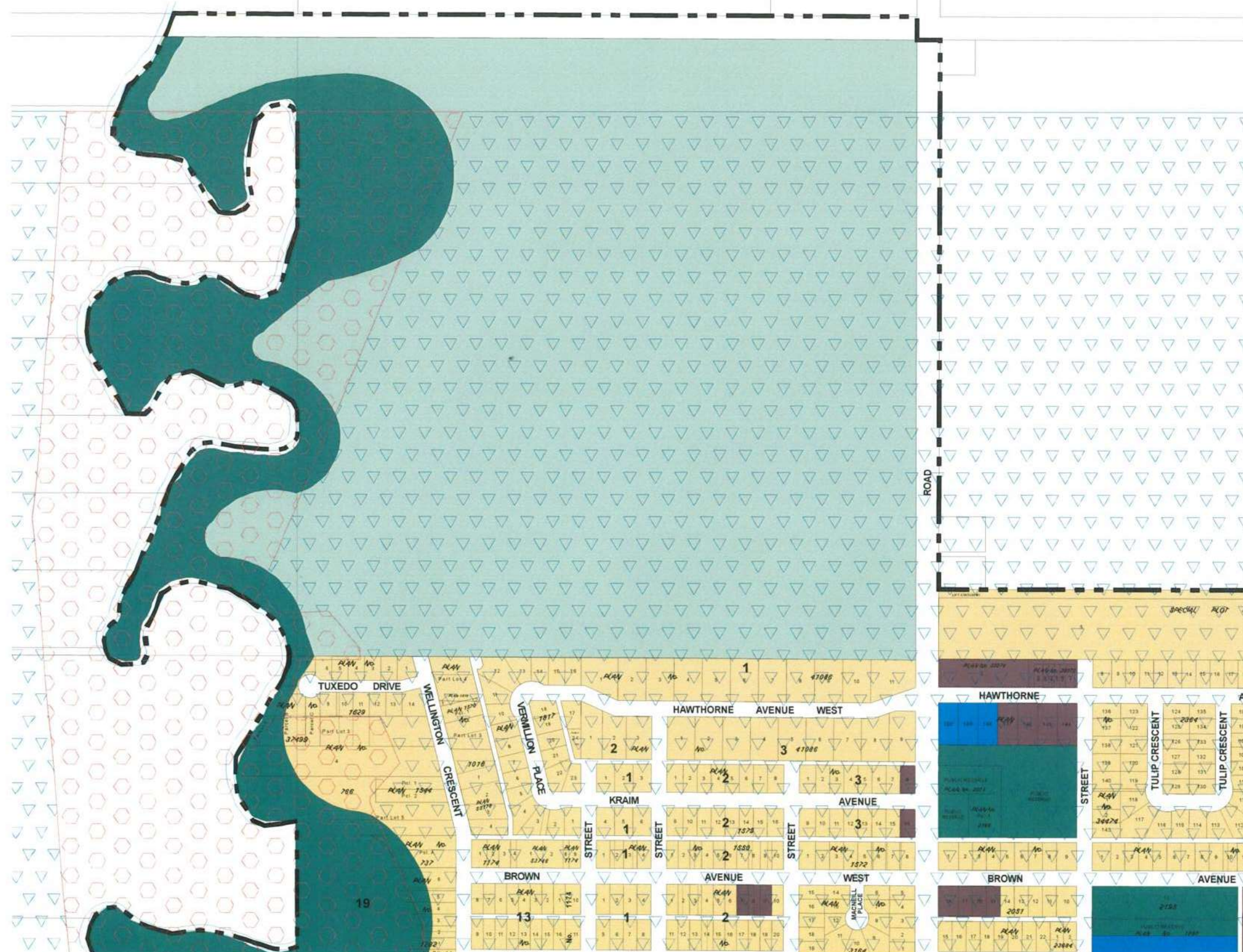
-  Flood Way
 Flood Way Fringe
--- City Boundary

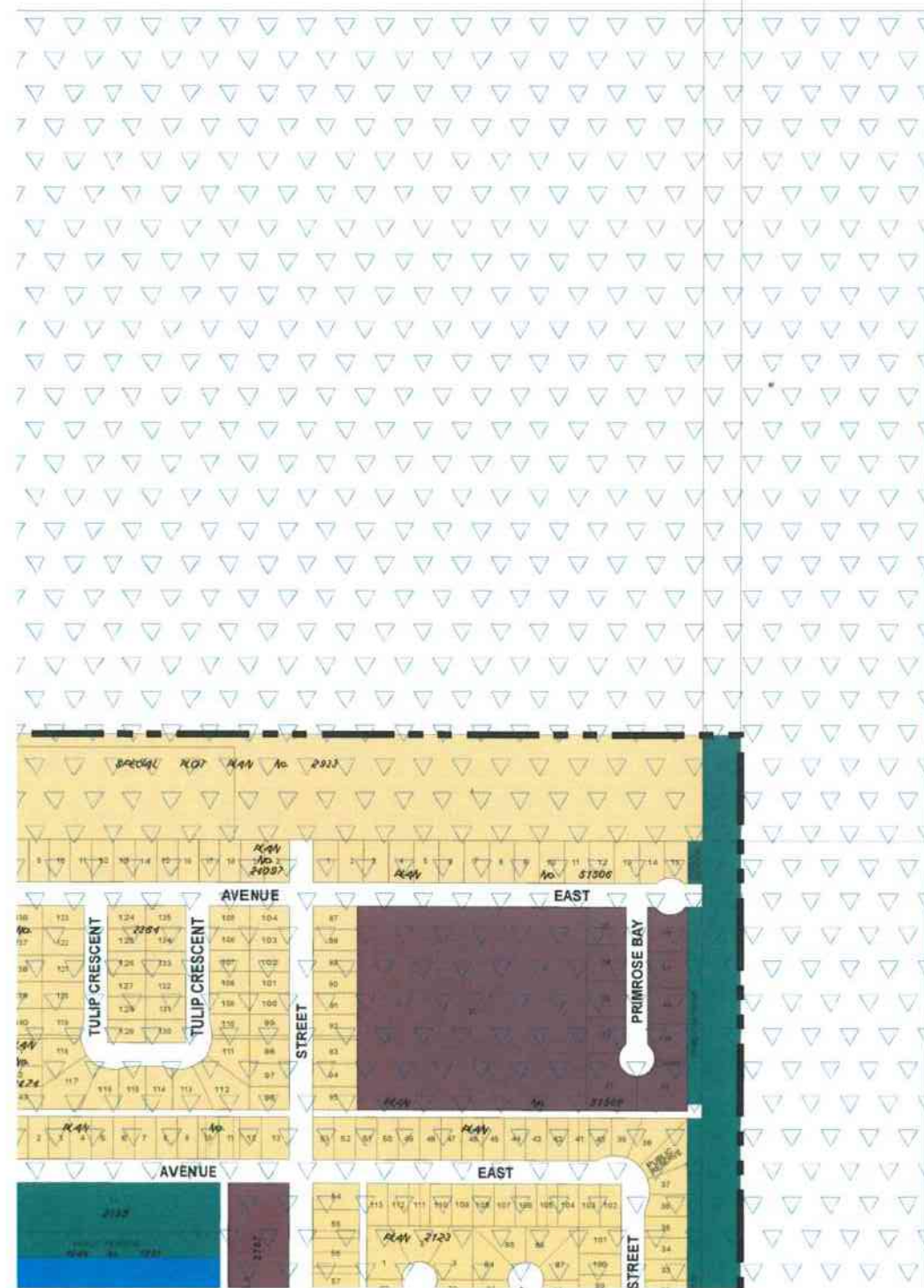
SCHEDULE "A" CITY OF DAUPHIN ZONING BY-LAW No. 04/2015

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85-8-1040A.
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January 2016

MAP 2








Dauphin
THE CITY OF
DAUPHIN

1	2	3
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LEGEND

RESIDENTIAL

- RSF  Residential Single-Family Zone
RMF  Residential Multiple-Family Zone
RMH  Residential Mobile Home Zone




COMMERCIAL

- CC  Commercial Central Zone
CM  Commercial Mixed Zone



INDUSTRIAL

- M  Industrial Zone

OTHERS

- I  Institutional Zone
OR  Open Space / Recreation Zone
A  Agriculture Urban Reserve Zone

FLOOD AREAS

-  Flood Way
 Flood Way Fringe
--- City Boundary

SCHEDULE "A"
CITY OF DAUPHIN
ZONING BY-LAW No. 04/2015

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CANADA-MANITOBA FLOOD RISK MAP PLAN
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January 2016

MAP 3



Dauphin THE CITY OF DAUPHIN

1	2	3
4	5	6
7	8	9
10		11

LEGEND

RESIDENTIAL

- RSF Residential Single-Family Zone
- RMF Residential Multiple-Family Zone
- RMH Residential Mobile Home Zone

COMMERCIAL

- CC Commercial Central Zone
- CM Commercial Mixed Zone

INDUSTRIAL

- M Industrial Zone

OTHERS

- I Institutional Zone
- OR Open Space / Recreation Zone
- A Agriculture Urban Reserve Zone

FLOOD AREAS

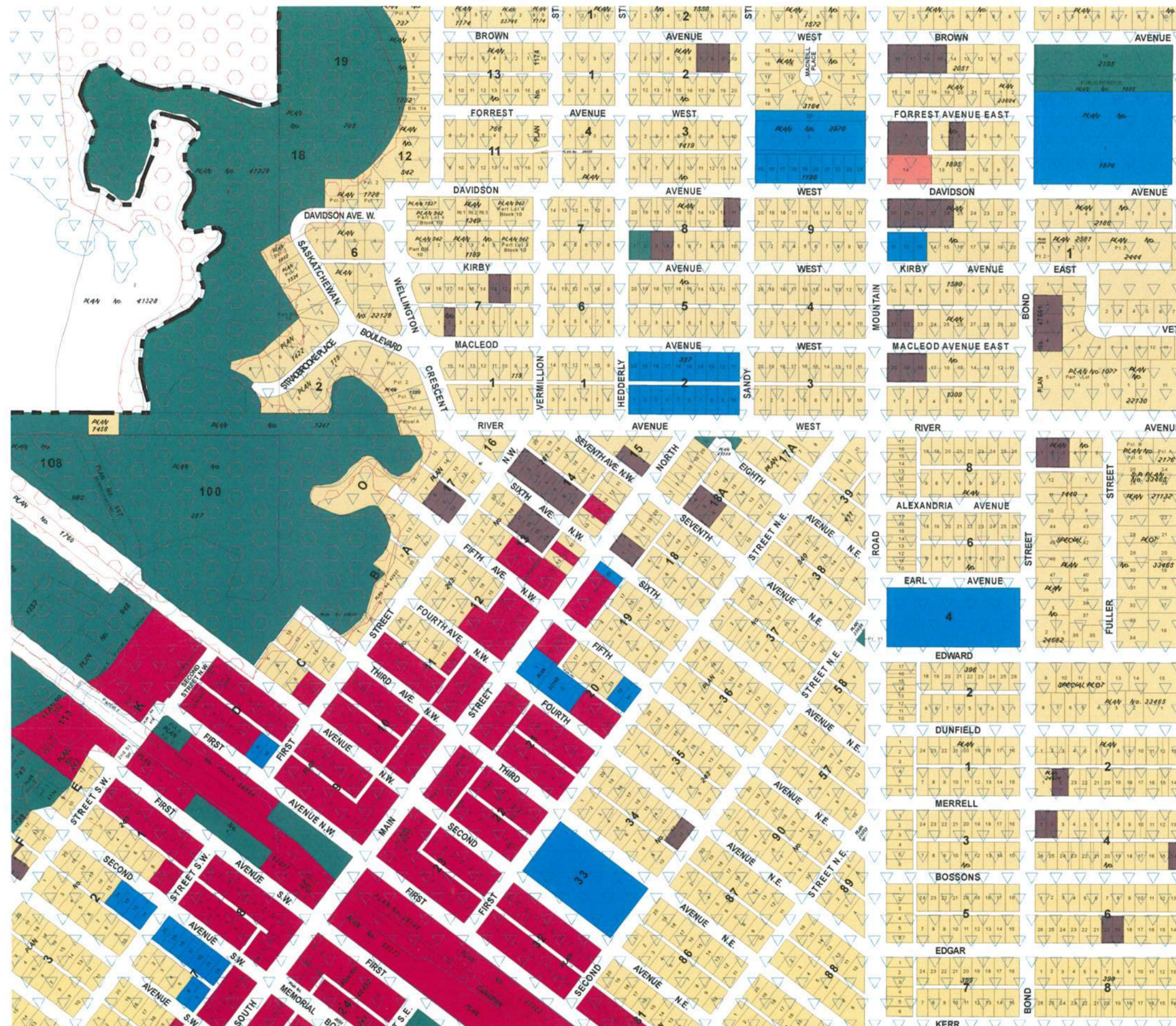
- Flood Way
- Flood Way Fringe
- City Boundary

SCHEDULE "A" CITY OF DAUPHIN ZONING BY-LAW No. 04/2015

FLOOD AREA INFORMATION OBTAINED FROM THE
CANADA-MANITOBA FLOOD RISK MAP PLAN
85-8-1040A.
SHEETS 1-11 FILED AT CITY HALL, DAUPHIN, MB.

January 2016

MAP 4



Dauphin THE CITY OF DAUPHIN



LEGEND

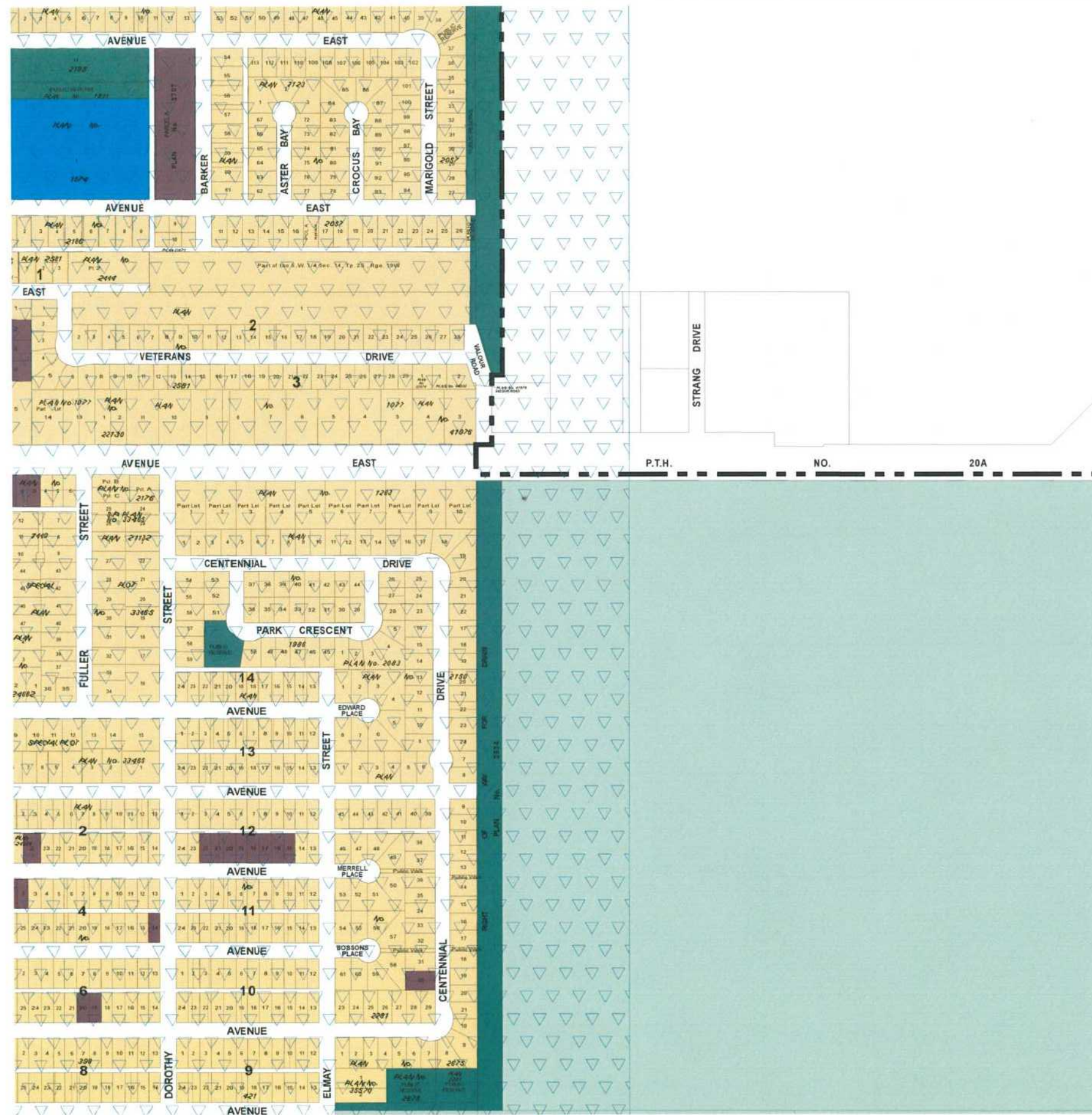
- RESIDENTIAL**
- RSF Residential Single-Family Zone
 - RMF Residential Multiple-Family Zone
 - RMH Residential Mobile Home Zone
- COMMERCIAL**
- CC Commercial Central Zone
 - CM Commercial Mixed Zone
- INDUSTRIAL**
- M Industrial Zone
- OTHERS**
- I Institutional Zone
 - OR Open Space / Recreation Zone
 - A Agriculture Urban Reserve Zone
- FLOOD AREAS**
- Flood Way
 - Flood Way Fringe
 - City Boundary

SCHEDULE "A" CITY OF DAUPHIN ZONING BY-LAW No. 04/2015

FLOOD AREA INFORMATION OBTAINED FROM THE
CANADA-MANITOBA FLOOD RISK MAP PLAN
85-8-1040A.
SHEETS 1-11 FILED AT CITY HALL, DAUPHIN, MB.

January 2016

MAP 5



Dauphin
THE CITY OF
DAUPHIN



LEGEND

- RESIDENTIAL**
- RSF Residential Single-Family Zone
 - RMF Residential Multiple-Family Zone
 - RMH Residential Mobile Home Zone
- COMMERCIAL**
- CC Commercial Central Zone
 - CM Commercial Mixed Zone
- INDUSTRIAL**
- M Industrial Zone
- OTHERS**
- I Institutional Zone
 - OR Open Space / Recreation Zone
 - A Agriculture Urban Reserve Zone
- FLOOD AREAS**
- Flood Way
 - Flood Way Fringe
 - City Boundary

SCHEDULE "A"
CITY OF DAUPHIN
ZONING BY-LAW No. 04/2015

FLOOD AREA INFORMATION OBTAINED FROM THE
CANADA-MANITOBA FLOOD RISK MAP PLAN
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January 2016

MAP 6



Dauphin
THE CITY OF
DAUPHIN

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LEGEND

- RESIDENTIAL
- RSF Residential Single-Family Zone
 - RMF Residential Multiple-Family Zone
 - RMH Residential Mobile Home Zone
- COMMERCIAL
- CC Commercial Central Zone
 - CM Commercial Mixed Zone
- INDUSTRIAL
- M Industrial Zone
- OTHERS
- I Institutional Zone
 - OR Open Space / Recreation Zone
 - A Agriculture Urban Reserve Zone
- FLOOD AREAS
- Flood Way
 - Flood Way Fringe
 - City Boundary

SCHEDULE "A"
CITY OF DAUPHIN
ZONING BY-LAW No. 04/2015

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January 2016

MAP 7



Dauphin
THE CITY OF
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LEGEND

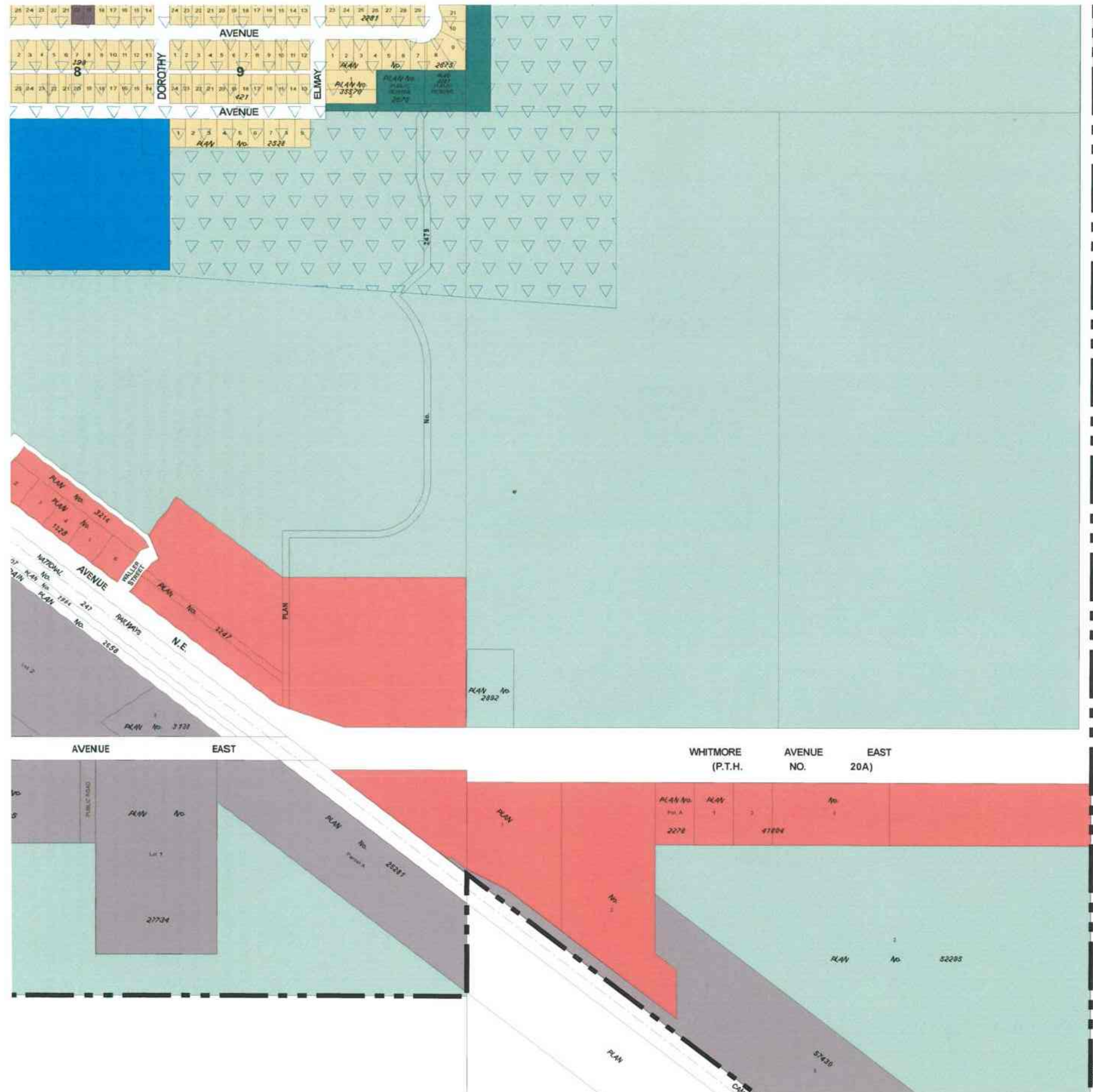
- RESIDENTIAL
- RSF Residential Single-Family Zone
 - RMF Residential Multiple-Family Zone
 - RMH Residential Mobile Home Zone
- COMMERCIAL
- CC Commercial Central Zone
 - CM Commercial Mixed Zone
- INDUSTRIAL
- M Industrial Zone
- OTHERS
- I Institutional Zone
 - OR Open Space / Recreation Zone
 - A Agriculture Urban Reserve Zone
- FLOOD AREAS
- Flood Way
 - Flood Way Fringe
 - City Boundary

SCHEDULE "A"
CITY OF DAUPHIN
ZONING BY-LAW No. 04/2015

FLOOD AREA INFORMATION OBTAINED FROM THE
CANADA-MANITOBA FLOOD RISK MAP PLAN
85-8-1040A,
SHEETS 1-11 FILED AT CITY HALL, DAUPHIN, MB.

January 2016

MAP 8



Dauphin

**THE CITY OF
DAUPHIN**

1	2	3
4	5	6
7	8	9
10		11

LEGEND

RESIDENTIAL

RSF Residential Single-Family Zone
RMF Residential Multiple-Family Zone
RMH Residential Mobile Home Zone

COMMERCIAL

CC Commercial Central Zone
CM Commercial Mixed Zone

INDUSTRIAL

M Industrial Zone

OTHERS

I Institutional Zone
OR Open Space / Recreation Zone
A Agriculture Urban Reserve Zone

FLOOD AREAS

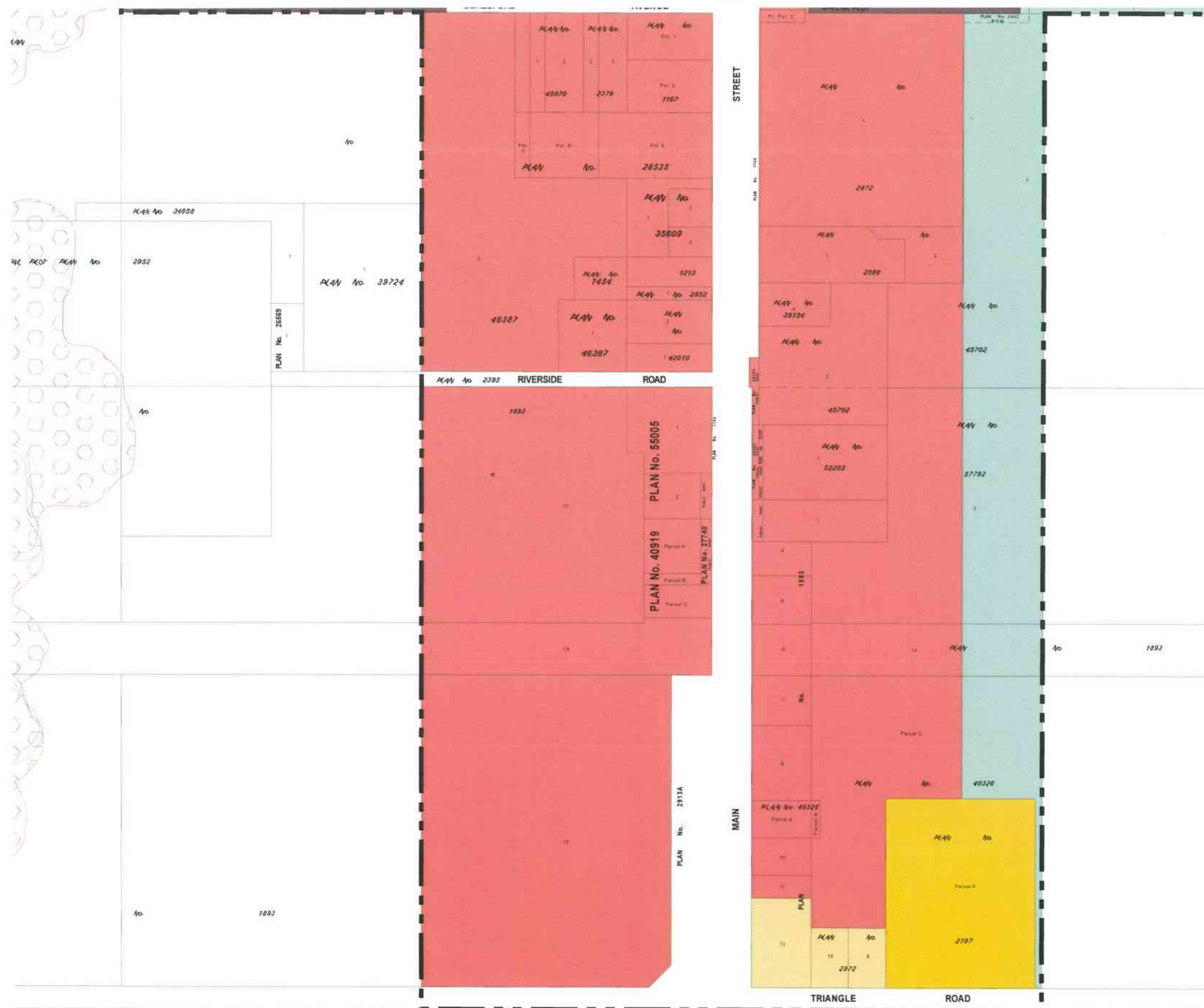
 Flood Way
 Flood Way Fringe
 City Boundary

SCHEDULE "A"
CITY OF DAUPHIN
ZONING BY-LAW No. 04/2015

FLOOD AREA INFORMATION OBTAINED FROM THE
CANADA-MANITOBA FLOOD RISK MAP PLAN
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January 2016

MAP 9



Dauphin
THE CITY OF
DAUPHIN

1	2	3
4	5	6
7	8	9
10		11

LEGEND

RESIDENTIAL

- RSF Residential Single-Family Zone
RMF Residential Multiple-Family Zone
RMH Residential Mobile Home Zone

COMMERCIAL

- CC Commercial Central Zone
CM Commercial Mixed Zone

INDUSTRIAL

- M Industrial Zone

OTHERS

- I Institutional Zone
OR Open Space / Recreation Zone
A Agriculture Urban Reserve Zone

FLOOD AREAS

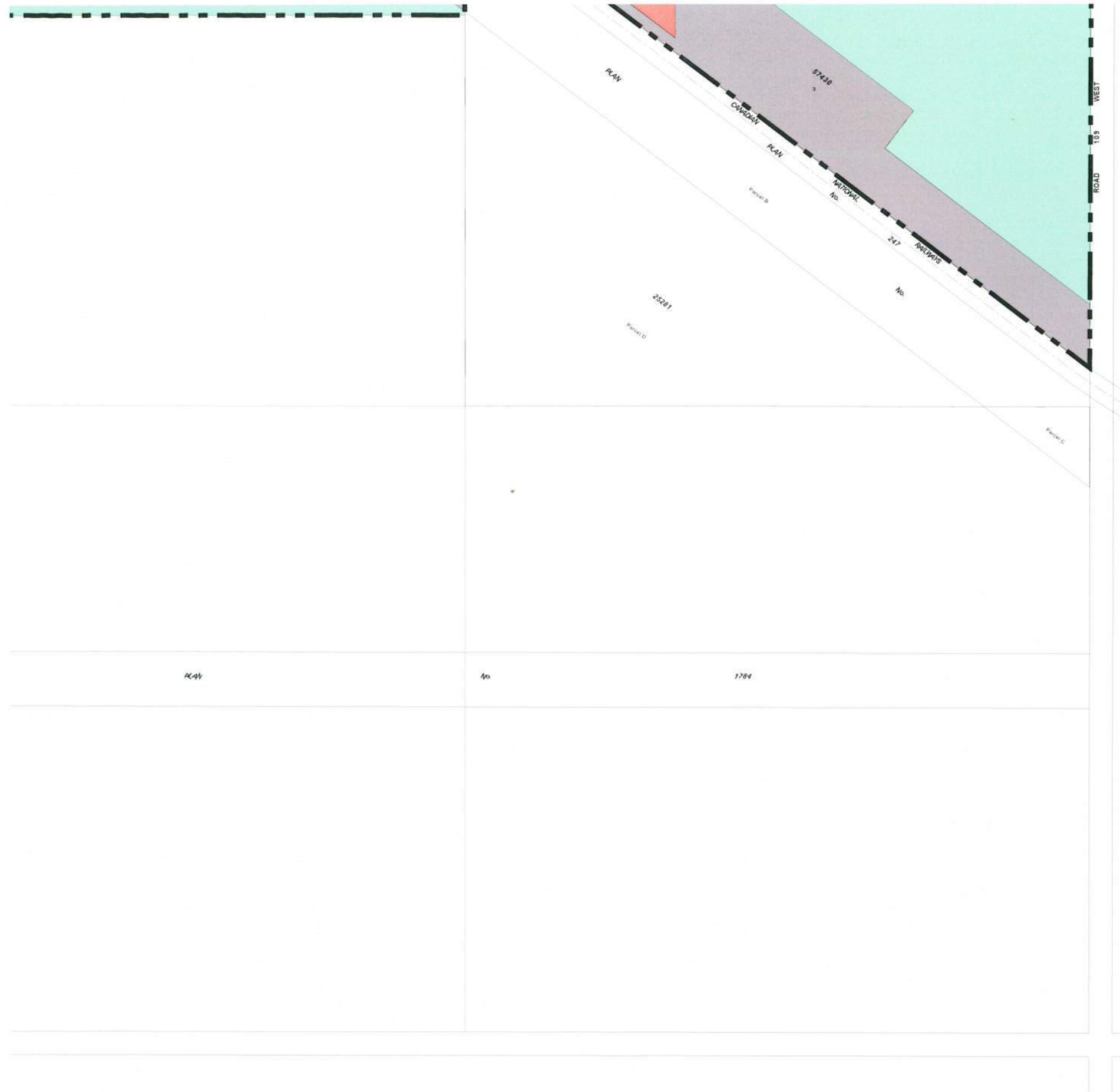
- Flood Way
Flood Way Fringe
City Boundary

SCHEDULE "A"
CITY OF DAUPHIN
ZONING BY-LAW No. 04/2015

FLOOD AREA INFORMATION OBTAINED FROM THE
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MAP 10



Dauphin
THE CITY OF
DAUPHIN

1	2	3
4	5	6
7	8	9
10		11

LEGEND

RESIDENTIAL

- RSF Residential Single-Family Zone
RMF Residential Multiple-Family Zone
RMH Residential Mobile Home Zone

COMMERCIAL

- CC Commercial Central Zone
CM Commercial Mixed Zone

INDUSTRIAL

- M Industrial Zone

OTHERS

- I Institutional Zone
OR Open Space / Recreation Zone
A Agriculture Urban Reserve Zone

FLOOD AREAS

- Flood Way
Flood Way Fringe
City Boundary

SCHEDULE "A"
CITY OF DAUPHIN
ZONING BY-LAW No. 04/2015

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MAP 11