

VICTORIA BEACH PLANNING SCHEME 1969 & AMENDMENTS - CONSOLIDATION -2004

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A Scheme to regulate the use of land and the erection, use, bulk, height and location of buildings and structures within The Rural Municipality of Victoria Beach in the Province of Manitoba.

A1.0 **SECTION A1 - TITLE**

This Scheme shall be known as The Victoria Beach Planning Scheme 1969.

A2.0 **SECTION A 2 - PURPOSE**

This Scheme is hereby drafted in accordance with the provisions of the Planning act, in order to:

- (a) Regulate the use of buildings, structures and land.
- (b) Regulate location, height, bulk, size and construction of buildings and structures, the size of yards, courts and other open spaces; percentage of a site which may be occupied by a building or structure, and the density of population.
- (c) For said purpose to divide the Municipality into districts of such number, shape and area as may be deemed best suited to carry out these regulations and provide for their enforcement.
- (d) Such regulations are deemed necessary in order:
 - (i) To encourage the most appropriate use of land;
 - (ii) To conserve and stabilize the value or property;
 - (iii) To provide adequate open spaces for light and air and to prevent and to fight fires;
 - (iv) To prevent undue concentration of population in order to avoid the overloading of school facilities municipal services and municipal facilities;
 - (v) To lessen congestion on streets and highways;
 - (vi) To promote health, safety and the general welfare.

A3.0 **SECTION A3 - SCOPE**

A3.1 The Area to which this Scheme shall apply shall be all lands lying within the limits of The Rural Municipality of Victoria Beach in the Province of Manitoba, the boundaries of which are shown on District Map 1 attached to and being part of The Victoria Beach Planning Scheme 1969.

A3.2 No building, structure nor land shall be used, and no building or structure shall be

hereafter located, erected, re-constructed, structurally altered, enlarged, moved or

maintained in the limits in The Rural Municipality of Victoria Beach, in the Province of Manitoba, except in conformity with the provisions of this scheme.

A4.0 **SECTION A4 - ADMINISTRATION**

The authority responsible for enforcing the observance of this Scheme, (hereinafter referred to as “The Responsible Authority”) shall be the Council of The Rural Municipality of Victoria Beach, in the Province of Manitoba.

B.0 SECTION B - DEFINITIONS

For the purpose of this Scheme certain terms and words are defined as follows:

The words “used for” include “designed for” and vice versa; words used in a present tense include the future, words in the singular number include the plural and vice versa; the word “building” includes “structure” and the word “shall” is mandatory not directory.

B.1 Accessory Use: The use of land, or a subordinate building or part thereof, or of a portion of a main building, such use being accessory or incidental to the principal use of the premises.

B.2 Act, The: “The Planning Act: Chapter 39, S.M. 1964 and all amendments thereto.

B.4 Apartment Hotels: A building or portion thereof designed for or containing dwelling units with or without kitchen accommodation and guest rooms or suites of rooms in which there is provided for the occupants, all or most of the service furnished by hotels to their guests.

B.5 Area, The: All that land within the boundaries defined in Section A3.1 hereof.

B.7 Basement: Shall mean that portion of a building other than a storey and which is below the floor surface of the first storey and the floor of which is thirty or more inches below the average finished level of the adjoining ground, and includes a cellar. A basement shall be counted as a storey for the purpose of height measurement if the vertical distance between the ceiling and the average finished level of the adjoining ground is more than five feet.

B.9 Building: A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, goods or chattels. Where a dwelling is separated by a division wall without openings each portion of such dwelling shall be deemed a separate building.

B.9.1 Building Accessory: A subordinate building or portion of the main building, the use of which is customarily incidental and subordinate to that of the main building, and not used for human habitation, located on the same site with the main building, and shall include a private garage.

B.9.2 Building Inspector: The Building Inspector of the Area or any person appointed by the Responsible Authority to assume the responsibilities of a building inspector.

B.9.3 Building Height of: The vertical distance measured from grade level, being the lowest of the average level of finished ground adjoining each exterior wall of a building, to the highest point of a roof surface, excluding antennae, chimneys, ventilation pipes and similar structures. Localized depressions such as for vehicle or pedestrian entrances need not be

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considered in the determination of average levels of finished ground.

B.9.4 Building Main: Shall mean the building in which is conducted the principal use of the site on which said building is erected.

B.10 Camp, Public: Any site used or designed to accommodate two or more travel trailers, or two or more camping parties, including cabins, tents, or other camping outfits.

B.14 Council: The Responsible Authority established by Section A4.0 of the Scheme

B.15 Coverage: The percentage of site area covered by buildings and/or structures located thereon.

B.16 District: Means one of the districts into which the Area is sub-divided as defined by Section D1.1 hereof.

B.17 Dwelling, Cottage: A one-family dwelling intended for seasonal use only, by a family, permanent occupancy being limited to March 15th to November 1

B.17.1 Detached Sleeping Quarters: A secondary detached building located on the same site as the cottage dwelling which:

- (a) is intended to be used as an extension to the seasonal residential use of the cottage dwelling;
- (b) provides secondary and incidental accommodation for family members and guests of the occupants of the cottage dwelling; and
- (c) is not intended for exclusive occupancy by a family living independent from the occupants of the cottage dwelling. If rented, both the cottage dwelling and detached sleeping quarters are to be considered as a single unit. Detached sleeping quarters are not to be rented separately from the cottage dwelling. A guest cottage is not to contain cooking facilities and is not serviced by public utilities independent of the cottage dwelling.

A detached sleeping quarters and /or detached building designed for human occupancy is not to be interpreted as being part of a one-family dwelling or cottage dwelling simply by means of it being attached to said dwelling(s) by a common roof, canopy, porch, deck or similar structure.

B.18 Dwelling: A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family, and multiple-family dwellings, but not including hotels, boarding and lodging houses, rooming houses, motels, tourist courts and public camps.

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B.18.3 Dwelling Unit: Two or more rooms in a dwelling designed for occupancy by one family for living or sleeping purposes and having only one kitchen.

B.18.4 Dwelling Unit Area: Shall mean the floor area of a dwelling unit measured within the interior faces of the exterior walls of the dwelling unit. The floor area in the basement, a porch or garage shall not be included in the calculations of the dwelling unit area.

B.18.5 Dwelling, One Family: A detached building containing only one dwelling unit, designed exclusively for occupancy by one family, whose members have access to all parts of the dwelling, from within said building.

B.18.6 Dwelling, Two-Family: A building designed exclusively for occupancy by two families living independently of each other, including duplex and semi-detached houses.

B.18.7 Dwelling, Multiple: A building or portion thereof, designed for occupancy by three or more families living independently of each other, including apartment hotels and all types of apartment buildings.

B.19 Engineer: The Engineer of the Area or other persons appointed by the Responsible Authority to assume the responsibility for public works.

B.20 Family: One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, rooming house, lodging house, hotel, club, fraternity or sorority house or institutional building.

B.21 Frontage, Entire: All the site or sites fronting on one side of a street between intersecting or intercepting streets or between a street and a right-of-way, waterway, end of dead-end street, or municipal boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

B.22 Garage, Private: A detached accessory building or portion of a main building for the parking or temporary storage of motor vehicles of the occupants of the premises.

B.22.1 Garage, Public: A building other than a private garage used for the care, repair, or equipment of motor vehicles, or where such vehicles are parked or stored for remuneration, hire or sale.

B.23 Grade: A pre-determined elevation set by the Engineer of the Area.

B.26 Hotel: A building occupied as a more or less temporary abiding place of individuals who are lodged with or without meals and in which there are not less than three bedrooms and no provision made for cooking in any individual room or apartment, not including motels, tourist courts and cabins.

B.28 Industrial Use: The use of a site, building or structure designed for the purpose of

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manufacturing, processing, distribution and storage.

B.29 Junk Yard: Any space used for the business of storage, keeping or abandonment of junk or waste material including scrap metals or other scrap materials or for the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts thereof.

B.31 Lane: A public thoroughfare not over thirty-three feet in width which affords only a secondary means of access to abutting property.

B.32 Loading Space: An off-street space logically and conveniently located on a site for delivery vehicles, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

B.33 Marinas: An area or structure used specifically in connection with the docking, storage, servicing and rental of boats and motors, and where no repair is done except minor incidental repair.

B.33.1 Mobile Home: A dwelling unit which meets either of the following criteria:

(a) It was constructed pursuant to standards established by the Canadian Standards Association and identified as CSA-A277 or CSA-Z240 and possesses an identification sticker evidencing this; or

(b) A dwelling unit which has a metal chassis or frame supporting the dwelling unit and was constructed off the site.

B.34 Motel: A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit, including auto courts, tourist courts and motor lodges.

B.35 Non-conforming Building: A building or structure or portion thereof lawfully existing at the time this Scheme becomes effective, or at the time of any change in classification of Districts, but which does not comply with the requirements applying to the district in which it is located.

B.35.1 Non-confirming Use: A use for which a building or land is law-fully occupied at the time this Scheme becomes effective but which does not comply with the use regulations of this Scheme applying to the district in which it is located.

B.36 Parking Area, Public: A site, other than a street, used for the temporary parking of more than four automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.

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B.36.1 Parking Space, Automobile: Space within a building, on a site or public parking area for the temporary parking or storage of one automobile.

B.37 Personal Service Shop: A building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and without limiting the generality of the foregoing may include such establishments as barber shops, beauty parlors, hair-dressing shops, hand laundries, shoe repair and shoe shining shops, tailor and dress-making shops, valets and depots for collecting dry cleaning and laundry.

B.38 Premises: An area of land including a site, with or without buildings.

B.39 Responsible Authority: The Body defined in Section A4.0 of this Scheme.

B.40 Retail Business: A use or part use of an enclosed building or site from which goods, wares or merchandise are sold in limited quantities directly to the consumer as opposed to the wholesale, storage and disposal of such commodities.

B.41 Service Shop: A building or part thereof whether conducted in conjunction with retail shopping or not, the repair, sale and servicing of articles or materials as opposed to the manufacturing of the same.

B.42 Sign: A sign is any writing (including letter, word, or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol, or trademark), flag (including banner or pennant), or any other figure of similar character, which:

(a) is a structure or any part thereof, or is attached to, painted on or in any other manner represented on a building or structure; and

(b) is used to identify, direct attention to, or advertise; and

(c) is visible from outside a building but shall not include show windows as such.

B.42.1 Sign, Advertising: A sign directing attention to a business, commodity service, or entertainment conducted, sold or offered elsewhere than upon the same site where such sign is maintained, including a billboard sign.

B.42.2 Sign, Bulletin Board: 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 where such sign is maintained, e.g. school, church, community club bulletin board.

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B.42.3 Sign, Business: A sign directing attention to a business, commodity, service, or entertainment conducted, or sold, or offered upon the same site where such sign is maintained.

B.42.4 Sign, Identification: A sign that identifies the business, owner or resident and/or the street address and which sets forth no other advertisement.

B.42.5 Sign, Real Estate: A sign advertising the sale, rental or lease of the premises on which it is maintained.

B.42.6 Sign, Temporary: A sign with or without a structural frame and intended for a limited period of display

B.42.7 Sign, Construction: A sign which identifies a construction project and information relative thereto.

B.42.8 Sign, Flashing: An illuminated sign on which the artificial light is not maintained stationary, or constant in intensity and color at all times when such sign is in use. For the purpose of this Scheme any revolving, illuminated sign shall be considered a flashing sign.

B.42.9 Sign, Illuminated: A sign designed to give forth any artificial light or reflect such light from an artificial source.

B.43 Site: An area of land which has frontage on a street or lane.

B.43.1 Site Line: Any boundary of a site as defined herein.

B.43.2 Site Line, Front: In the case of an interior site, a line separating the site from the street; and in the case of a corner site, a line separating the narrowest street frontage of the site from the street. In the case of a corner site with equal site frontage, at the discretion of the Responsible Authority.

B.43.3 Site Line, Rear: A site line which is opposite and most distant from the front site line and, in the case of an irregular shaped site, a line ten feet in length within the site, parallel to and at the maximum distance from the front site line.

B.43.4 Site Line, Side: Any site boundary line not a front site line or a rear site line.

B.43.5 Site Width: The horizontal distance between the side site lines, measured perpendicularly to the site depth at a point midway between the front and rear site lines, or forty feet from the street it faces, whichever is the lesser.

B.43.6 Site Depth: The horizontal distance between the front and rear site lines, measured along the meridian between the two side site lines.

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B.43.7 Site Area: The total horizontal area within the site lines of a site.

B.43.8 Site Corner: A site situated at the intersection of intersection of two or more streets.

B.43.9 Site, Reserved Corner: A corner site the side street line of which is substantially a continuation of the front site line of the site to its rear.

B.43.10 Site Interior: A site other than a corner site.

B.43.11 Site, Key: The first site to the rear of a reversed corner site.

B.43.12 Site, Through: A site having frontage on two parallel or approximately parallel streets.

B.46 Utilities, Public: As defined in Clause (h) of Section 2 of the Public Utility Board Act.

B.47 Storey: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it, but does not include a cellar.

B.47.1 Storey, Half: A storey under a gable, hip or gambrel roof, and wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such storey.

B.48 Street: A public thoroughfare over thirty-three feet in width, which affords principal means of access to abutting property.

B.49 Structures: Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.

B.49.1 Structural Alterations: Any change which would tend to prolong the life of the supporting members of a building or structure, such as foundations, bearing walls, columns, beams and girders.

B.51 Tourist Court: Same as Motel.

B.52 Use: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

B.53 Yard: An open space other than a court, on a site, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Scheme.

B.53.1 Yard, Front: A yard extending across the full width of the site, the depth of the yard being the minimum horizontal distance between the front site line and a line parallel thereto on the site.

B.53.2 Yard, Rear: A yard extending across the full width of the site between the most rear main building and the rear site line; the depth of the required rear yard shall be measured horizontally from the nearest point of the rear site line toward the nearest point of the rear site line toward the nearest part of a main building.

B.53.3 Yard, Side: A yard, between a main building and the side site line extending from the front yard, or front site line where no front yard is required, to the rear yard, the width of the required side yard shall be measured horizontally from the nearest point of the side site line toward the nearest part of a main building.

C1.0 SECTION C1 - GENERAL PROVISION

C1.1 The following regulations shall apply in all districts established within The Area except wherein otherwise stated:

C1.2 Conformance and Permits Required

No building or structure shall be erected, reconstructed, structurally altered, enlarged, or moved, nor shall any building, structure or land be used, designed, or intended for any use other than is permitted in the district in which such building, structure or land is located and then only after applying for and securing all permits and licenses required by all laws and By-laws.

C1.3 Building Grade

No building shall be erected without first obtaining from the Engineer instructions as to grade levels for the building to be so erected.

C1.4 Buildings Under Construction

Any building or structure or portion thereof for which a building permit has been issued but which has not been completed or is not in full operation at the date when this Scheme becomes effective, and which is not designed for a use permitted in the district in which it is located or is proposed to be located, may be completed and operated for the non-conforming use for which it was designed if it comes into full operation within one year of the said date and shall, together with the site on which the same is situated and the use to which the same and the said site are put, be subject to all the provisions of this Scheme in respect of non-conforming uses.

C1.5 Buildings to be Moved

No building or structure shall be moved in whole or in part to any other location unless every portion of the building or structure is made to conform to all the regulations of this Scheme applying to the district in which it is to be located.

C1.6 Uses Incidental to Construction

A construction camp or other such temporary work camp, a tool shed, scaffold or other building or structure incidental to the construction shall be permitted provided that these uses are permitted only for so long as the same are necessary for work in progress which has neither finished nor been abandoned.

C1.7 Accessory Buildings Prior to Erection of Main Building

No accessory building shall be erected prior to the erection of the main building on the same site, except where it is necessary for the storage of the tools, and materials for use in connection with the construction of the main building or structure, and no such accessory building shall, prior to the erection of the main building, be used for any purpose other than storage.

C1.8 Temporary Storage During Construction

Nothing in this Scheme shall be deemed to prohibit the use of part of a building site for the storage of building supplies or equipment during a reasonable period required for the construction of a building or buildings on the building site, provided that permission be first obtained from the Responsible Authority to use such building site for storage purposes.

C1.9 Noxious or Offensive Uses

Notwithstanding anything herein contained, no use shall be permitted in any district which may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise. This shall not be so interpreted as to overrule the next succeeding clause.

C1.10 Public Utilities and Services

Nothing in this Scheme shall be so interpreted as to interfere with the construction and maintenance of the facilities of any public utility or public service including but not limited to the following public buildings: municipal and federal police establishments, public transportation, collection and disposal of garbage and other waste, water mains, sewers, telephone and electrical transmission lines, including booster stations, water storage tanks and reservoir, pumping stations, electric substations and telephone exchanges, provided that any building or structure erected in any district complies with the yard and area requirements applicable to that district, and that the land surrounding the building or structure is landscaped to a standard of not less than the standards of the area.

C1.11 Change of Use, Alterations and Additions to Buildings

The purpose for which any land or building is used shall not be changed, no new building erected and no existing building added to or altered, if the effect of such change, erection, addition or alteration is to create a situation contrary to the requirements of the Scheme.

C1.12 Height Exceptions

The provisions of this Scheme shall not apply to limit the height of any ornamental dome, chimney, tower, electrical or telephone transmission line, television or radio mast, steeple, water storage tank, electrical apparatus or the mechanical operations of the building provided that no roof structure and/or space above the height limit shall be permitted for the purpose of providing usable floor space.

C1.13 Projection into Yards

(a) Eaves may project into any required front, side or rear yard, a distance of not more than three (3) feet, provided that in no case shall an eave project within three (3) feet of a side site line. Chimneys may project into a required front, side or rear yard not more than three (3) feet, provided the width of such side yard is not reduced to less than three (3) feet.

- (b) Fire escapes may extend or project into any required front, side or rear yard not more than four (4) feet.
- (c) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) feet and such balconies may extend into a required yard not more than thirty (30) inches.
- (d) Open, unenclosed porches, platforms or landing places, not covered by a roof or canopy, which do not extend above the level of the first floor of the building, may extend or project into any required front, side or rear yard not more than six (6) feet.
- (e) Open, unenclosed porches, platforms or landing places, not covered by a roof or canopy, which do not extend above the level of the first floor of the building, may extend or project into a court a distance of not more than twenty (20) percent of the width of such court, but in no case more than six (6) feet.
- (f) Openwork ornamental fences, hedges, landscape architectural features, or guard railing, for safety protection around depressed ramps, may be located in any front yard if maintained at a height not more than three and one-half (3 1/2) feet above the average ground level adjacent thereto. An openwork type railing not more than three and one-half (3 1/2) feet in height may be installed or constructed on any balcony, stairway, porch, platform or landing place mentioned above in sub-paragraph (c), (d) and (e).
- (h) Landscape features, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side or rear yard.
- (i) Name plates, bulletin boards, or signs appertaining to the prospective sale, lease or rental of the premises on which they are located as permitted in this Scheme, shall be allowed in any required front, side or rear yard.
- (j) The above structures or features, however, shall not be located and maintained so as to preclude complete access at all times about a main building. Gates or other suitable openings at least two and one-half (2 1/2) feet in width shall be deemed adequate for such access.

C1.14 Front Yard Exceptions

Building lines or alignments established by any by-law prior to the adoption of this Scheme shall govern and supersede the front yard requirements herein.

Where sites comprising forty (40) percent or more of the entire frontage (excluding reversed corner lots) are developed with buildings, the average front yard depths established by such buildings shall establish the minimum front yard depths for the entire

frontage provided such average is less than the minimum front yard required in the District in which the site is located.

Notwithstanding Subsection C1.17(g), C1.18 and C1.19 for purposes of interpreting the yard requirements contained within this planning scheme, Lake Winnipeg shall be deemed to be the front site line for all lots which front onto and are contiguous to Lake Winnipeg or which front onto and are contiguous to public reserve land which fronts onto Lake Winnipeg.

C1.15 Front and Side Yards - Unit Development

Where an entire frontage in an “R” Dwelling District is designed and developed as a unit, the following provisions shall apply:

- (a) The front yard requirement may be varied by not more than five (5) feet in either direction (i.e. from twenty to thirty feet in the case of a required front yard of twenty-five (25) feet) provided the average front yard for the entire frontage is not less than the minimum front yard required in the District.
- (b) The side yard requirements may also be varied, provided that the total combined width of the two side yards on a site is not less than that required for sites in the district, that no side yard shall be less than five (5) feet, and that the minimum distance between the sides of the buildings shall not be less than ten (10) feet.

C1.16 Side Yard Waived

For the purpose of side yard regulations, the following dwellings with common party walls shall be considered as one building, occupying one site:

- (a) Semi-detached two and four family dwellings;
- (b) Row dwellings;
- (c) Group dwellings; and
- (d) Court apartments.

C1.17 Area Requirements

Except as hereinafter provided, the following regulations shall apply in all Districts:

- (a) No site shall be reduced in any manner below the minimum site area, size or dimension required by this Scheme, nor shall any site be created which does not conform to all

the requirements of this Scheme.

(b) No building shall be added to, or reconstructed, if such additions, reconstruction, reduction or alteration would cause the violation of any of the provisions of this Scheme.

(c) No yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this Scheme, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining site be considered as providing a yard or open space on a site whereon a building is to be erected.

(d) Where a site has a site width or site area less than that required in the District in which said site is located, and was of record at the time this Scheme becomes effective, such site may be occupied by any use permitted in the District in which the said site is located provided the minimum yard and minimum building unit area requirements of the District are complied with.

(e) All main buildings constructed on a site serviced by sewer, water or hydro distribution shall be connected to such services; where either or none exist, the owners of all dwellings or commercial buildings will be required, as soon as it is considered expedient by the Responsible Authority, to connect to such services as they are installed. Septic tank or chemical disposal systems can only be installed at the discretion of the Responsible Authority subject to approval by the Medical Officer of Health.

(f) No building or structure shall be permitted on a site which abuts a street dedicated to a portion of its required width and located on that side thereof from which no dedication was secured, unless the yards provided on such site include both that portion of the site lying within the future street and the required yards.

(g) Where a site is occupied for permitted uses and having no buildings or structures thereon, the required yards and site areas for the district within which it is located shall be provided and maintained.

(h) At each end of a through site there shall be a front yard of the depth required by this Scheme, for the district in which each street frontage is located, provided, however that one of such front yards may serve as a required rear yard.

C1.18 Through Sites-Accessory Buildings

Where a through site has a depth of less than two hundred (200) feet, an accessory building not exceeding one (1) storey nor fourteen (14) feet in height may be located in

one of the required front yards, if such building is set back from the nearest street line a distance of not less than ten (10) percent of the depth of the site and at least five (5) feet from any side site line. In no case shall any accessory building project beyond the front yard line of an existing main building along the entire frontage, but such accessory building need not be located more than twenty-five (25) feet from the street line.

C1.19 Through Site - May be Two Sites

A through site having a depth of two hundred (200) feet or more may be assumed to be two sites with the rear line of each approximately equidistant from the front site lines, provided all area and yard requirements are complied with. Notwithstanding Subsection C1.17 (g) and C1.18, for purposes of interpreting the yard requirements contained within this planning scheme, Sunset Boulevard shall be deemed to be the front site line for all through lots which front onto both First Avenue and Sunset Boulevard; and Victoria Boulevard shall be deemed to be the front site line for through lots fronting onto both Thornton Boulevard and Victoria Boulevard, except for Block 46 Plan 3424, in which case, Thornton Boulevard shall be deemed to be a front site line.

C1.20 Signs Control

The regulations of this Scheme are intended and designed to establish a minimum control of signs. Such control is deemed essential to promote the health, safety and general welfare by reducing hazards to pedestrian and vehicular traffic, by preventing unsightly and detrimental development having a blighting influence upon residential, business and industrial uses, by preventing signs from reaching such excessive size that they obscure one another to the detriment of all parties, and by securing certain fundamentals of design for the community. Except as hereinafter provided, the following shall apply in all Districts:

- (a) No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign display.
- (b) No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection; or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad grade crossing.
- (c) All signs and sign structures shall be kept in repair and in proper state of preservation. Signs which are no longer functional or are abandoned shall be removed or relocated within thirty (30) days following such disfunction.
- (d) No advertising signs shall be permitted in any District without the approval of the Responsible Authority. Where permitted, an advertising sign shall not be greater than eighteen (18) feet in vertical dimension nor greater than fifty-five (55) feet in horizontal dimension; and shall not contain more than two (2) advertising signs per

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facing. The maximum height of advertising signs erected upon the ground shall not exceed forty (40) feet above grade level at the base of such structure. In no case shall an advertising sign be permitted in any "R" Residential District.

- (e) No flashing signs shall be permitted in any District without the approval of the Responsible Authority; except in "C" Commercial District. In any event, no flashing sign shall be permitted within three hundred (300) feet of any "R" Residential District.
- (f) One non-illuminated real estate sign, not exceeding six (6) square feet in area attached to or located on the same site, shall be permitted.
- (g) Signs shall not be permitted to suspend over or project outside the site lines of a site, except wherein otherwise stated.

C1.21 Signs Exception

The following signs shall not be subject to the provisions of this Scheme, except wherein otherwise stated:

- (a) signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, or warnings at railroad crossings;
- (b) flags or emblems of a political, civic, philanthropic, educational, or religious organization;
- (c) temporary signs announcing a campaign, drive, or event of the above organizations;
- (d) bulletin boards of religious organizations or other community facilities, upon the same site and not exceeding eighteen (18) square feet in area;
- (e) memorial signs or tablets;
- (f) trespassing signs not exceeding three (3) square feet in area;
- (g) construction signs when placed on construction sites and not exceeding twenty-five (25) square feet in area;
- (h) signs required to be maintained by law or governmental order, rule or regulation;
- (i) small signs displayed for the direction or convenience of the public, including signs which identify rest rooms, freight entrance, parking entrance or exit, or the like, not exceeding five (5) square feet in area.

- (j) security signs not exceeding three (3) square feet.

C1.22 Basement Accommodation

A basement which has more than fifty (50) per cent of its height measurement contained below the grade level shall not contain a dwelling unit, but may be used for recreational purposes.

C1.23 Public Monuments and Statuary

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

C1.24 Public Reserve

Where lands adjacent to the lake shore are subdivided a public reserve having an average depth of 100 feet shall be provided immediately adjacent to the said limits of the lake shore. Said public reserve to be computed from a Canadian Geodetic Datum Contour, as established by the Department of Mines and Natural Resources Water Control and Conservation Branch, measured parallel to and horizontally distant 100 feet from the said contour in a direction away from the said lake shore.

**C2.0 SECTION C2 - SANITARY AND SAFETY PROVISIONS IN THE
“SR” AND “RA” DISTRICTS**

- (1) All garbage, as from day to day produced, shall be deposited in suitable and covered boxes or garbage cans. Garbage shall not be deposited within “The Area” other than in such containers. Such containers shall be provided and kept on the premises by the occupant of the premises.
- (2) Sanitary facilities for all dwellings shall be provided and enclosed in suitable buildings, screened from view from adjoining lots, streets and lanes, the type and number of sanitary facilities shall be provided to the satisfaction of the “Responsible Authority” and the Department of Environment, as shall the eventual disposal of wastes.
- (3) Chimneys must be of brick, stone, tile lined concrete or insulated metal as approved by the Western Canada Insurance Underwriters. No metal pipes from stoves, furnaces or fireplaces within “The Area” shall be placed nearer than eighteen (18) inches to any woodwork, or other inflammable material. No metal pipes shall be placed through any floor, ceiling or exterior or interior wall or roof except the metal pipe be protected by five inches of concrete, brick, stone or metal cymbals so that five inches would separate the pipe from the wood-work of said floor, ceiling, wall or roof.

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- (4) No stove or fireplace shall be erected or placed within “The Area” except those constructed of masonry, metal with properly constructed chimney, protected with a screen to prevent the dispersion of sparks. No bonfires or other out of doors fires shall be started or permitted to burn in any portion of “The Area”.
- (5) The owner or occupier of any premises in “The Area” shall at all times keep his premises in a neat condition.

C3.0 **SECTION C3 - PRELIMINARY DEVELOPMENT PLAN**

Policies and Objectives

The area known as the Rural Municipality of Victoria Beach has developed over the last six decades, due primarily to the desires of many people to create a particular quality of summer home environment. This has been complemented by permanent residents who have developed the various resources of the area. The agricultural fishing and fur industries, as well as the municipal and commercial services which meet the needs of both the summer and permanent residents, and the maintenance of various community facilities have and will continue to provide the economic base for the permanent sector of the Victoria Beach population.

The physical and social patterns which have developed at Victoria Beach during the same period of time reflect several objectives and policies which have been arrived at as a result of a close and harmonious understanding between all residents of the area.

These objectives and policies are for the main part recorded in the hearts and minds of those who have helped to develop and improve Victoria Beach. However, others are a matter of record beginning with the registration of restrictive caveats against those portions of the area which were designed and intended for summer resident purposes. This policy has been subsequently protected by the Province of Manitoba which has provided that the provisions of the early caveat restrictions shall not be amended save by Act of the Legislature.

By-laws with respect to vehicular traffic control, zoning, building construction, and adoption of partial planning schemes have also served to record certain of the development policies and objectives of the community.

The total effect of these various by-laws, schemes, and caveats when related to actual practice and the various precedents established over the years has been the development of a number of policies which can be summarized as follows:

- (a) The creation of an environment conducive to family living in both the summer and permanent resident sectors of the community.
- (b) The creation of building sites of such dimension as to assure adequate protection against fire, pollution and loss of privacy.
- (c) The designation and development of certain lands for park, recreation and public facility purposes.
- (d) The designation of areas restricted to summer residence use only, thereby prohibiting the creation of a scattered permanent population requiring year-round

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municipal protection services at locations costly and inefficient to handle.

- (e) The designation of locations accessible from all residential areas by both pedestrian and vehicular traffic, such locations being restricted to those classes of commercial and community activity which are essential to the well-being and satisfaction of the summer and permanent residents of the area only.
- (f) The provision of streets, lanes, walkways and major roads required to assure adequate access to public and private properties by both pedestrians and vehicular traffic.
- (g) The provision of designated parking areas and the provision of alternative means of vehicular transportation to all public and private areas of the municipality in order to allow the municipality to regulate private vehicles of summer residents and visitors to the area in such a way as to reduce danger to large number of children during summer months; avoid the need to develop costly streets and roads for traffic volumes generated for only three months of the year; reduce the demand upon police, street lighting, and municipal maintenance services, and avoid the conditions of dust and noise which could be experienced by automobiles employing the sand and gravel roads and circulating through quiet residential and public areas.
- (h) The retention of all lands adjacent to the edge of waters on Lake Winnipeg and Traverse Bay in the form of public reserves of public rights-of-way in order to assure unimpeded pedestrian circulation along and public use of the shore-line.
- (i) The restriction of certain activities of the resident and general public alike in order to protect the residents and property in the area from the danger of forest fire, drownings, dangerous practices, animals, unnecessary noise, and boating or sailing activities.
- (j) The protection of the natural vegetation, wild life and the great variety of birds which are found in the greater part of the area and contribute to the amenity of the municipality as a place of summer and year-round occupancy.
- (k) The designation of areas in which permanent residences and support facilities such as the school, churches, community hall and community store can be located.
- (l) The provision of satisfactory road surfaces, safe water supply, hydro services public lands and public rights-of-way to the shore line in plans of subdivision approved by Council of the Rural Municipality of Victoria Beach.
- (m) The protection of those activities which employ the natural resources of the area to the advantage of the residents of the area, namely the fishing, ranching, and agricultural operations.

These policies shall continue to be the basis for development or improvement of any lands within the Rural Municipality of Victoria Beach until amended by a subsequent Planning Scheme, By-law, or Act of the Legislature as a result of any substantial

change in any of the factors which have justified the adoption and maintenance of these policies.

In order to assure that the policies recited in this Preliminary Development Plan continue to be meaningful, are adequately adhered to and amended as required, the Rural Municipality may establish by by-law in accordance with the Planning Act, such numbers of planning advisory committees as it deems necessary.

Appendix “B” attached to and being part of the Victoria Beach Planning Scheme 1969 illustrates in general terms how the policies and objectives recited in this Section have and until further amended will continue to be applied to various areas within the limits of the Municipality.

Any area designated as a Seasonal Resort Reserve under this or any subsequent amending Planning Scheme shall not be interpreted as not being in conformity with the intent of the Preliminary Development Plan as this designation shall serve as the means whereby Council of the Rural Municipality of Victoria Beach may implement development and improvement of the municipality on an orderly and efficient basis.

D1.0 **SECTION D1 - DISTRICTS**

In order to carry out the purposes and provisions of this Scheme, The Area shall be divided into Districts, designated as follow:

<u>Districts</u>	<u>Short Title</u>
“O” Open Space District	“O”
“SRR” Seasonal Resort Reserve District	“SRR”
“RA” One-Family District	“RA”
“SR” Seasonal Resort District	“SR”
“SR1” Seasonal Resort One District	“SR1”
“GC” General Commercial District	“GC”

D1.2 The districts aforesaid, and the boundaries of such districts as are incorporated in

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this Scheme, are shown upon a series of maps attached hereto and made a part of this Scheme, being collectively designated as the “District Map”, and hereafter wherever the term “District Map” is used, it refers to these maps. The aforesaid series of maps are designated District Map One, District Map Two, District Map Three, etc.

- D1.3 All notations, references and other information, including required front yard depths measured from street lot lines shown within the “District Map”, and any amendments made from time to time and shown thereon as provided in the Act, together with amendments to boundaries in the case of a street or lane closed as provided in this Scheme, shall be as much a part of this Scheme as if the matters and the information set forth by said map were all fully described herein.
- D1.4 Where any uncertainty exists with respect to the boundaries of the various districts as shown on the “District Map”, the following rules shall apply:
- (a) Where a district boundary is indicated as approximately following the centre line of a street, lane or watercourse, the boundary shall be the centre of such street, lane or watercourse.
 - (b) Where a dedicated street or lane shown on the “District Map” is closed and such street or lane was a district boundary between two (2) or more different districts, the new boundary shall be the former centre line of said closed street or lane.
 - (c) Where a district boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines.

D2.0 SECTION D2 - "O" OPEN SPACE DISTRICT

The following regulations shall apply in the "O" Open Space Districts:

D2.1 Permitted Uses

No building, structure or land shall be used and no building or structure shall be hereafter used, erected, structurally altered, enlarged and maintained, except for the following uses:

Cemeteries

Exhibition and fair grounds

Golf courses

Marina facilities

Parks, playgrounds and recreation areas owned or approved by the Responsible Authority

Public buildings

Public wharves and transportation facilities

Public, private and parochial schools

Public parking areas

Swimming pools, wading pools and tot lots

Identification signs

Accessory buildings when incidental to a permitted use

D2.2 Requirements

Nil

D3.0 **SECTION D3 - "SRR" - SEASONAL RESORT RESERVE DISTRICT**

D3.1 Permitted Uses

No building, structure or land shall be used and no building or structure shall be hereafter used, erected enlarged or structurally altered except for the following uses:

Agricultural uses approved by the Responsible Authority, including nurseries, public and private stables, market gardening and enterprises customarily carried on in the field of general agriculture and not obnoxious or detrimental to the public welfare. Hog and cattle operations shall not be permitted.

Churches, Church Halls, Convents and Monasteries

Cemeteries

Communication Installations and Facilities

Fur Ranching and Fishing Operations

One-Family Dwellings - maximum one (1) per site

Detached Sleeping Quarters when secondary to, incidental to, and located on the same site as the One-Family Dwelling - maximum one (1) per site

Private Garage

Identification Signs and Security Signs

Accessory Buildings and uses when incidental to a permitted use

Parks, Playgrounds and Recreation Centres owned or approved by the Responsible Authority

Public Camp, subject to the approval of the Responsible Authority

Mobile homes, constructed to Building Code standards, shall be permitted for use as a main dwelling in the "SRR" - Seasonal Resort Reserve District.

D3.2 Requirements

D3.2.1 Site Area Minimum

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	All Permitted Uses	1 acre
D3.2.2	Site Width, Minimum	
	All Permitted Uses	150 feet
D3.2.3	Front Yard, Minimum (See also D3.2.9)	
	All permitted uses except accessory buildings and uses	30 feet
	Accessory buildings	60 feet
D3.2.4	Side Yard, Minimum (See also D.3.2.9)	
	All permitted uses except accessory buildings and uses	10 feet
	Accessory Buildings	5 feet
D3.2.5	Rear Yard, Minimum	
	All permitted uses except accessory buildings and uses	25 feet
	Accessory Buildings	5 feet
D3.2.51	Dwelling Unit Area (see also D3.2.9)	
	One Family Dwelling	750 square feet minimum
	Detached Sleeping Quarters	320 square feet maximum
D3.2.52	Site Coverage, Maximum	
	One Family Dwelling	25%
	Detached Sleeping Quarters and Accessory Buildings, except Gazebo	shall be combined and included with the site coverage maximum for the principal dwelling on any site
	Gazebo	Maximum 192 square feet

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D3.2.53 Building Separation, Minimum (see also D3.2.9)

Between Accessory Building and Dwelling
and/or Detached Sleeping Quarters 10 feet

Between Dwelling and Detached Sleeping
Quarters 10 feet
Notwithstanding that a dwelling
may be attached to a Detached
Sleeping Quarters by an unenclosed
platform or deck

D3.2.54 Height, Maximum

One Family Dwelling 2 stories or 28 feet whichever
is the lesser

Detached Sleeping Quarters 1 storey up to a maximum of
16 feet

Accessory Buildings 1 storey up to a maximum of
26 feet

D3.2.55 Signs

In the case of identifying any dwelling, there shall not be more than two (2) illuminated or non-illuminated identification signs each not exceeding three (3) square feet in area, and not more than one (1) security sign per site as provided for by Subsection C1.21 (j) herein. In the case of identifying any non-residential building (excluding accessory buildings for dwellings), structure, site or use or part thereof, there shall be not more than two (2) illuminated or non-illuminated identification signs, each not exceeding twelve (12) square feet in area.

D3.2.6 General Requirements - "SRR" Seasonal Resort Reserve District

D3.2.7 For purposes of interpreting the yard requirements of this section, an attached accessory building such as a garage or carport shall be deemed to be part of the principal dwelling or main building, whatever the case may be.

D3.2.8 No person shall construct, erect or place, and the Building Inspector shall not issue a permit for a permanent building on a site within the "SRR" Seasonal Resort Reserve District unless the site land level has been built up to a minimum elevation of 722 feet a.s.l. Canadian Geodetic Datum, for a minimum of 10 feet around the building, or unless other mitigating measures, acceptable to the Water Resources Branch, will be implemented.

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D3.2.9 The Manitoba Building Code and Fire Codes may require greater building separation and greater minimum yard requirements than those specified. These provisions may vary in accordance with type of occupancy and mode of construction.

D3.3 For purposes of interpreting Section C1.17 “Area Requirements”, Subsection (d), any lot which appears as a full lot on a registered “Plan of Subdivision” is deemed to be a conforming site in the “SRR” Seasonal Resort Reserve District, provided said lot was registered in the Land Titles Office prior to the effective date of this amending by-law.

D4.0 SECTION D4 - "RA" ONE-FAMILY DISTRICT

The following regulations shall apply in the "RA" One-Family Districts:

D4.1 Permitted Uses

No building, structure or land shall be used and no building or structure shall be hereafter used, erected, structurally altered, enlarged or maintained except for the following uses:

One-Family Dwellings - maximum one (1) per site

Detached Sleeping Quarters when secondary to, incidental to, and located on the same site as the One Family Dwelling - maximum one (1) per site

Private Garage

Parks, Playgrounds and Community Centres

Accessory Buildings and Accessory Uses

Identification Signs and Security Signs

Mobile homes, travel trailers and/or camper trailers of any type shall not be permitted in the "RA" - One Family District.

D4.11 Conditional Uses

Nurseries and Market Gardening

Post Office

D4.2 Requirements

D4.2.1 Site Area, Minimum

Dwelling 15,000 sq.ft.

Dwelling and Detached Sleeping
Quarters combined 15,000 sq.ft.

Playgrounds, Parks, and Public Reserves
With buildings 10,000 sq.ft.
Without buildings No minimum

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	Community Centers	40,000 sq.ft.
D4.2.2	Site Width, Minimum	
	Dwelling	100 ft.
	Dwelling and Detached Sleeping Quarters combined	100 ft.
	Playgrounds, Parks, and Public Reserves	
	With buildings	75 ft
	Without buildings	No minimum
	Community Centres	100 ft.
D4.2.3	Front Yard, Minimum (see also D4.3.3)	
	All permitted uses except Accessory Buildings and uses, and signs	30 ft.
	Accessory buildings	60 ft.
	Signs	1 ft.
D4.2.4	Side Yard, Minimum (See also D4.3.3)	
	All permitted uses except Signs and Accessory Buildings and uses	10 ft. on both sides of building, and notwithstanding Section C1.13 (a) and C1.13 (d), eaves, chimneys and unenclosed porches, platforms, decks, and landing spaces not covered by a roof or canopy shall not extend nearer than 7 feet to a side site line.
	Signs	0 ft
	Accessory Buildings	5 ft clear of all projections

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D4.2.5	Rear Yard, Minimum	
	All permitted uses except Detached Sleeping Quarters Accessory Buildings and uses and Signs	25 ft notwithstanding Section C1.13 (d) unenclosed porches, platforms, decks and landing spaces not covered by a roof or canopy may extend to within 10 feet of a rear site line.
	Detached Sleeping Quarters	10 feet
	Accessory Buildings	5 feet
	Signs	0 feet
D4.2.6	Dwelling Unit Area (See also D4.3.3)	
	One Family Dwelling	750 sq. ft. minimum
	Detached Sleeping Quarters	240 sq. ft. maximum
D4.2.7	Site Coverage, Maximum	
	One Family Dwelling	25%
	Detached Sleeping Quarters	shall be combined and included with the site coverage maximum for the principal dwelling on any site.
	Accessory Buildings, except Private Garage and Gazebo	Maximum 192 square feet for all accessory buildings combined.
	Detached Private Garage	Maximum 576 square feet
	Gazebo	Maximum 192 square feet
D4.2.8	Building Separation, Minimum (see also D4.3.3)	
	Between Accessory Building and Dwelling and/or Detached Sleeping Quarters	10 feet

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	Between Dwelling and Detached Sleeping Quarters	10 feet Notwithstanding that a cottage dwelling may be attached to a Detached Sleeping Quarters by an unenclosed platform or deck.
D4.2.9	Height Maximum	
	One Family Dwelling	2 stories or 28 ft. whichever is the lesser.
	Detached Sleeping Quarters	1 storey up to a maximum of 16 ft
	Accessory Buildings	1 storey up to a maximum of 16 ft.
D4.2.10	Signs	
	In the case of identifying any dwelling, there shall not be more than two (2) illuminated or non-illuminated identification signs each not exceeding three (3) square feet in area, and not more than one (1) security sign per site as provided for by Subsection C1.21 (j) herein. In the case of identifying any non-residential building (excluding accessory buildings for dwellings), structure, site or use or part thereof, there shall be not more than two (2) illuminated or non-illuminated identification signs, each not exceeding twelve (12) square feet in area.	
D4.3	<u>General Requirements - "RA" One Family District</u>	
D4.3.1	For purposes of interpreting the yard requirements of this section, an attached Accessory Building such as a garage or carport shall be deemed to be part of the cottage dwelling or main building, whatever the case may be.	
D4.3.2	No person shall construct, erect or place, and the Building Inspector shall not issue a permit for a permanent building on a site within the "RA" One Family District unless the site land level has been built up to a minimum elevation of 722 feet a.s.l. Canadian Geodetic Datum, for a minimum of 10 feet around the building, or unless other mitigating measures, acceptable to the Water Resources Branch, will be implemented.	
D4.3.3	The Manitoba Building Code and Fire Code may require greater building	

separation and greater minimum yard requirements than those specified. These provisions may vary in accordance with type of occupancy and mode of construction.

- D4.3.4 Any building, structure and or use of land which was lawfully in existence in the “RA” One Family District prior to the coming into force of this planning scheme or amendments thereto, is deemed to be a “lawfully existing non-conformity” as provided for by The Planning Act. All changes, alterations, additions and/or expansion to said non-conformities shall hereafter conform with the provisions of this planning scheme, except as provided by variation order in accordance with The Planning Act.
- D4.3.5 For purposes of interpreting Section C1.17 “Area Requirements,” Subsection (d), any lot which appears as a full lot on a registered “Plan of Subdivision” is deemed to be a conforming site in the “RA” One Family District, provided said lot was registered in the Land Titles Office prior to the effective date of this amending by-law.

D5.0 **SECTION D5 - “SR” SEASONAL RESORT DISTRICT**

D5.1 Permitted Uses

No building, structure or land shall be used and no building or structure shall be hereafter used, erected, enlarged or structurally altered except for the following uses:

Cottage dwellings - maximum one (1) per site

Detached sleeping quarters when secondary to, incidental to, and located on the same site as the cottage dwelling maximum one (1) per site

Playgrounds, parks and community centres

Private garage

Identification signs and security signs

Accessory buildings and accessory uses such as gazebo and storage shed.

Nothing in this section shall be interpreted to include a year round dwelling accommodation except a residence required in conjunction with a public building or public facility.

Mobile homes, travel trailers and/or camper trailers of any type shall not be permitted in the “SR” - Seasonal Resort District. Agricultural activity of any type, excluding home gardening, shall not be permitted in the “SR” - Seasonal Resort District.

D5.2 Requirements

D5.2.1 Site Area, Minimum

Cottage dwelling	15,000 sq.ft.
Cottage dwelling and detached sleeping quarters combined	15,000 sp.ft.
Playgrounds, Parks, and Public Reserves	
With buildings	10,000 sq.ft.
Without buildings	No minimum
Community Centers	40,000 sq.ft.

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D5.2.2	Site Width, Minimum	
	Cottage Dwelling	100 ft.
	Cottage Dwelling and detached sleeping quarters	100 ft.
	Playgrounds, Parks, and Public Reserves With buildings	75 ft
	Without buildings	No minimum
	Community Centres	100 ft.
D5.2.3	Front Yard, Minimum (see also D5.3.3)	
	All permitted uses except accessory buildings and uses, and signs	30 ft.
	Accessory buildings	60 ft.
	Signs	1 ft.
D5.2.4	Side Yard, Minimum (See also D5.3.3)	
	All permitted uses except signs and accessory buildings and uses	10 ft. on both sides of building, and notwithstanding Section C1.13 (a) and C1.13 (d), eaves, chimneys and unenclosed porches, platforms, decks, and landing spaces not covered by a roof or canopy shall not extend nearer than 7 feet to a side site line.
	Signs	0 ft
	Accessory buildings	5 ft clear of all projections
D5.2.5	Rear Yard, Minimum	
	All permitted uses except Detached Sleeping Quarters,	

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	Accessory Buildings and uses and Signs	25 ft notwithstanding Section C1.13 (d)unenclosed porches, platforms, decks and landing spaces not covered by a roof or canopy may extend to within 10 feet of a rear site line.
	Detached Sleeping Quarters	10 feet
	Accessory Buildings	5 feet
	Signs	0 feet
D5.2.6	Dwelling Unit Area (See also D5.3.3)	
	Cottage dwelling	750 sq. ft. minimum
	Detached Sleeping Quarters	240 sq. ft. maximum
D5.2.7	Site Coverage, Maximum	
	Cottage Dwelling	25%
	Detached Sleeping Quarters	shall be combined and included with the site coverage maximum for the principal cottage dwelling on any site.
	Community Centers	50%
	Accessory Buildings, except Private Garage and Gazebo	Maximum 192 square feet for all Accessory Buildings combined.
	Detached Private Garage	Maximum 576 square feet
	Gazebo	Maximum 192 square feet
D5.2.8	Building Separation, Minimum (see also D5.3.3)	
	Between accessory building and cottage dwelling and/or detached sleeping quarters	10 feet

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	Between cottage dwelling and detached sleeping quarters	10 feet Notwithstanding that a cottage dwelling may be attached to a detached sleeping quarters by an unenclosed platform or deck.
D5.2.9	Height Maximum	
	Cottage Dwelling	2 stories or 28 ft. whichever is the lesser.
	Detached Sleeping Quarters	1 storey up to a maximum of 16 ft
	Accessory Buildings	1 storey up to a maximum of 16 ft.
D5.2.10	Signs	
	In the case of identifying any cottage dwelling, there shall not be more than two (2) illuminated or non-illuminated identification signs each not exceeding three (3) square feet in area, and not more than one (1) security sign per site as provided for by Subsection C1.21 (j) herein. In the case of identifying any non-residential building (excluding accessory buildings for dwellings), structure, site or use or part thereof, there shall be not more than two (2) illuminated or non-illuminated identification signs, each not exceeding twelve (12) square feet in area.	
D5.3	<u>General Requirements - "SR" Seasonal Resort District</u>	
D5.3.1	For purposes of interpreting the yard requirements of this section, an attached accessory building such as a garage or carport shall be deemed to be part of the cottage dwelling or main building, whatever the case may be.	
D5.3.2	No person shall construct, erect or place, and the Building Inspector shall not issue a permit for a permanent building on a site within the "SR" Seasonal Resort District unless the site land level has been built up to a minimum elevation of 722 feet a.s.l. Canadian Geodetic Datum, for a minimum of 10 feet around the building, or unless other mitigating measures, acceptable to the Water Resources Branch, will be implemented.	
D5.3.3	The Manitoba Building Code and Fire Codes may require greater building	

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separation and greater minimum yard requirements than those specified. These provisions may vary in accordance with type of occupancy and mode of construction.

D5.3.4 Any detached sleeping quarter or “guest house” in existence as of December 31, 1993, and for which there was a building permit issued by the R.M. of Victoria Beach, and which was erected, placed or built in accordance with said permit, shall for purposes of this planning scheme, be deemed to be a conforming building

and/or use of land in the “SR” Seasonal Resort District; however, all changes, alterations, additions and /or expansion to said structures must hereafter be in conformity with the provisions of this planning scheme, except as provided by variation order in accordance with the Planning Act.

D5.3.5 Any building, structure and or use of land which was lawfully in existence in the “SR” Seasonal Resort District prior to the coming into force of this planning scheme or amendments thereto, is deemed to be a “lawfully existing non-conformity” as provided for by The Planning Act. All changes, alterations, additions and/or expansion to said non-conformities shall hereafter conform with the provisions of this planning scheme, except as provided by variation order in accordance with The Planning Act.

D5.3.6 For purposes of interpreting Section C1.17 “Area Requirements,” Subsection (d), any lot which appears as a full lot on a registered “Plan of Subdivision” is deemed to be a conforming site in the “SR” Seasonal Resort District, provided said lot was registered in the Land Titles Office prior to the effective date of this amending by-law.

D5A.0 **SECTION D5A - "SR1" SEASONAL RESORT ONE DISTRICT**

D5A.1 **Permitted Uses**

No building, structure or land shall be used and no building or structure shall be hereafter used, erected, enlarged or structurally altered except for the following uses:

Cottage dwellings - maximum one (1) per site

Detached sleeping quarters when secondary to, incidental to, and located on the same site as the cottage dwelling - maximum one (1) per site

Playgrounds, parks and community centers

Identification signs and security signs

Accessory buildings and accessory uses such as gazebo and storage shed.

Nothing in this section shall be interpreted to include a year round dwelling accommodation except a residence required in conjunction with a public building or public facility.

Detached and/or attached private garages and/or carports shall not be permitted in the "SR1" Seasonal Resort One District.

Mobile homes, travel trailers and/or camper trailers of an type shall not be permitted in the "SR1" - Seasonal Resort One District. Agricultural activity of any type, excluding home gardening, shall not be permitted in the "SR1" - Seasonal Resort One District.

D5A.2 **Requirements**

D5A.2.1 Site Area, Minimum

Cottage dwelling	9,500 sq.ft.
Cottage dwelling and detached sleeping quarters combined	9,500 sp.ft.
Playgrounds, Parks, and Public Reserves	
With buildings	10,000 sq.ft.
Without buildings	No minimum

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	Community Centers	40,000 sq.ft.
D5A.2.2	Site Width, Minimum	
	Cottage Dwelling	75 ft.
	Cottage Dwelling and detached sleeping quarters	75 ft.
	Playgrounds, Parks, and Public Reserves	
	With buildings	75 ft.
	Without buildings	No minimum
	Community Centers	100 ft.
D5A.2.3	Front Yard, Minimum (See also D5A.3.3)	
	All permitted uses except accessory buildings and uses, and signs	30 ft.
	Accessory buildings	60 ft
	Signs	1 ft.
D5A.2.4	Side Yard, Minimum (See also D5A.3.3)	
	All permitted uses except signs and accessory buildings and uses	10 ft. on both sides of building, and notwithstanding Section C1.13 (a) and C1.13 (d), eaves, chimneys and unenclosed porches, platforms, decks, and landing spaces not covered by a roof or canopy shall not extend nearer than 7 feet to a side site line.
	Signs	0 ft.
	Accessory Buildings	5 ft.
D5A.2.5	Rear Yard, Minimum	

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	All permitted uses except Detached Sleeping Quarters Accessory Buildings and uses and Signs	25 feet
		Notwithstanding Section C1.13 (d) unenclosed porches, platforms, decks and landing spaces not covered by a roof or canopy may extend to within 10 feet of a rear site line.
	Detached Sleeping Quarters	10 feet
	Accessory Buildings	5 feet
	Signs	0 feet
D5A.2.6.	Dwelling Unit Area (See also D5A.3.3)	
	Cottage dwelling	750 sq.ft. minimum
	Detached Sleeping Quarters	240 sq. ft.
D5A.2.7	Site Coverage, Maximum	
	Cottage Dwelling	25%
	Detached Sleeping Quarters	Shall be combined and included with the site coverage maximum for the principal cottage dwelling on any site.
	Community Centres	50%
	Accessory Buildings, except Private Garage and Gazebo	Maximum 192 sq. ft. for all accessory buildings combined.
	Gazebo	Maximum 192 square feet
D5A.2.8	Building Separation, Minimum (see also D5A.3.3)	

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Between accessory building and cottage dwelling
and/or detached sleeping quarters 10 feet

Between cottage dwelling and detached sleeping
quarters 10 feet

notwithstanding that a cottage
dwelling may be attached to a
detached sleeping quarters by
an unenclosed platform or
deck.

D5A.2.9 Height Maximum

Cottage Dwelling 1 storey up to a maximum of
19 feet.

Detached Sleeping Quarters 1 storey up to a maximum of
16 feet.

Accessory Buildings 1 storey up to a maximum of
16 feet.

D5A.2.10 Signs

In the case of identifying any cottage dwelling, there shall not be more than two (2) illuminated or non-illuminated identification signs each not exceeding three (3) square feet in area, and not more than (1) security sign per site as provided for by Subsection C1.21 (j) herein. In the case of identifying any non-residential building (excluding accessory buildings for dwellings), structure, site or use or part thereof, there shall be not more than two (2) illuminated or non-illuminated identification signs, each not exceeding twelve (12) square feet in area.

D5A.3 General Requirements - “SR-1” Seasonal Resort One District

D5A.3.1 For purposes of interpreting the yard requirements of this section, an attached accessory building such as an existing garage or carport shall be deemed to be part of the cottage dwelling or main building, whatever the case may be.

D5A.3.2 No person shall construct, erect or place, and the Building Inspector shall not issue a permit for a permanent building on a site within the “SR-1” Seasonal Resort One District unless the site level has been built up to a

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minimum elevation of 722 feet a.s.1. Canadian Geodetic Datum, for a minimum of 10 feet around the building, or unless other mitigating measures, acceptable to the Water Resources Branch, will be implemented.

- D5A.3.3 The Manitoba Building Code and Fire Codes may require greater building separation and greater minimum yard requirements than those specified. These provisions may vary in accordance with type of occupancy and mode of construction.
- D5A.3.4 Any detached sleeping quarter or “guest house” in existence as of December 31, 1993, and for which there was a building permit issued by the R.M. of Victoria Beach, and which was erected, placed or built in accordance with said permit, shall for purposes of this planning scheme, be deemed to be a conforming building and/or use of land in the “SR1” Seasonal Resort One District; however, all changes, alterations, additions and/or expansion of said structures must hereafter be in conformity with the provisions of this planning scheme, except as provided by variation order in accordance with The Planning Act.
- D5A.3.5 Any building, structure and or use of land which was lawfully in existence in the “SR-1” Seasonal Resort One District prior to the coming into force of this planning scheme or amendments thereto, are deemed to be “lawfully existing non-conformities” as provided for by The Planning Act. All changes, alterations, additions and/or expansion of said non-conformities shall hereafter conform with the provisions of this planning scheme, except as provided by variation order in accordance with The Planning Act.
- D5A.3.6 For purposes of interpreting Section C1.17 “Area Requirements” Subsection (d) any lot which appears as a full lot on a registered “Plan of Subdivision” is deemed to be a conforming site in the “SR-1” Seasonal Resort One District, provided said lot was registered in the Land Titles Office prior to the effective date of this amending by-law.

D6.0 **SECTION D6.0 - "GC" - GENERAL COMMERCIAL DISTRICT**

The following regulations shall apply in the "GC" General Commercial District:

D6.1 Permitted Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:

Any retail business when conducted within a completely enclosed building, except those uses listed under Conditional Uses.

Amusement enterprises including bowling alleys, dance halls, theatres, and the likes if conducted wholly within a completely enclosed building.

Business and Professional Offices

Medical and Dental Clinics

Auditoriums and Banquet Halls

Hotels

Business Signs and identification signs

Churches and Church Halls

Dwelling unit only when incidental to a permitted use and when within the second storey or within the rear one-half of the first storey of commercial building.

D6.2 Conditional Uses

Notwithstanding the above permitted uses, the Council may permit any land, buildings or structures within this district to be used for any one or more of the following conditional uses:

Arenas and stadiums

Automobiles, Mobile Home, Travel Trailer and Boat Sale Area

Automobile Service Stations

Automotive trades

Bakeries

Dairies and Creameries

Drive-in establishments, but not including drive-in theatres

Dry cleaner and Laundries

Frozen Food Lockers

Funeral Parlours

Implement Dealers

Public Utilities and Services

Public Garages and Parking

Storage Buildings and Warehouses

Veterinary Clinics

Dwelling Units only when incidental to a conditional use and when within the second storey or within the rear one-half of the first storey of a commercial building.

D6.3 Requirements

D6.3.1 Permitted Uses Excluding Conditional Uses, Accessory Buildings and Uses and Signs

Site Area, Minimum

Churches and Church Halls 20,000 sq. ft.

Hotels 20,000 sq. ft.

Other Permitted Uses 30,000 sq. ft.

Site Width, Minimum

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Churches and Church Halls	100 ft.
Hotels	150 ft.
Other Permitted Uses	25 ft.
Height, Maximum	2 storeys of 30 ft., whichever is the lesser
Front Yard, Minimum	15 ft., except as noted on the "District Map"
Side Yard, Minimum	5 ft., except as follows:
(a)	In the case of a corner site, there shall be a minimum side yard of ten (10) feet on the street side.
(b)	In the case of a reversed corner site, there shall be a minimum side yard of fifteen (15) feet on the street side of the reversed corner site.
Rear Yard, Minimum	
With public lane at rear of site	20 ft.
Without public lane at rear of site	25 ft.
Site Coverage, Maximum	60 percent
Dwelling Unit Area, Minimum	400 sq. ft.

D6.3.2 Accessory Buildings

In no case shall an accessory building or any part thereof be used for dwelling purposes.

No accessory building shall be located nearer to the main building than a distance of ten (10) feet clear of all projections.

Height, Maximum	15 ft.
Front Yard, Minimum	15 ft.
Side Yard, Minimum	2 ft. except as follows:

- (a) In the case of a corner site, there shall be a minimum side yard of five (5) feet on the street side of the corner site.
- (b) In the case of a reversed corner site, there shall be a minimum side yard of ten (10) feet on the street side of the reversed corner site.

Rear Yard, Minimum

With public land at rear of site	None
Without public land at rear of site	10 ft.
Site Coverage, Maximum	15 percent

D6.3.3 Signs

In no case shall a flashing sign be permitted in this district.

In the case of identifying a building, structure, site of use or part thereof, there shall be not more than one (1) illuminated or non-illuminated identification sign, not exceeding eighteen (18) square feet in area.

In the case of advertising a commodity, entertainment, business, or service permitted in the District, the total area of illuminated or non-illuminated business signs shall not exceed four (4) square feet for each lineal foot of the building frontage, provided that:

For a building on a corner site or a building at the corner of a street and pedestrian way, the building frontage on each street site line or on each street pedestrian way site line shall be deemed to be separate building frontages for the purpose of calculating the permitted area of business signs, and the permitted area for each separate building frontage shall not be combined to erect one or more business signs on any one separate building frontage. The business signs shall be affixed flat against the walls of the said building or project therefrom over the street site line or pedestrian way site line not more than eighteen (18) inches. The business signs shall not project higher than the parapet wall or eaves around the roof of the building. Where letters, figures or symbols are affixed to a wall separately to denote the name of the commodity, entertainment, business or service, then the business signs area shall be deemed to be the area contained within the line surrounding all of the letters, figures or symbols.

E1.0 **SECTION E1 - EXISTING BUILDINGS AND USES**

E1.1 All buildings in The Area on the date of approval of this Scheme by the Minister and all buildings for which building permits have been issued by the said date of approval, shall in all respects be deemed to conform to the requirements and provisions of this Scheme.

E2.0 **SECTION E2 - VARIATIONS**

Variations may be made to this Planning Scheme as it applies to any specific parcel of land in accordance with the provisions of The Planning Act. Application for variation to this Planning Scheme will be made to the Responsible Authority.

For greater certainty, Sections D5.3.4 and D5A.3.4 have no application to the land described as Fractional Legal Subdivisions Three and Four of Section One in the Twentieth Township and Seventh Range, East of the Principal Meridian, in Manitoba, excepting thereat all those portions thereof contained within the limits outlined in pink on a plan of survey registered in the Winnipeg Land Titles Office as No. 3030 so long as it remains zoned "O" Open Space.

E3.0 **SECTION E3 - CHANGES AND AMENDMENTS**

E3.1 **Procedure for Change**

Subject to the procedure required in the Regulations under The Planning Act, the Responsible Authority may, whenever the public necessity, convenience, general welfare require, amend, supplement, or change the requirements, district boundaries or classification of property, now or hereafter established by this Scheme. An amendment, supplement, reclassification or change may be initiated by the Responsible Authority, or by a verified application of one or more of the owners of the property within the area proposed to be changed, or the owner or owner's agent.

E3.2 **Applications for Amendments**

Applications for any change of district boundaries or reclassification of districts shall be filed with the Responsible Authority upon forms and accompanied by such data and information as may be prescribed for that purpose by the Responsible Authority so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by the owner of the property within the area proposed to be changed, or his agent, attesting to the truth and correctness of all facts and information presented with the application.

E3.3 Decision by Council

The Responsible Authority shall study the facts presented, considering public necessity, convenience, and general welfare and shall within sixty (60) days from the date of filing of any application, make its findings and determination in writing, and shall transmit a copy thereof to the applicant. If the Responsible Authority approves the application, adoption shall be carried out as required in the Regulations under The Planning Act.

E4.0 **SECTION E4 - BUILDING PERMITS**

- (1) Before undertaking the erection of any building in “The Area” application shall be made for a building permit, to the proper officials of the Municipality, by, or on behalf of the owner of the building. No building permit shall be issued by the Municipal official for the erection of any building or structure which would contravene any of the provisions of this Scheme.
- (2) Every application for a building permit shall be accompanied by such plans and specifications as the proper official of the Municipality may require. The Plans shall include a plot plan of the building site showing on the plot plan the location of the proposed building or structure to be erected in relation to the building lines and side lines of the building site.

E5.0 **SECTION E5 - ENFORCEMENT**

It shall be the duty of the Responsible Authority to enforce this Planning Scheme in accordance with the provisions of The Planning Act.

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