

**RURAL MUNICIPALITY  
OF MOUNTAIN  
ZONING BY-LAW**

**BEING SCHEDULE "A"  
TO  
BY-LAW NO. 08/04  
OF**

**THE RURAL MUNICIPALITY  
OF MOUNTAIN**

Prepared for:

THE RURAL MUNICIPALITY OF MOUNTAIN

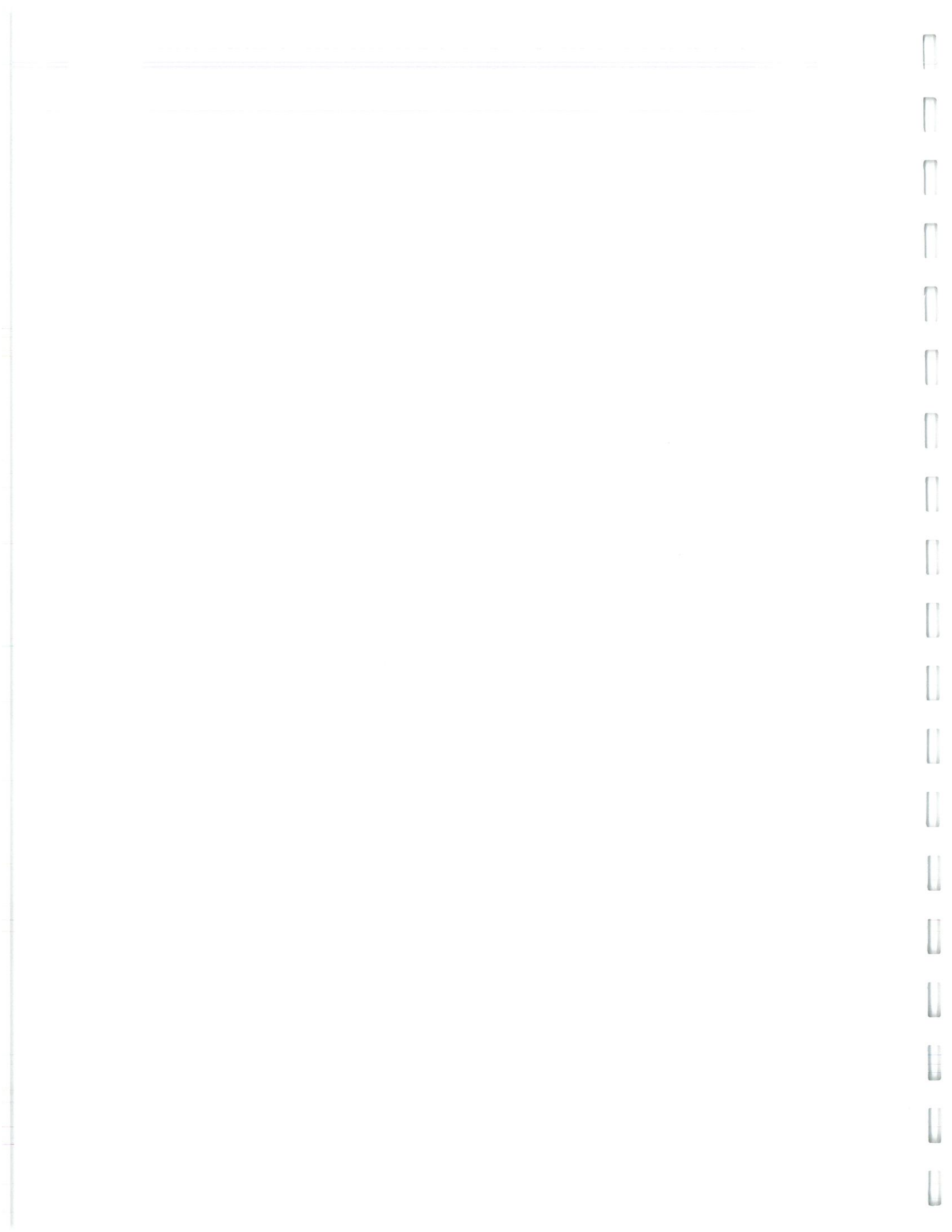
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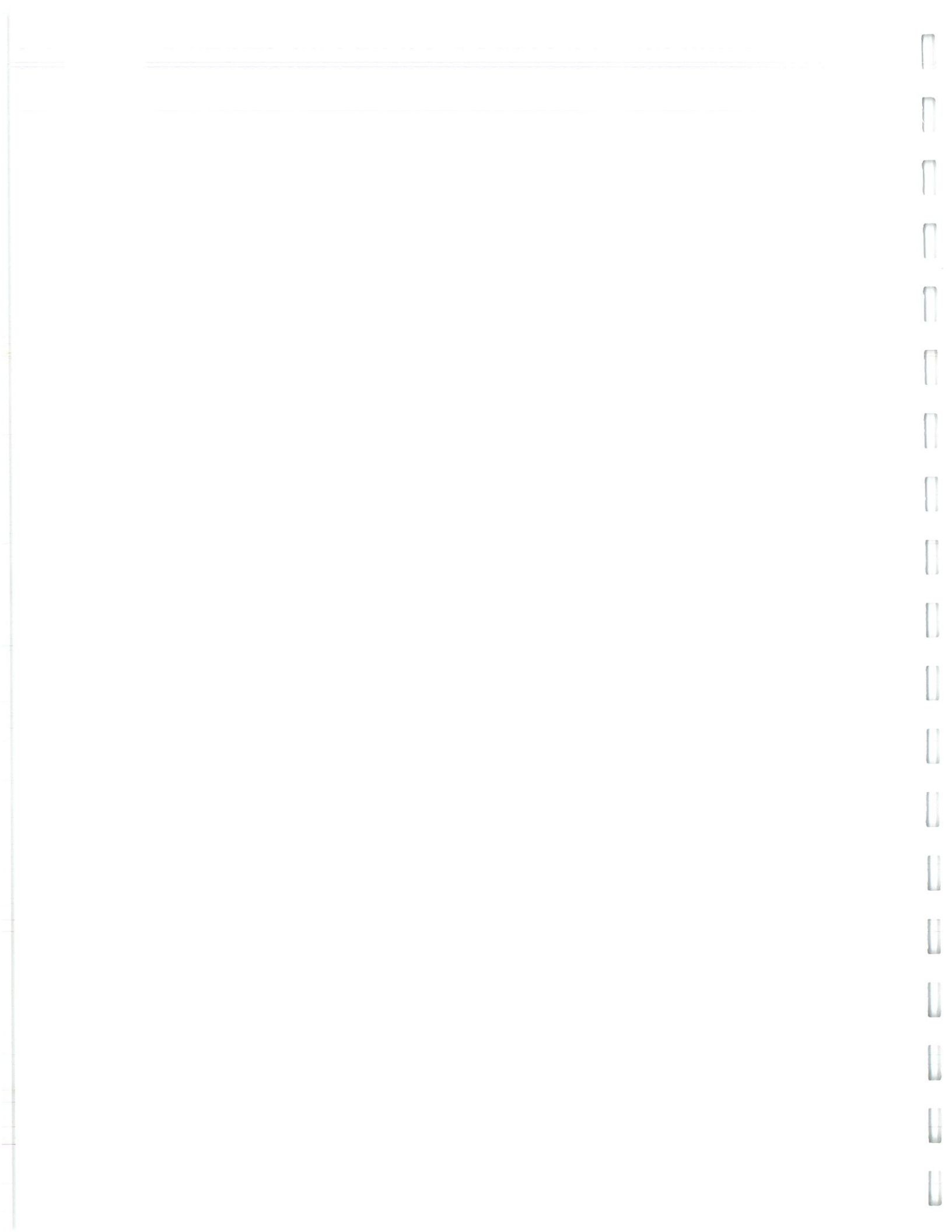
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Cochrane Engineering Ltd.

August 2004

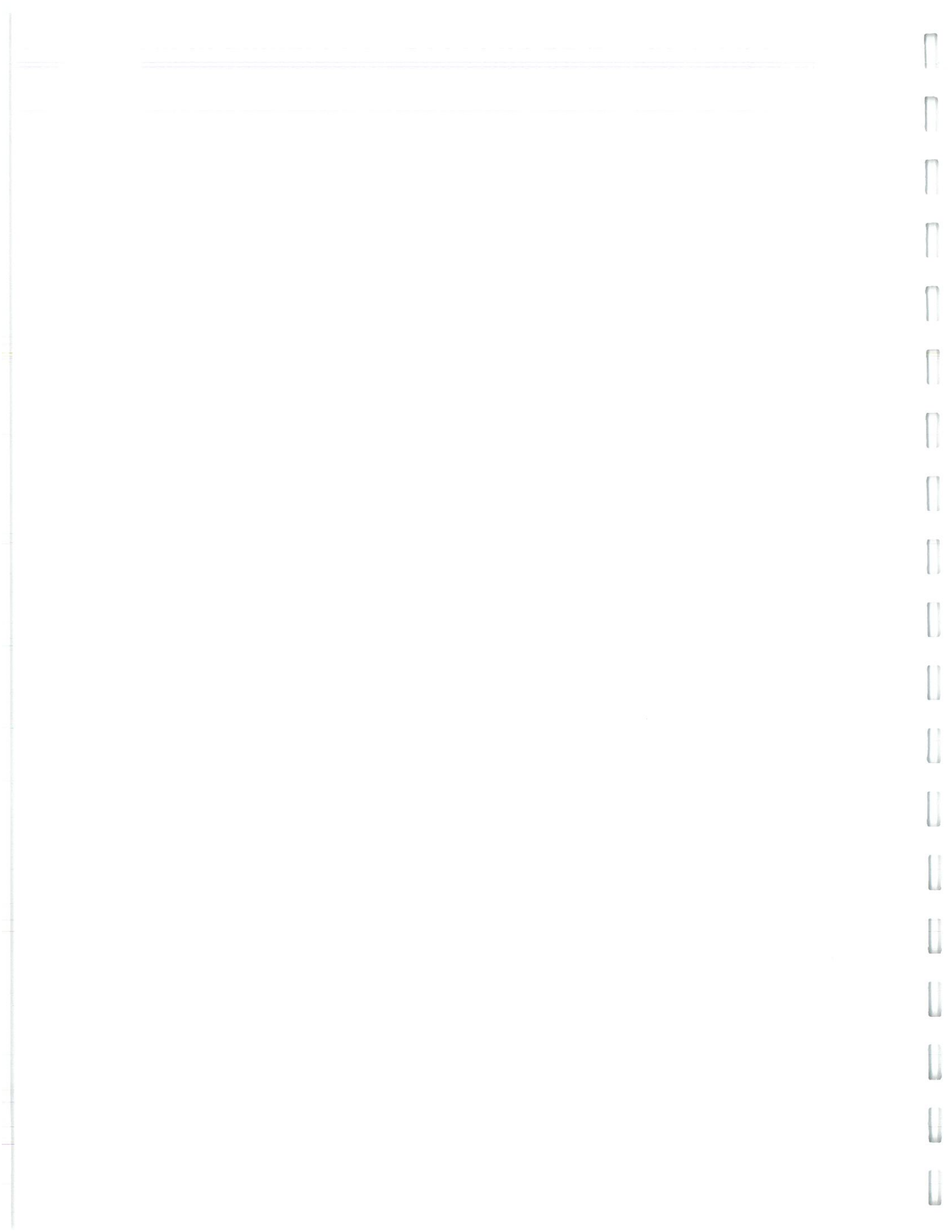


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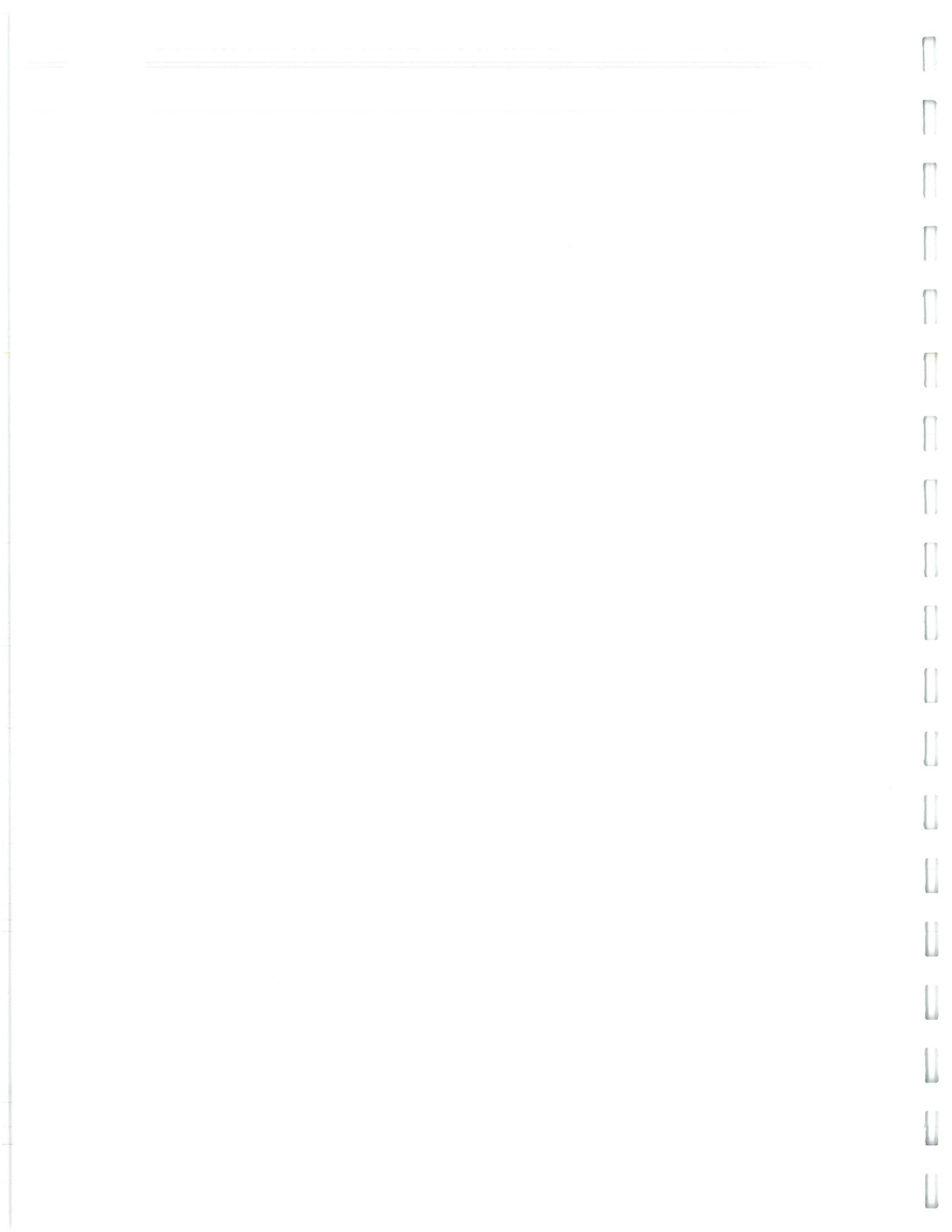


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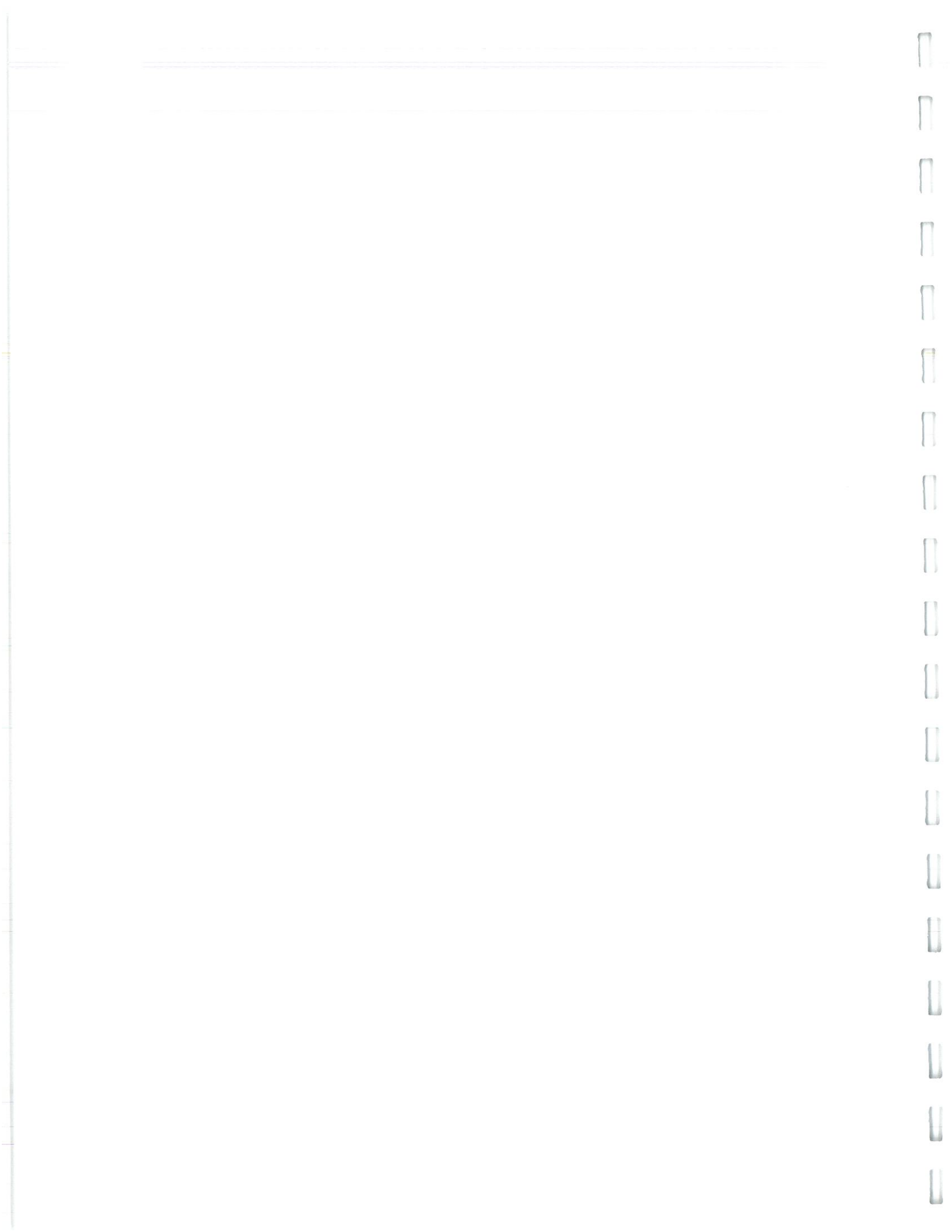


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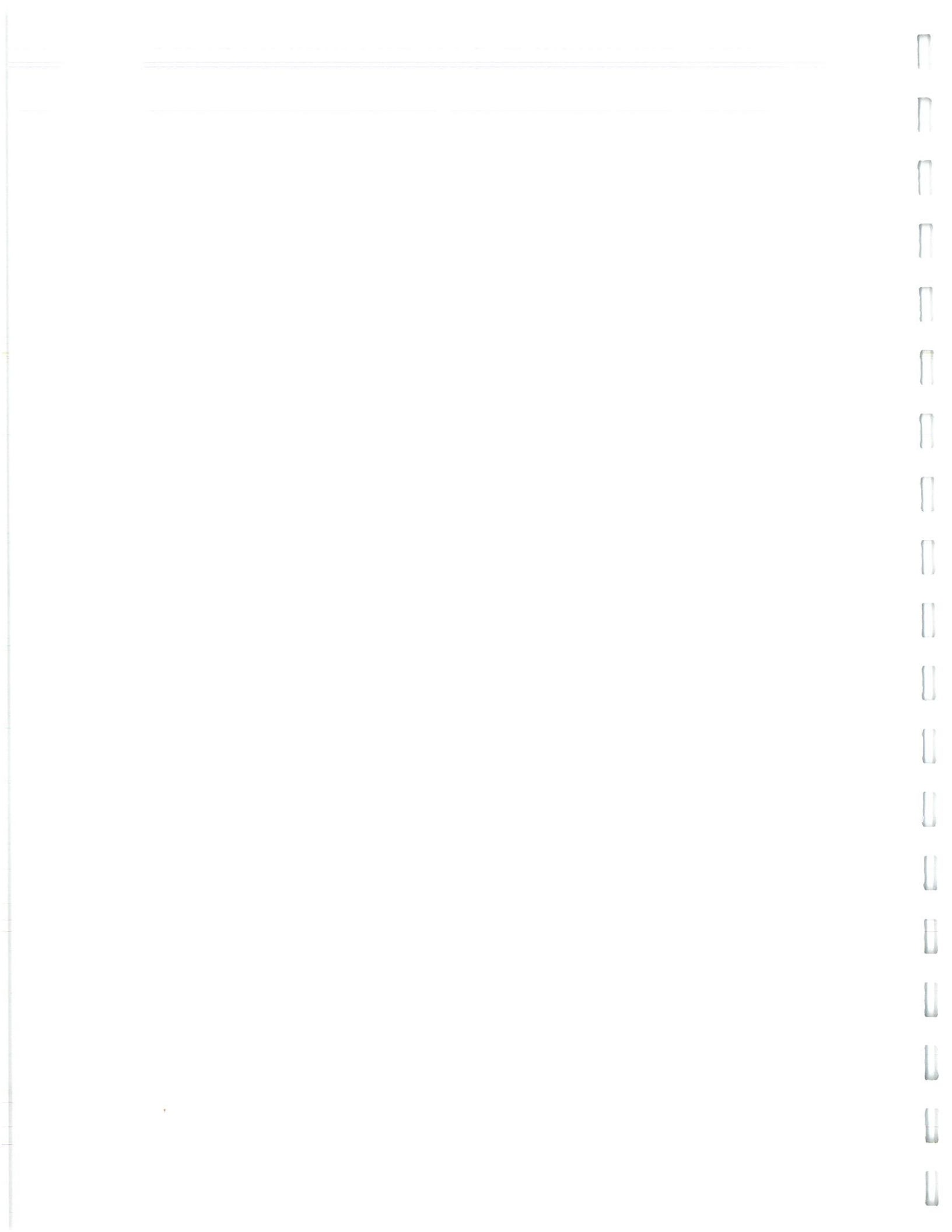




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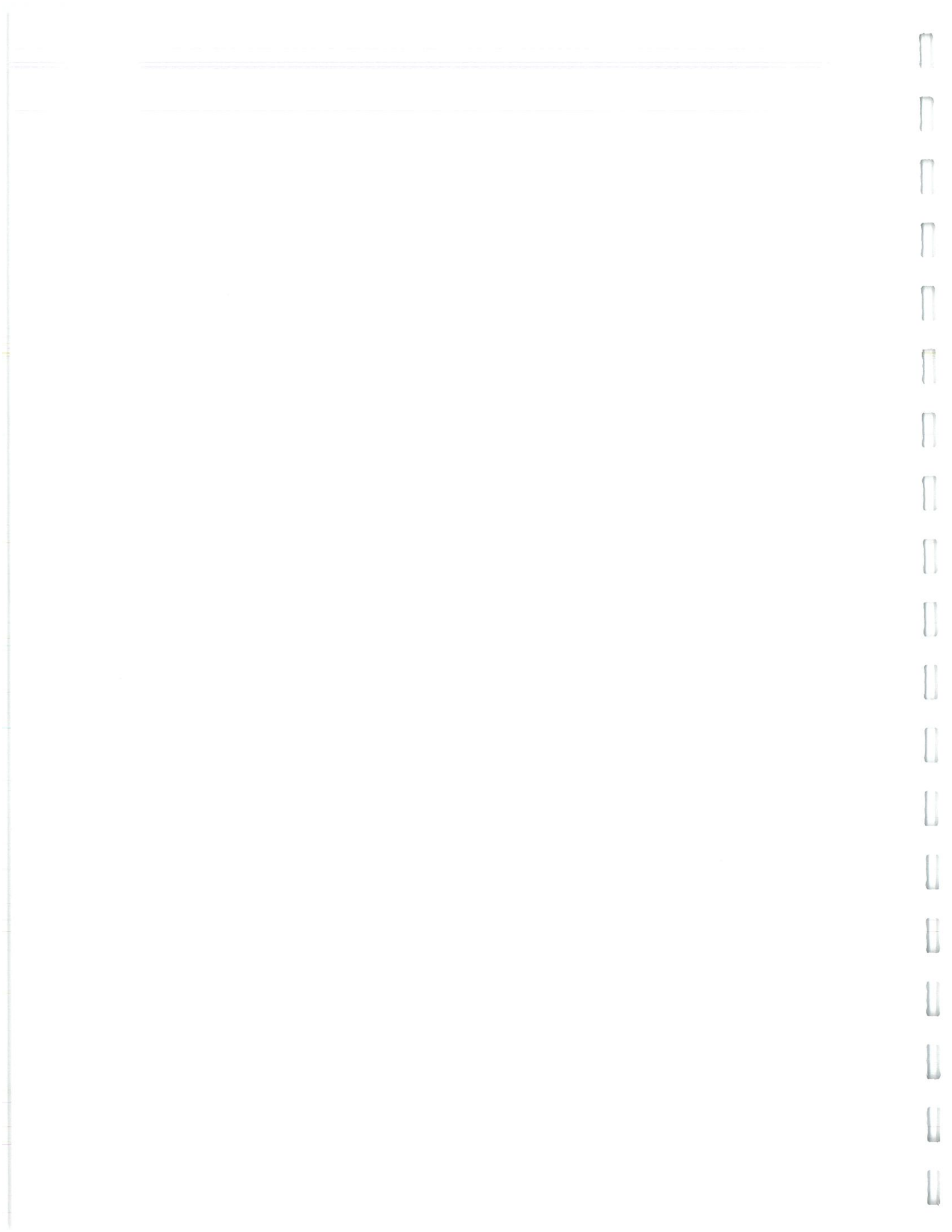
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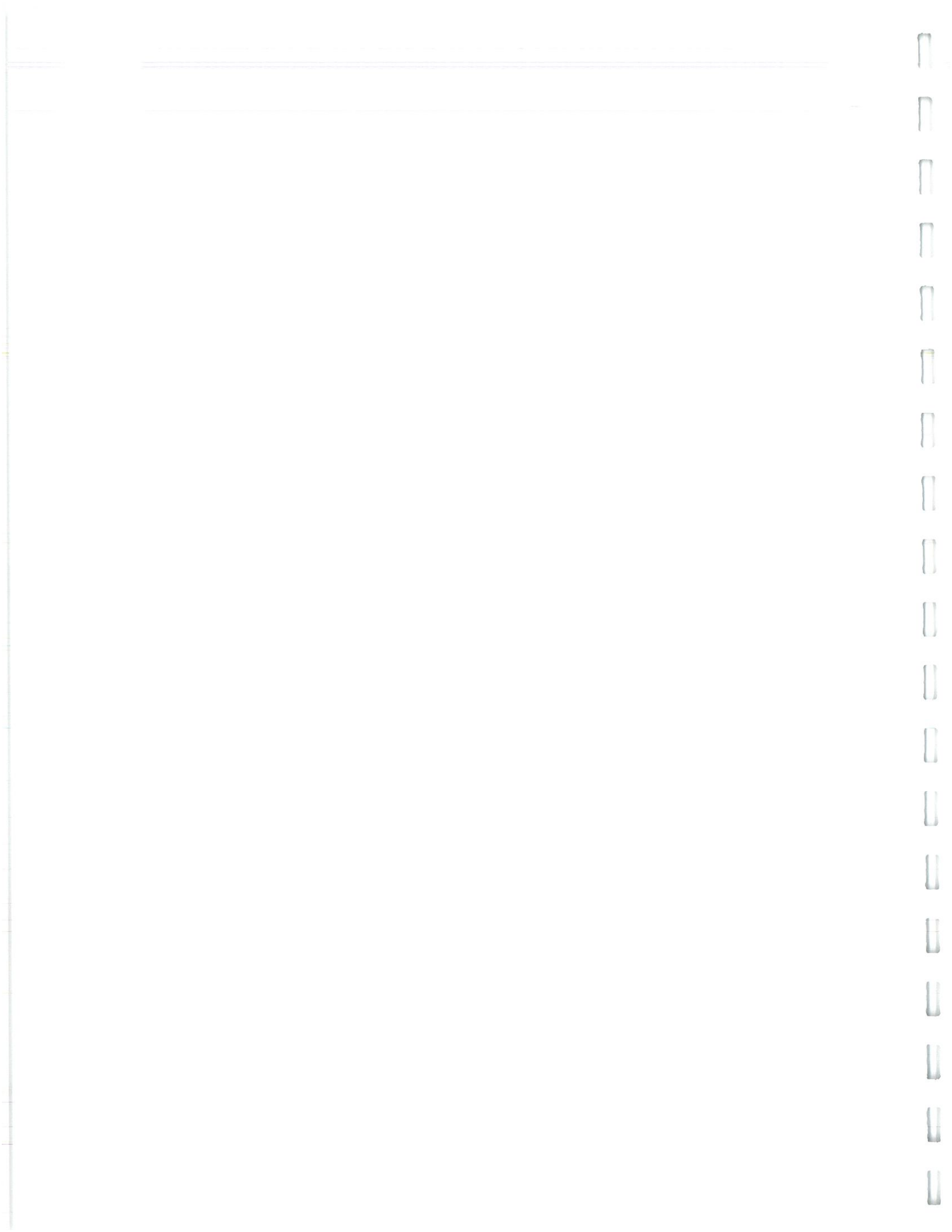
**APPENDIX "A" Zoning Maps**

**APPENDIX "B" Metric Conversion Table**



## PART 1: SCOPE

- 1.1 This By-law shall be known as the **Rural Municipality of Mountain Zoning By-law**.
- 1.2 This By-law applies to all lands in The Rural Municipality of Mountain indicated on **Maps 1 to 6 of Appendix "A"** to this By-law.
- 1.3 This By-law regulates:
  - (a) the construction, erection, alteration, enlargement or placing of buildings and structures; and
  - (b) the establishment, alteration or enlargement of uses of land, buildings and structures.
- 1.4 No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed, except in accordance with this By-law, and only after all required permits have been obtained by the owner. Legal non-conforming buildings, structures and uses that were lawfully in existence before this By-law or prior to any amendment to this By-law, may continue to exist in accordance with the provisions of *The Planning Act*.
- 1.5 Whenever a provision of another by-law of The Rural Municipality of Mountain or of a law or regulation of the provincial or federal government contains a restriction governing the same subject matter contained in this By-law, or imposes contradictory regulations with respect to uses, buildings or structures, the most restrictive or highest standard shall prevail.
- 1.6 Nothing in this By-law, or in a development permit, approval of a conditional use, variation order or other approval issued under this By-law or under *The Planning Act*, shall be construed as authorization for the carrying out of any activity which is a nuisance due to noise, odour, emission, vibration or other cause.





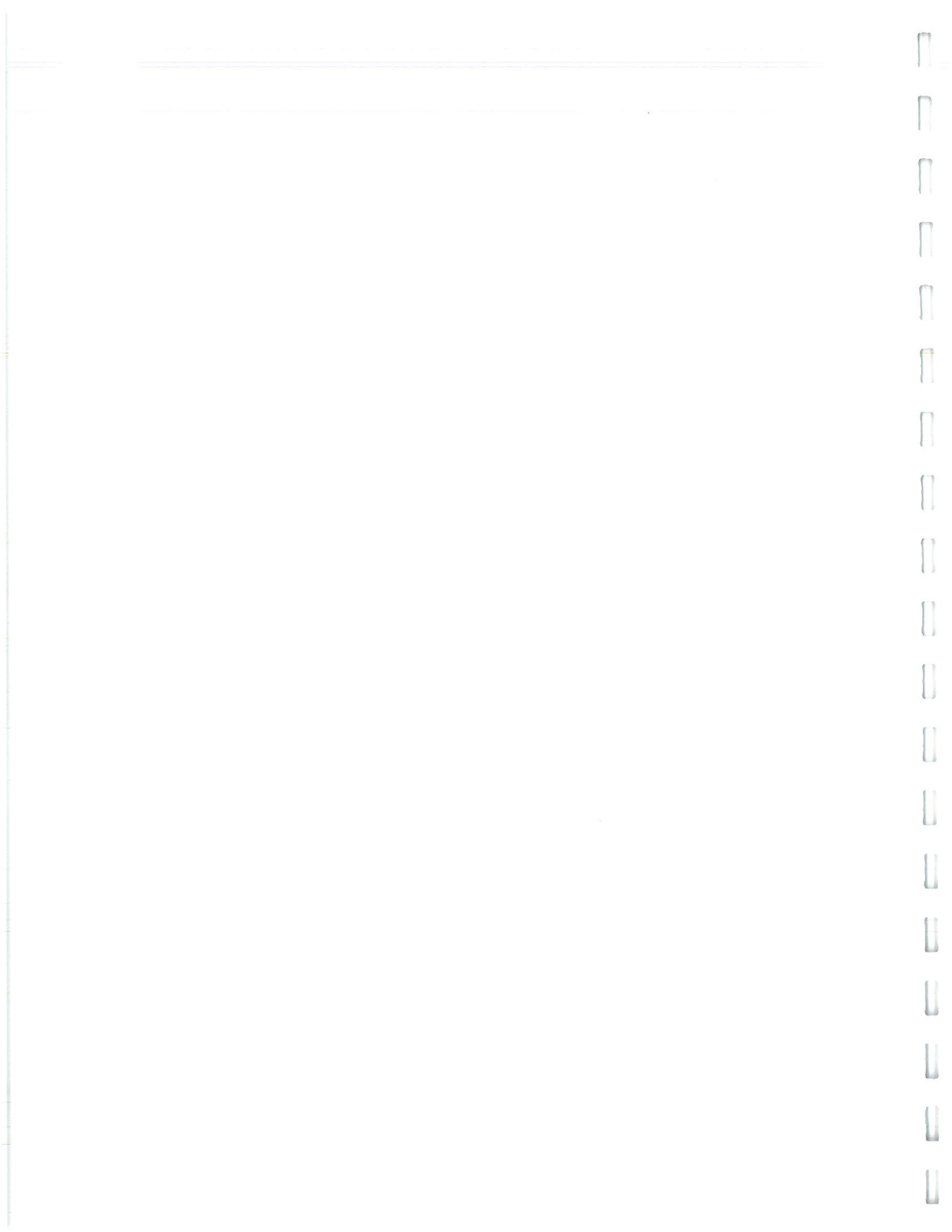
## **PART 2: GENERAL REGULATIONS GOVERNING USES, BUILDINGS AND STRUCTURES**

### **2.1 Regulation of Uses**

- 2.1.1 Subject to subsection 2.1.5 of this PART, no land, building or structure shall be constructed, enlarged, placed, used or occupied except for a use which:
- (a) is listed in the Use and Bulk Tables which apply to such land, building or structure as:
    - (i) a permitted use;
    - (ii) a conditional use, subject to approval as such; or
  - (b) is an accessory use.
- 2.1.2 All listed uses shall be interpreted in accordance with PART 14: INTERPRETATION and shall be dealt with in accordance with procedures outlined in PART 5: GENERAL REGULATIONS FOR ALL ZONES, PART 11: RULES FOR SPECIFIC USES and PART 12: ADMINISTRATION.
- 2.1.3 Where land or a building or structure is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. If there is a conflict, the higher or more stringent requirement shall apply.
- 2.1.4 There shall be a maximum of one dwelling unit per site or parcel of land, except for the following:
- (a) dwellings units which are required for employees or family members, who in the opinion of Council, will be actively involved in an agricultural operation, and
  - (b) two-family dwellings or multiple-family dwellings as provided for in this By-law.
- 2.1.5 This By-law shall be interpreted so as not to interfere with the construction, erection and location of the facilities of a public utility. Office buildings, warehouses, maintenance or storage compounds operated by a public utility shall be subject to the provisions of this By-law.
- 2.1.6 Electric transmission lines and structures and pipelines of a public utility are deemed to be in compliance with this By-law if they are carried out, constructed and operated in accordance with federal and provincial law.

### **2.2 Existing Uses, Buildings and Structures**

- 2.2.1 An existing use, building or structure which is classified as a permitted use, building or structure in this By-law shall be allowed to continue to exist, and may be enlarged or expanded, may be changed to another permitted use, or may be replaced if destroyed.



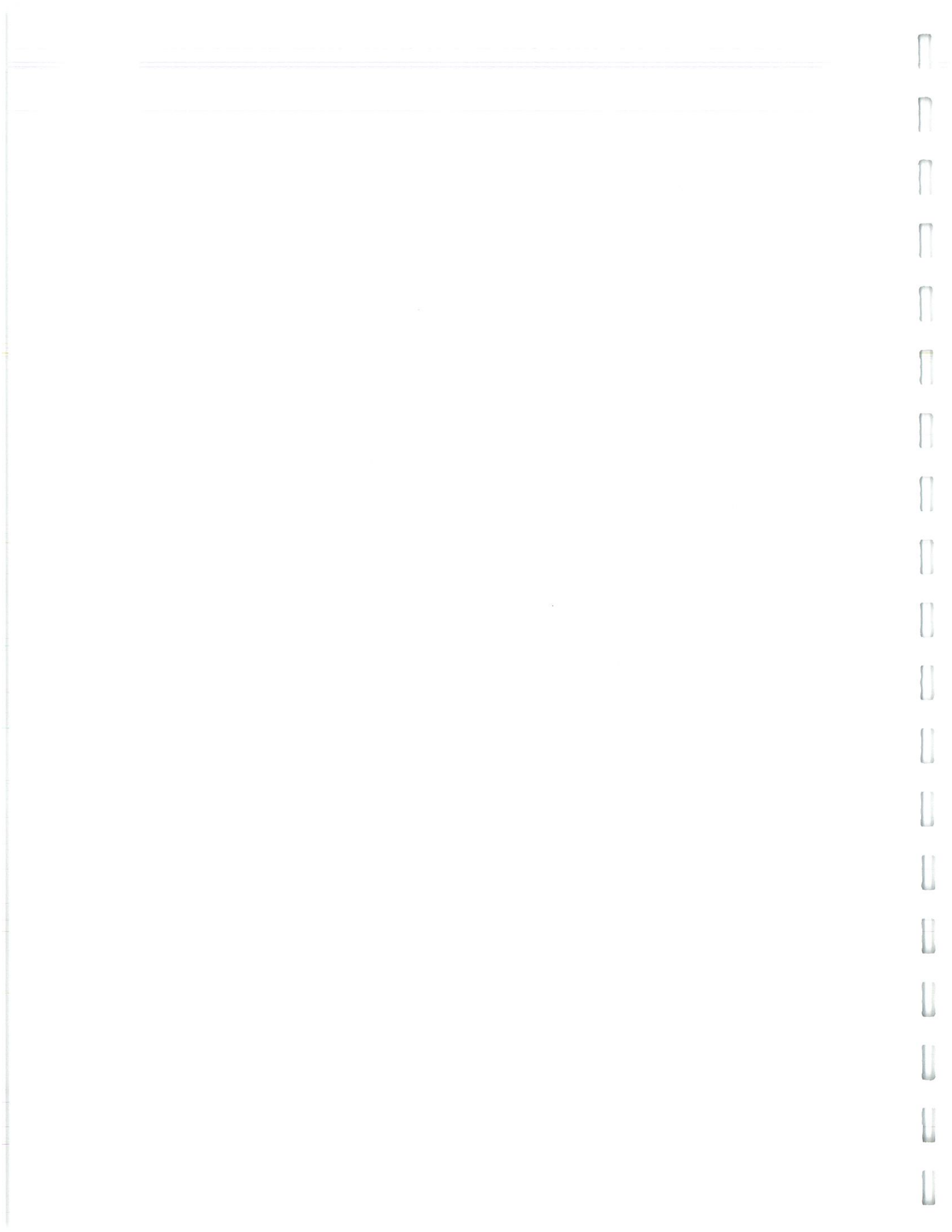
- (a) All legally erected buildings and structures existing at the effective date of this By-law are deemed to conform to the bulk requirements of the zone in which the buildings or structures are situated, and
- (b) The enlargement, expansion, change in use, or replacement shall be subject to the issuance of a development permit, and shall conform to all requirements of this By-law.

2.2.2 An existing use, building or structure which is classified as a conditional use in this By-law or amendments thereto and which legally existed at the date of adoption or amendment of this By-law shall be deemed to be an approved conditional use, building or structure and shall be allowed to continue to exist, may be changed to a permitted use in the zone in which the use, building or structure is located, or may be replaced if destroyed, provided that the replacement does not increase the intensity of the previously existing use.

- (a) In these circumstances, the change in use or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of this By-law; and
- (b) Where an enlargement or expansion of such a use is proposed, it shall require the specific approval of Council, in accordance with PART 12.

2.2.3 An existing use, building or structure which is not classified as a permitted or conditional use, building or structure in this By-law and which legally existed at the date of adoption or amendment of this By-law, shall be considered as a non-conforming use, building or structure, and shall be subject to the provisions of *The Planning Act* governing non-conformities.

- (a) A non-conforming use shall be allowed to continue to exist, and may be changed to a permitted use in the zone in which the use is located;
- (b) A non-conforming use shall not be intensified, and shall not be changed to a different non-conforming use;
- (c) A non-conforming use shall not be re-established if it is discontinued for a period in excess of one year. A change in ownership or tenancy of a non-conforming use shall not affect the status of the non-conforming use;
- (d) A non-conforming building or structure shall not be re-established if it is removed or destroyed by more than fifty percent (50%) of its replacement value above the foundation; and
- (e) Other provisions of *The Planning Act* govern non-conforming uses, buildings and structures, including a provision which enables Council to consider variation orders in situations where non-conformities are proposed to be enlarged or expanded.



### **2.3 Permitted Uses, Buildings and Structures**

Where a use, building or structure is provided for as a permitted use by this By-law, the owner shall normally be entitled to establish, expand or enlarge the use, building or structure, subject to the issuance of a development permit, and provided that the use, building or structure complies with all requirements of this By-law.

### **2.4 Conditional Uses**

2.4.1 The classification of uses as conditional uses is intended to provide for a special process of review and approval for certain types of development which, due to their inherent characteristics, may have potential adverse impacts on nearby properties or resources.

2.4.2 Where a use, building or structure is provided for as a conditional use by this By-law, the establishment, enlargement or expansion of the use, building or structure shall be subject to the specific requirements of *The Planning Act* pertaining to conditional uses and section 12.8 of PART 12.

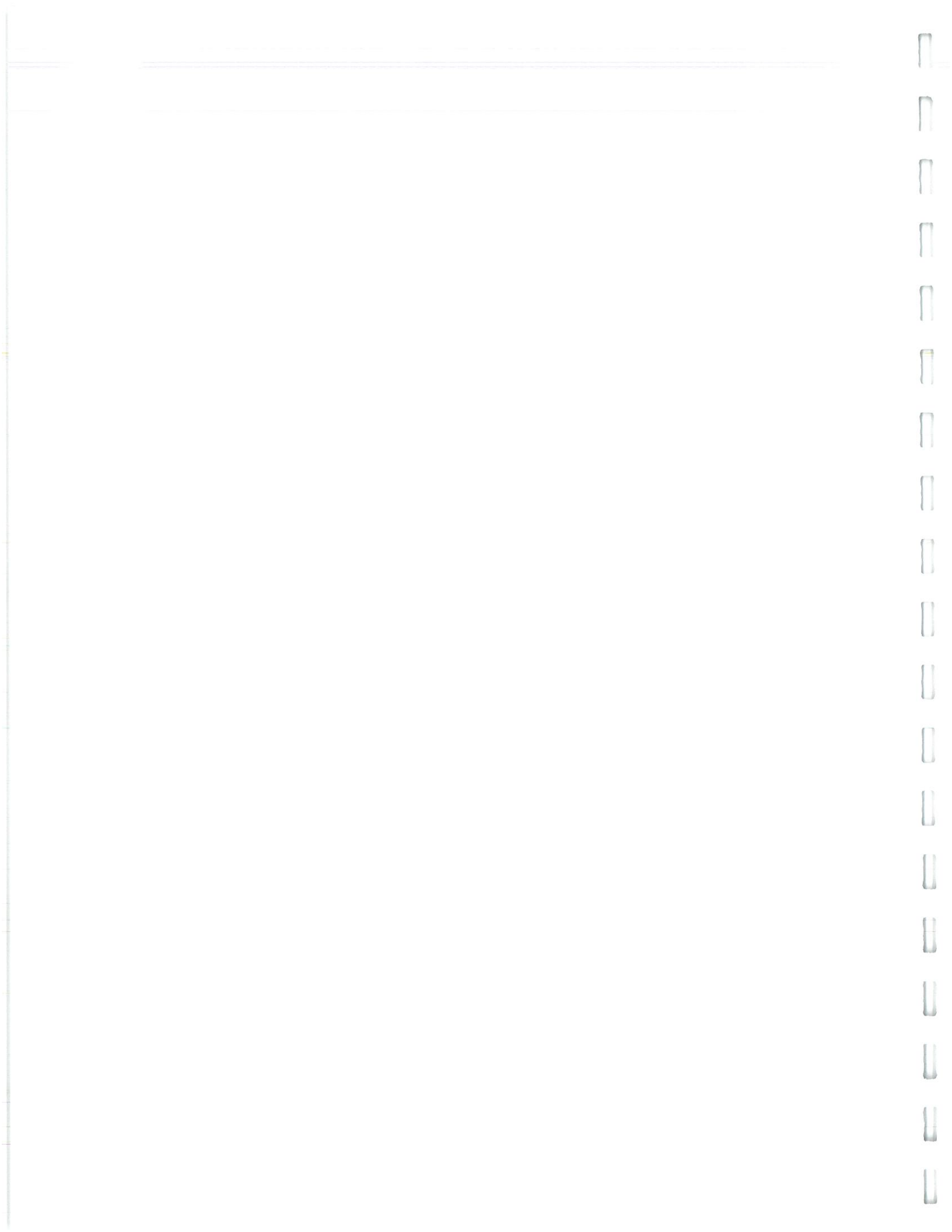
### **2.5 Accessory Uses**

2.5.1 No accessory use shall be established, and no accessory building or structure shall be constructed or erected, prior to the establishment of the use of land, building or structure to which it is accessory (except as provided under subsection 2.5.2 of this PART).

2.5.2 An accessory garage or storage building may be constructed or erected for the purpose of storage of materials and equipment for use during construction of the main building, provided that a development permit has been obtained for the main building.

2.5.3 An accessory use, building or structure may be accessory to a permitted or conditionally approved use. However, where conditional use approval is required, no accessory use, building or structure shall be constructed or located on the site prior to review and approval by Council of a conditional use application in accordance with PART 12 of this By-law and the requirements of *The Planning Act*.

2.5.4 A farm dwelling shall be permitted as an accessory use to a permitted or conditionally approved agricultural operation in the "AG" Agricultural General Zone.



## PART 3: GUIDE TO ZONES AND ZONING MAP

### 3.1 Zones

3.1.1 Uses of land in the Municipality are regulated in accordance with the following zones:

(a) **“AG”** Agricultural General Zone

This zone provides for general agricultural uses, including intensive livestock production and other small holdings and non-farm development compatible with farming operations.

(b) **“GD”** General Development Zone

This zone provides for a mixture of agricultural, residential, commercial, industrial and recreational uses within the urban communities of Cowan, Mafeking and Pine River.

(c) **“RG-U”** Residential General Unserviced Zone

This zone provides for the development of low density residential development as well as moderate density residential developments of three (3) dwelling units or more on a conditional use basis in areas not serviced with municipal water and sewer systems.

(d) **“CG”** Commercial General Zone

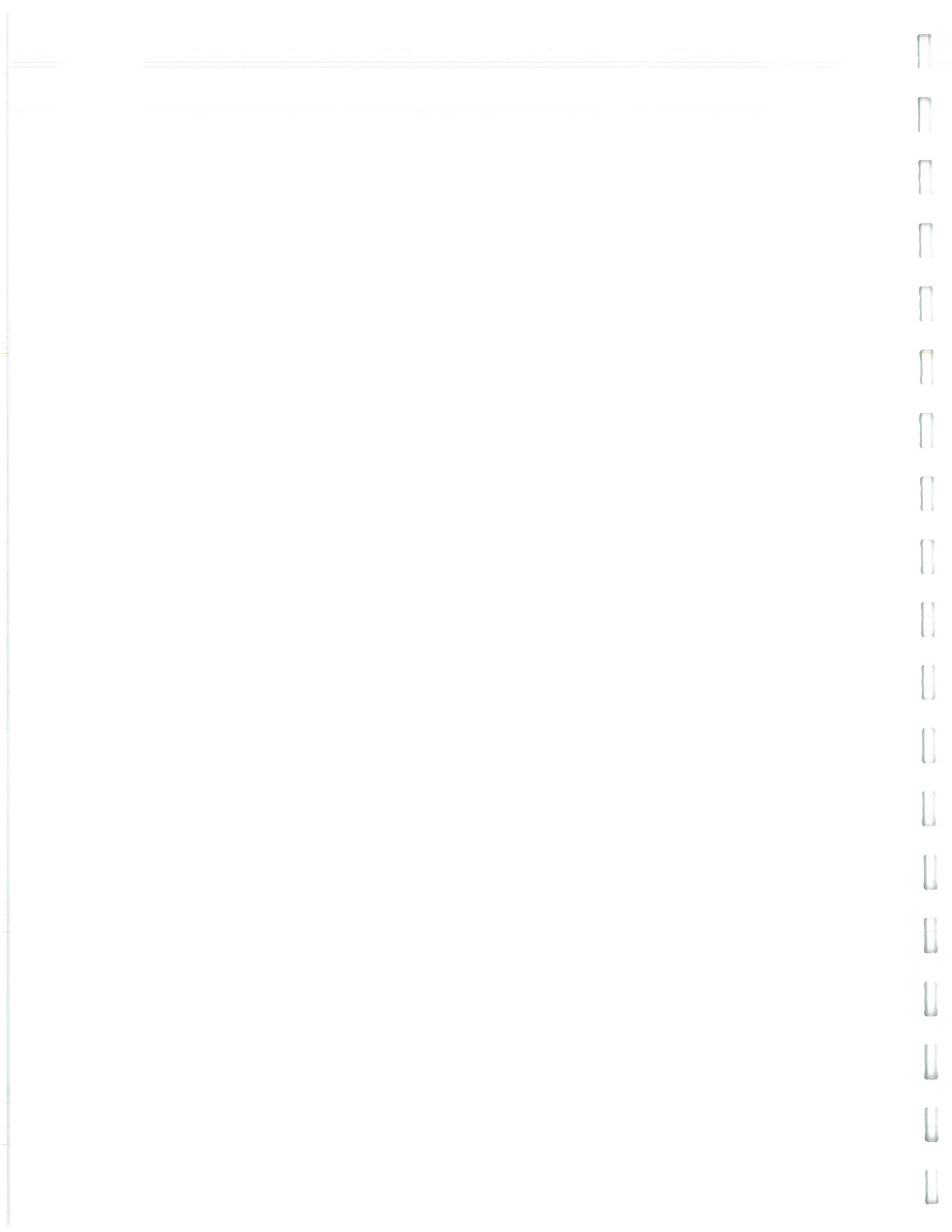
This zone provides for appropriate land for general commercial use to meet the needs of commercial development throughout the urban community of Birch River.

(e) **“MG”** Industrial General Zone

This zone provides land for the development of processing, distribution, transportation, warehousing, and other low impact industrial uses which carry on their operations in such a manner that no nuisance factor is created or emitted and which are reasonably compatible with nearby residential or commercial uses. In addition, certain heavy industrial uses may also be considered as conditional uses, subject to conditions of approval that Council may deem appropriate under the circumstances.

(f) **“I”** Institutional Zone

This zone provides for the development of municipally serviced areas for governmental, educational, hospital and institutional uses on relatively large areas of land in the urban community of Birch River.





(g) "OR" Open Space/Recreational Zone

This zone provides for public parks and recreational purposes and for the conservation of undeveloped scenic or hazard lands, lands buffering different types of land use and major utility rights-of-way that have an open space character.

(h) "AUR" Agricultural Urban Reserve Zone

This zone provides for the continuation of non-intensive agricultural and agricultural related and open space uses in such a manner as to facilitate the orderly expansion of the urban community of Birch River.

3.1.2 The permitted and conditional uses prescribed for sites within each zone are those set out in the Use and Bulk Tables of this By-law.

### 3.2 Zoning Maps

3.2.1 The location and boundaries of the zones listed in subsection 3.1.1 of this PART are shown on **Maps 1 to 6 of Appendix "A"** of this By-law. The said maps form a part of this Zoning By-law. All notations, references and other information shown thereon, together with any amendments made by amending by-laws made from time to time and shown thereon, together with any amendments to the boundaries in the case of any street, lane, or public utility right-of-way closing 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.

The scale and all dimensions of the Zoning Maps of this By-law are in feet.

All plan references on the Zoning Maps pertain to registered plans filed in the Dauphin Land Titles Office.

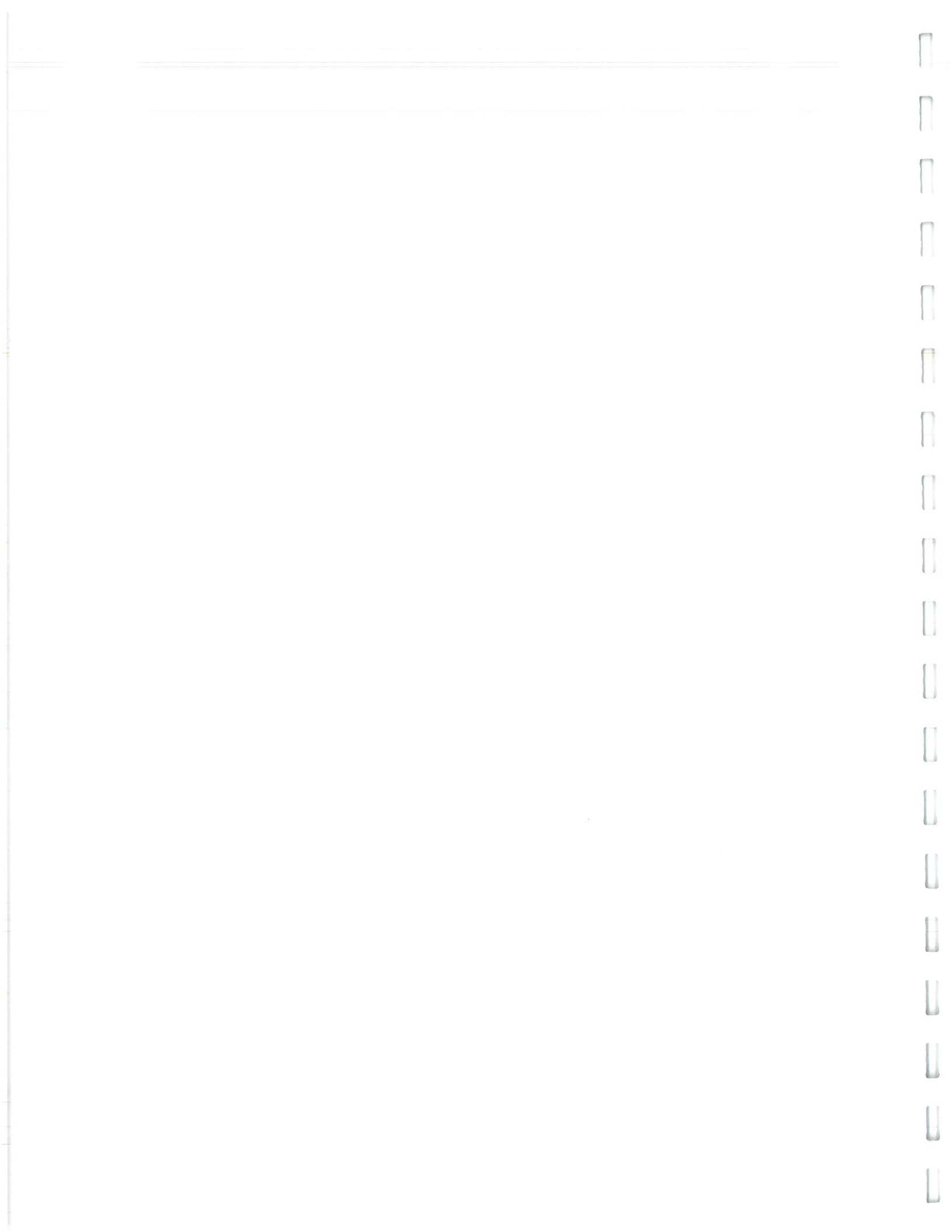
The abbreviations noted on the Zoning Maps mean the following;

- (a) AV means "Avenue";
- (b) DR means "Drive";
- (c) PI means "Plan";
- (d) P.T.H. means "Provincial Trunk Highway";
- (e) RGE. means "Range";
- (f) R.M. means "Rural Municipality";
- (g) SEC. means "Section";
- (h) ST means "Street";
- (i) T.P. means "Township"; and
- (j) W means "West of the Principal Meridian".

### 3.3 Interpretation of Zone Boundaries

3.3.1 Heavy solid lines represent the zone boundaries. Where the zone boundary is broken by the name of a street, it shall be construed that the limit continues through the name of the street.

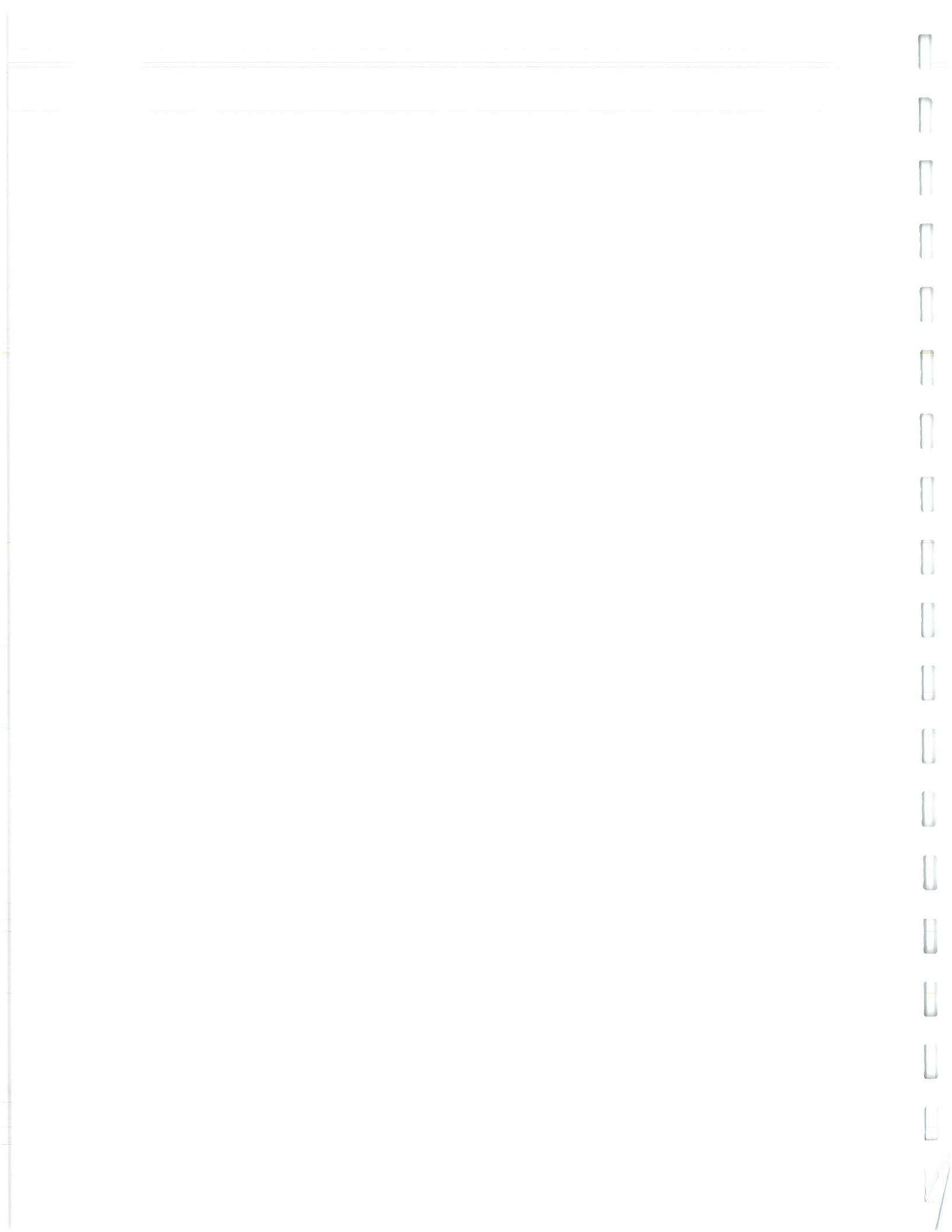
3.3.2 Boundaries indicated as approximately following:



- (a) the centerlines of railway or public utility rights-of-way;
- (b) the centerlines of streets, highways, or lanes;
- (c) lot, site, or holding lines; or
- (d) municipal limits

shall be construed as following those lines or limits.

- 3.3.3 If a street or lane or railway or public utility right-of-way (hereinafter referred to as the feature) shown on the Zoning Maps are lawfully closed, the land formerly comprising the feature shall be included within the zone of the land which surrounds it. If the said feature included a zone boundary on its centerline, then the zone boundary shall be the former centerline.



## PART 4: GENERAL BULK REQUIREMENTS

### 4.1 Application of Bulk Requirements

No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged, relocated or placed, except in accordance with the minimum site area, minimum site width and yard requirements prescribed for the zone in which the use is situated as set out in the applicable Use and Bulk Tables and other requirements of this By-law.

### 4.2 Existing Substandard Parcels of Land

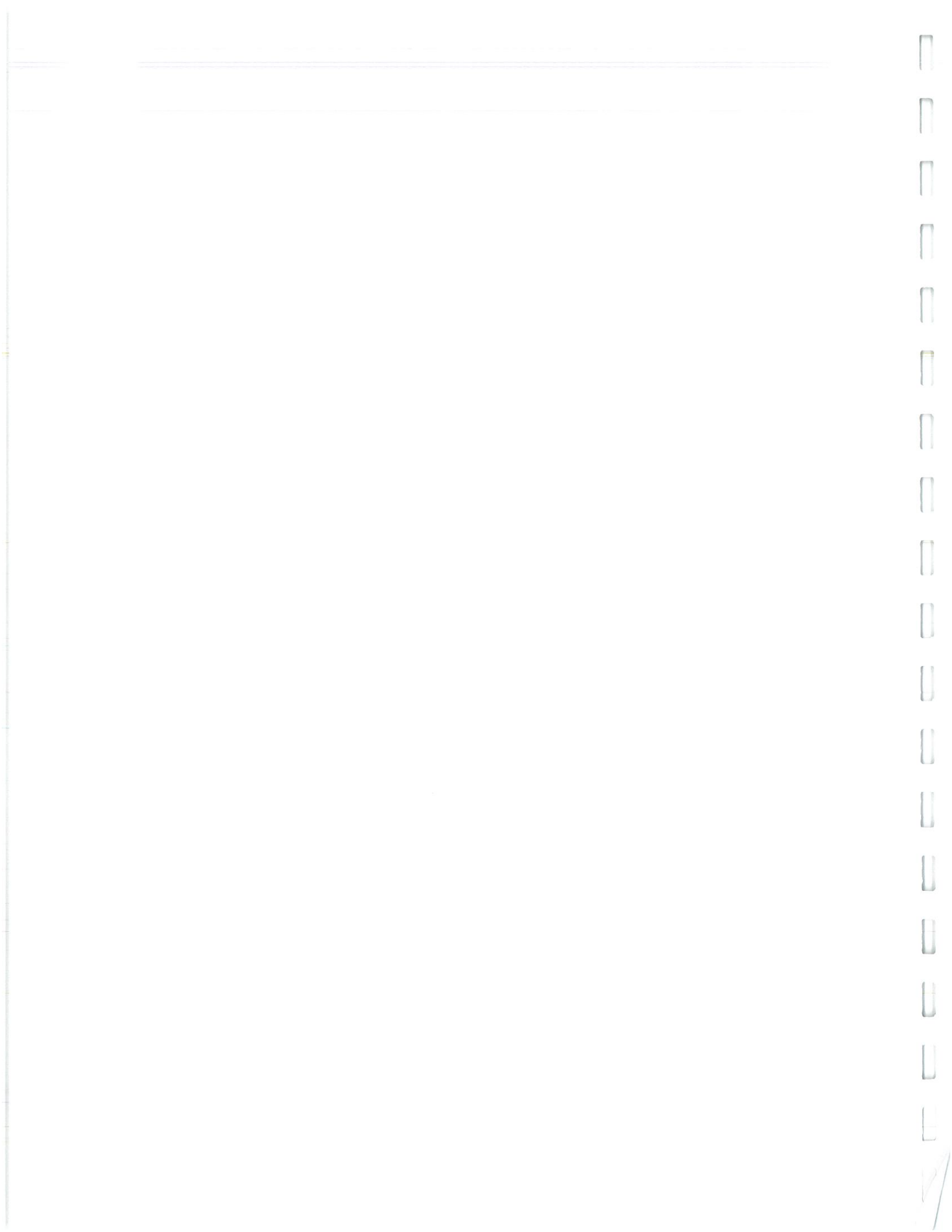
Any site or parcel of land which was lawfully in existence at the date of adoption of this By-law, and which does not comply with the minimum site area and/or site width requirements for any zone as provided for in this By-law, may be used or developed for any permitted or conditional use within the zone in which the site or parcel exists, provided that;

- (a) The site or parcel of land did not form part of a larger contiguous land holding under the same ownership;
- (b) All administrative requirements for the issuance of development permits and approval of conditional use and/or variation applications as provided for in *The Planning Act* and PART 12 of this By-law are complied with; and
- (c) All required yards and separation distances as required by this By-law are complied with.

### 4.3 Open Space Along Rural Roadways

Areas adjacent to rural roads shall be kept clear of features which would contribute to snow drifting on the roadway, or which would represent a safety hazard to motorists. Within areas which are zoned "AG" Agricultural General Zone, the following provisions shall apply to any required front yard, side yard or rear yard which is adjacent to an improved government road allowance, highway or other improved municipal road:

- (a) No building or structure shall be constructed or located within the required yard, except for electric fences, barbed wire fences, chain link fences or wooden rail fences which are at least seventy-five percent (75%) open in character, all types of signs, excluding advertising signs, which are less than fifty (50) square feet in surface area, and small shelters for children at school bus stops;
- (b) No excavation such as a dugout or gravel pit shall be located within the required yard;



- (c) No substantial planting, such as a shelterbelt or hedge exceeding a height of three (3) feet that may interfere with the functioning of the road system shall be located within the required yard;
- (d) No substantial stockpiling of materials, such as soil, gravel, bales or cordwood that may interfere with the functioning of the road system shall be located within the required yard; and
- (e) Corner vision triangles shall be maintained at the road corners of all sites adjacent to the road intersections within the “AG” Agricultural General Zone. The corner vision triangle shall be a triangular area measured one hundred twenty-five (125) feet from the road corner of the site along each site line adjacent to the road. No wall, fence, hedge, shrub or other landscaping feature which would substantially diminish the visibility of motorists shall be allowed within these corner vision triangles.

#### **4.4 Urban Corner Vision Triangles**

In order to provide for a reasonable measure of traffic safety within the urban communities, it is considered important to provide for good visibility conditions at street intersections, by establishing special open space requirements as follows:

- (a) No building, structure, vehicular parking space, shelterbelt, hedge or stockpiling of materials exceeding a height of three (3) feet above grade shall be located within a triangular area of any site adjacent to an intersection of two public streets, with the sides of the triangular area being measured a distance of ten (10) feet along each property boundary from the point of intersection.

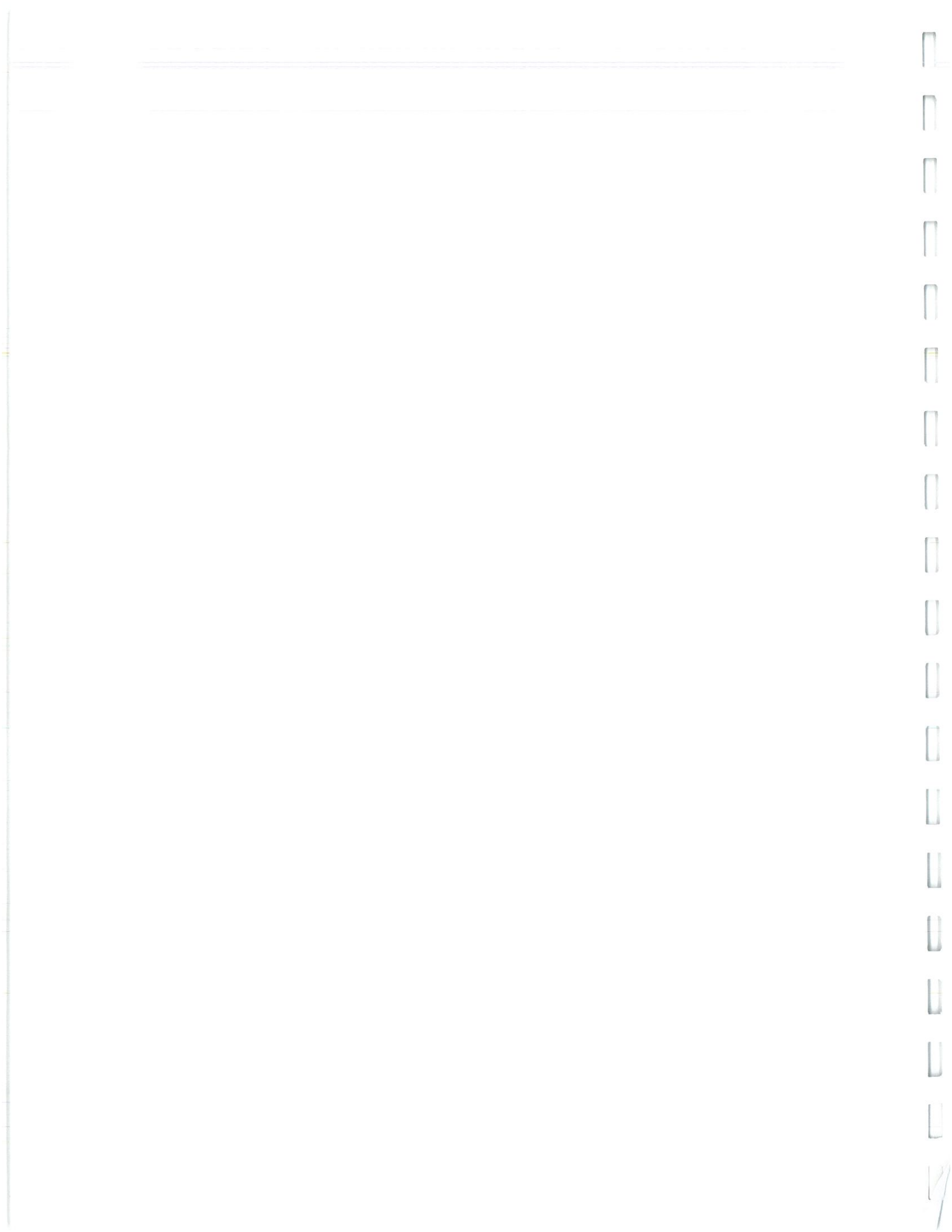
#### **4.5 Projections into Required Yards**

Within all zones, the required yards are intended to provide open spaces around buildings and structures for purposes of amenity, privacy, fire protection, and maintenance operations along the walls of buildings. Required yards shall be maintained as open space areas on all sites, except as provided in the bulk requirements for each zone.

#### **4.6 Double Frontage Sites**

Within all zones in the Local Urban District of Birch River and the “GD” Zone, where a site has frontage along two more or less parallel streets, the following provisions shall apply:

- (a) Where the site depth is greater than two hundred (200) feet, both site lines which abut these streets shall be considered to be front site lines, and the adjacent yards shall both be considered to be required front yards; and
- (b) Where the site depth is two hundred (200) feet or less, only one site line shall be considered to be the front site line, and this determination shall be made by the Development Officer, based on the arrangement of existing buildings in the immediate area.





**4.7 Separation of Principal Building and Any Other Building**

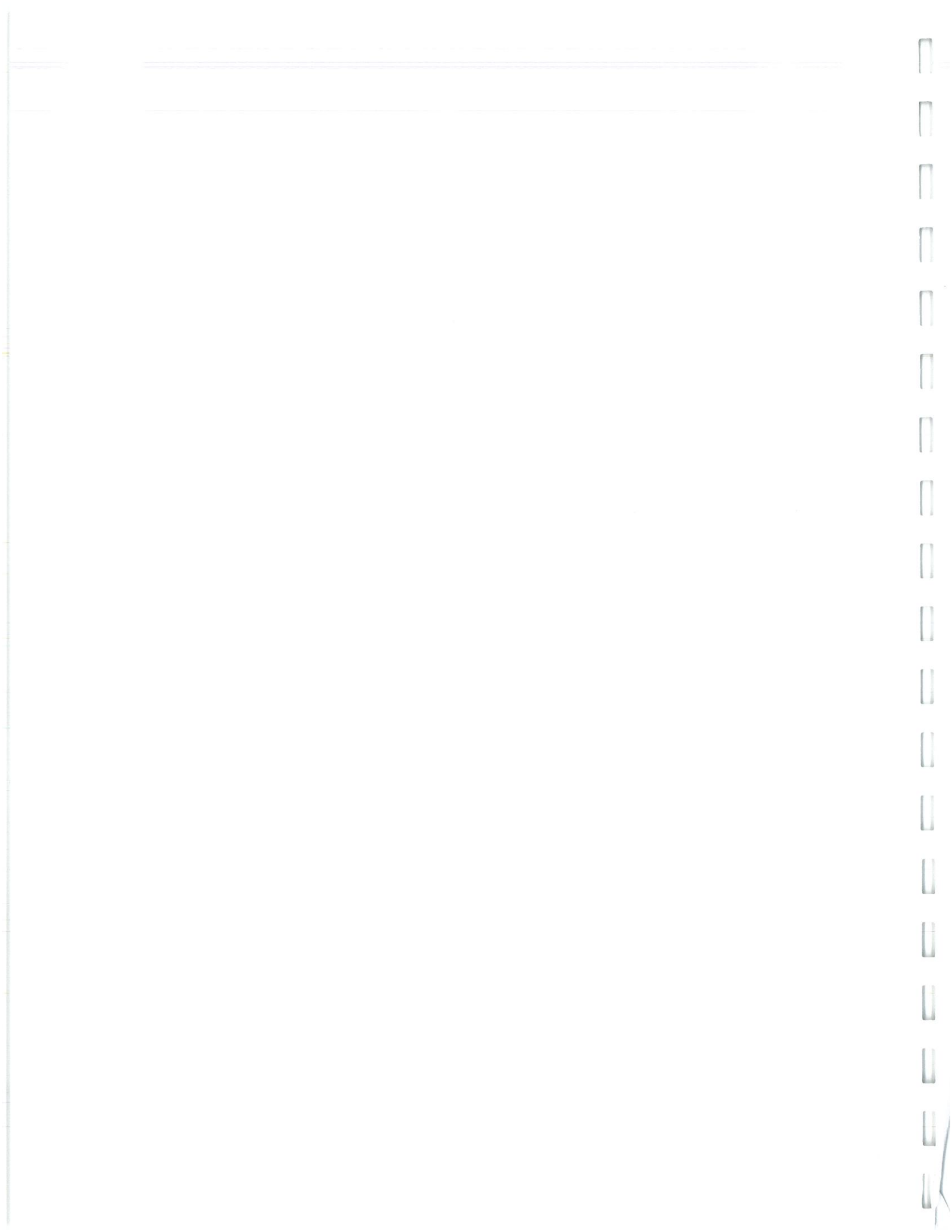
The minimum distance between the principal building and any other building shall be six (6) feet, unless otherwise provided for herein.

**4.8 Unconventional Sites**

Where a site is of such unique configuration that the required yards cannot be ascertained in accordance with the definitions of PART 14, 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.

**4.9 Landlocked Sites**

In unique circumstances, Council may permit development on a site which only has frontage on a private lane or road, provided the said lane or road is at least twenty (20) feet in width and intersects with a street, and is secured by means of a registered easement. For the purpose of establishing the position of the required yards, the Development Officer shall determine the front, side or rear site lines of a landlocked site.



## **PART 5: GENERAL REGULATIONS FOR ALL ZONES**

### **5.1 Land Subject to Flooding**

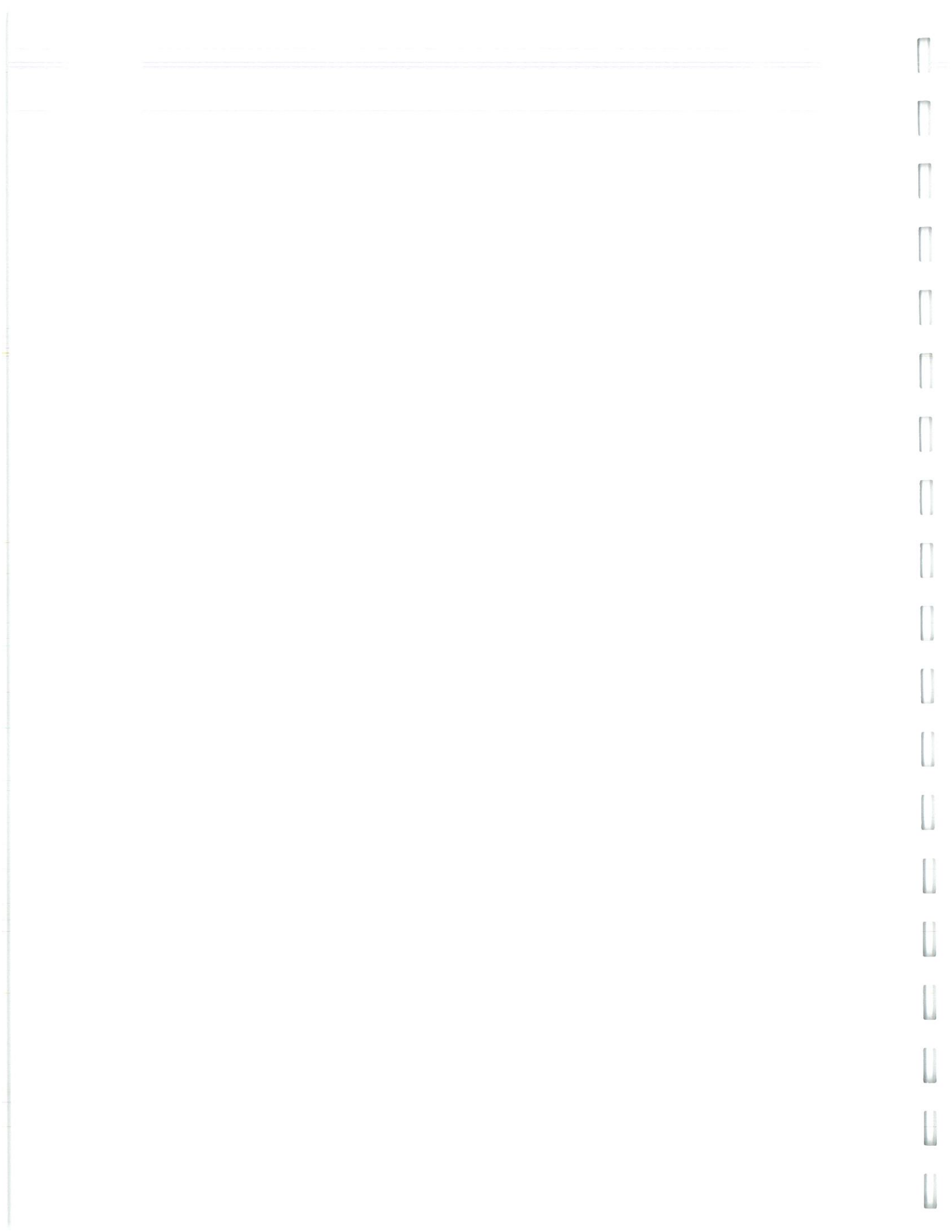
- 5.1.1 No buildings or structures, except for fences, shall be built in areas in the vicinity of creeks or streams which, in the opinion of Council, are subject to flooding by a one hundred year flood, unless the owner provides sufficient information prepared by a qualified consultant, to demonstrate compliance with the provisions of The Swan Valley Planning District Development Plan.
- 5.1.2 Where development is proposed in an area which, in the opinion of the Development Officer, may be subject to ponding due to snowmelt or heavy rainfall events, the owner may be required to provide additional flood proofing measures such as but not necessarily limited to the provision of sufficient fill around the building to provide an additional measure of protection from flood damage.
- 5.1.3 No permanent building shall be constructed or placed on land, which is subject to subsidence or erosion by water or is marshy or unstable, or is otherwise unsuitable or hazardous by virtue of its soil or topography, unless it is demonstrated to the satisfaction of Council that proper measures will be taken to mitigate the hazard to an acceptable level.
- 5.1.4 The minimum separation distance for all permanent buildings and structures from the crest or foot of a slope having a natural gradient in excess of ten (10%) percent shall be a distance sufficient to allow for a stable slope plus fifty (50) years of erosion, or one hundred (100) feet, whichever is greater.
- 5.1.5 With the exception of bank stabilization projects having the approval of Council, clearing land of its natural vegetation, including cultivation, shall not be conducted within fifty (50) feet of the ordinary high water mark of a watercourse.
- 5.1.6 No land use activity shall be conducted in any zone unless such precautionary measures, satisfactory to Council, to safeguard and prevent water and atmospheric pollution, including enrichment of natural waters with organic nutrients or sediments, are incorporated into the proposed land use activity. Council may seek the advice of appropriate government agencies on the adequacy of the proposed preventative measures.

### **5.2 High Water Table Areas**

Groundwater conditions are highly variable throughout the Municipality and in some areas the groundwater table may be very close to the surface. Sufficient measures should be included in the design of buildings to adequately protect basements from groundwater infiltration.

### **5.3 Separation for Sewage Lagoons and Waste Disposal Grounds**

- 5.3.1 No new habitable buildings, including dwellings, schools, motels, restaurants, institutions and hospitals shall be located within one thousand five hundred (1,500) feet



of a sewage lagoon. Proposals to alter this separation distance must be considered and approved by the Environmental Authorities of the Province prior to development.

- 5.3.2 No habitable buildings, including dwellings, schools, motels, restaurants, institutions and hospitals shall be located within one thousand three hundred twelve (1,312) feet of a sanitary landfill site unless it can be demonstrated by a professional engineer, registered in the Province of Manitoba, that there will be no migration of methane gas or other surface or subsurface pollutants. Also, any reduction in this separation distance requires approval by the Environmental Authorities of the Province prior to development.
- 5.3.3 The above distances are to be measured from the centerline of the nearest lagoon dyke or nearest side of a landfill pit.

#### **5.4 Site Reduced by Road Widening**

Where the site area or site width of a parcel of land has been reduced as a result of land acquired for the establishment or widening of a public road or drain, or for any other public work, the land which has been acquired shall be deemed to be part of the site for purposes of determining compliance with the minimum site area and site width requirements and required yards for existing buildings as specified by this By-law; however, where new buildings or structures are proposed, the required yards shall be determined by the location of actual site boundaries.

#### **5.5 Building Removal**

Upon completion of removal, relocation or demolition of a building from a site, the old foundation shall be removed, any excavation shall be filled, the ground shall be levelled and the site shall be put in a safe condition to the satisfaction of the Development Officer.

#### **5.6 Building Grade and Site Drainage**

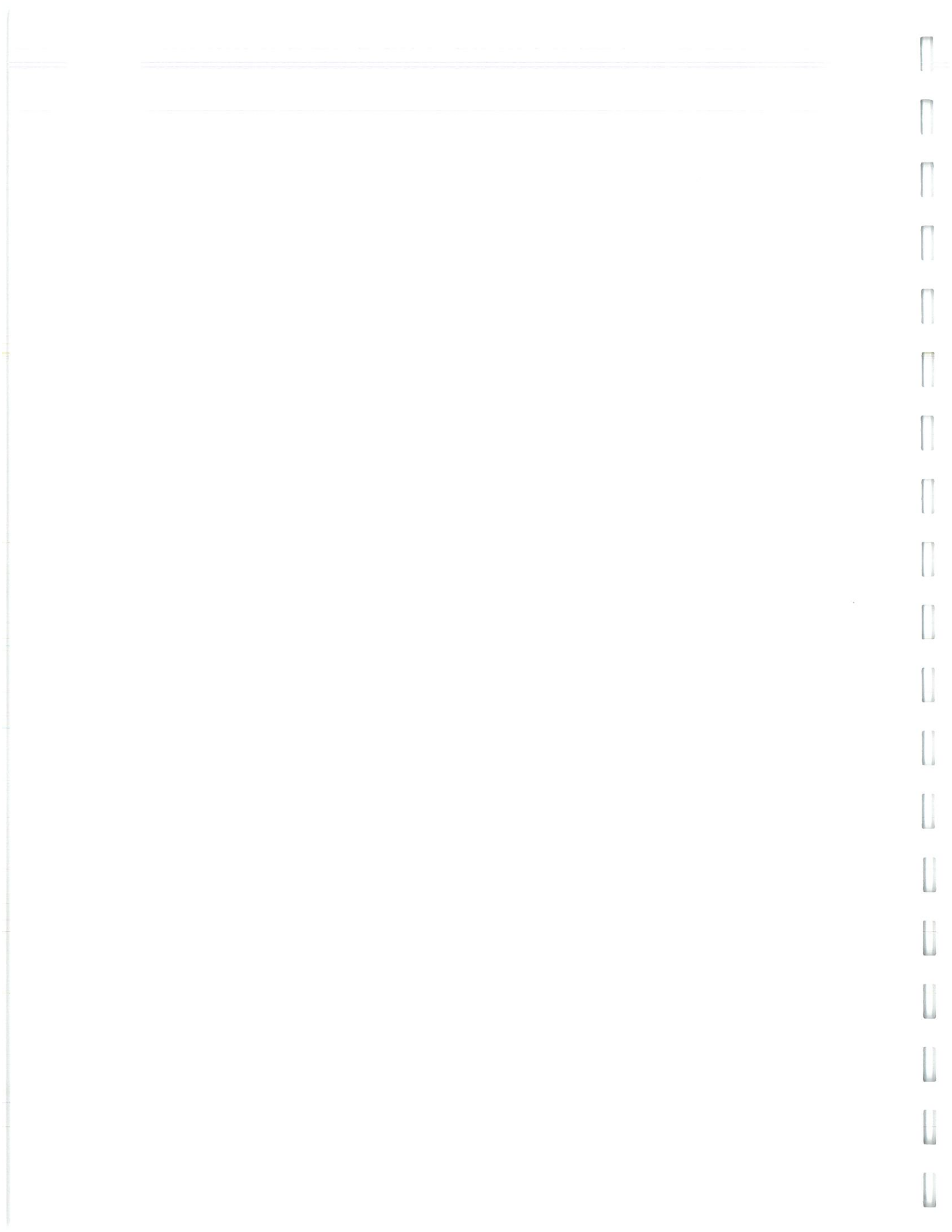
The grade for all principal buildings and structures and the proposed site drainage system shall be approved by the Development Officer prior to the commencement of construction.

#### **5.7 Road Access**

No permanent building may be constructed or placed on a site, which does not have legal access to an improved public road. Legal access to an improved road allowance may be obtained through an easement agreement.

#### **5.8 Service Connections**

Where a site is served by municipal piped sewer or water, no permanent principal building shall be constructed or placed unless it is connected to such services.



## **5.9 Public Monuments and Cairns**

Nothing in this By-law shall be so interpreted as to interfere with the establishment of public monuments and cairns.

## **5.10 Signs**

5.10.1 No sign or sign structure shall be erected or temporarily placed at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign or obstruct the view of any highway or street intersection.

5.10.2 All signs and their support structures shall be kept in good repair. Signs which have become obsolete because of the discontinuance of the business or service and have not been removed or relocated within thirty (30) days following such condition may be removed by the Municipality at the owner's expense.

## **5.11 Temporary Buildings and Uses**

5.11.1 Temporary buildings, structures and uses of land are permitted on a site in connection with construction and development on that or a nearby site, subject to the issuance of a development permit and only for the following purposes:

- (a) offices for the contractor or developer or project supervisor;
- (b) accommodation for a caretaker;
- (c) storage of materials and equipment; and
- (d) temporary accommodations, field offices and temporary concrete and asphalt plants necessary for road construction projects, provided that a minimum separation distance of one thousand three hundred twenty (1,320) feet is provided between an asphalt or concrete plant and the nearest habitable dwelling or residence.

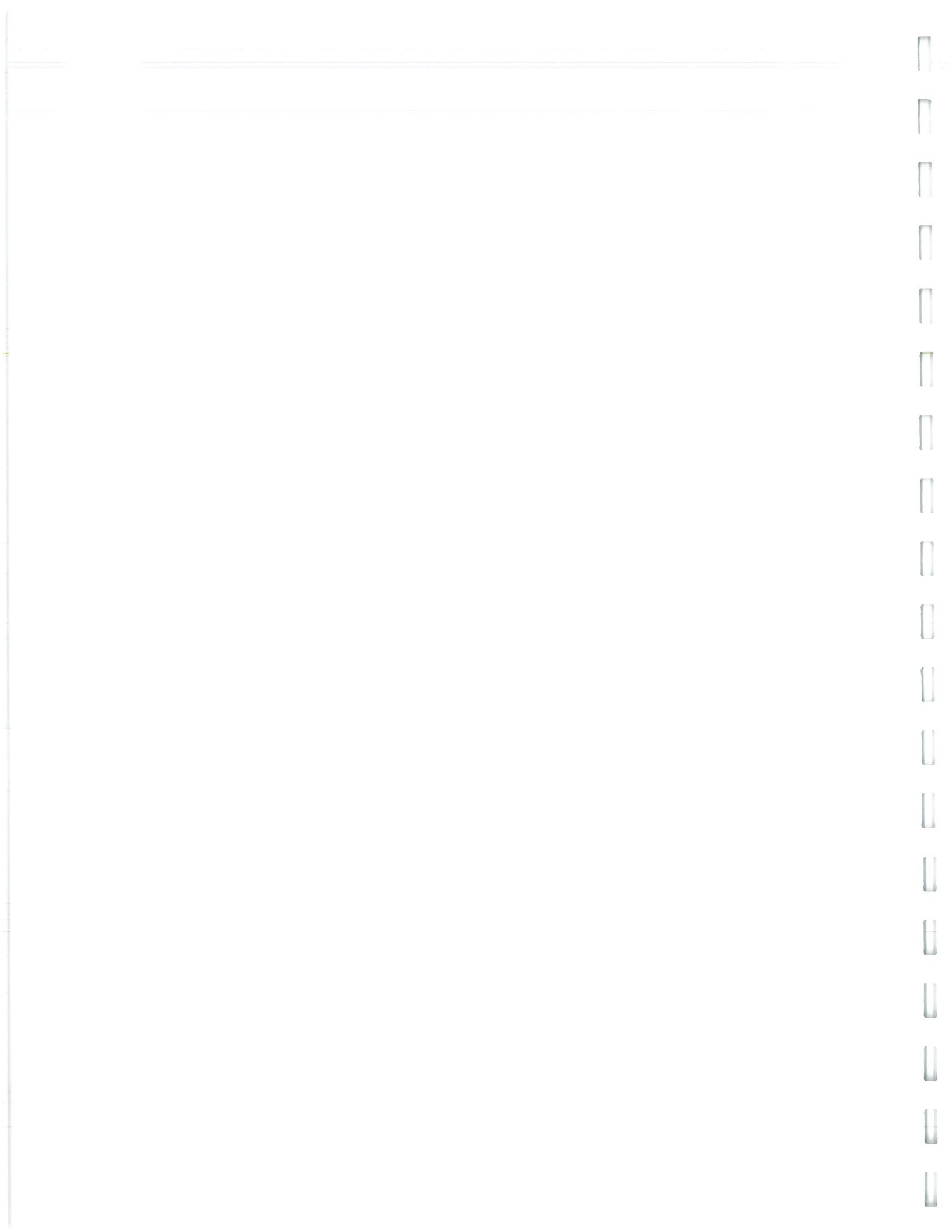
5.11.2 A development permit for a temporary building or structure or use shall be valid for six (6) months and may not be renewed for more than two (2) successive six (6) month periods.

## **5.12 Road Allowances**

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.

## **5.13 Basement Accommodations**

A dwelling unit or living accommodation for a boarder shall not be located in a basement unless it complies with the provisions of The Manitoba Building Code with regard to various features, including but not limited to floor area, room height, stairs, egress, fire separation, sanitary facilities, windows and smoke alarms.





**5.14 Noxious or Offensive Uses**

Notwithstanding anything herein contained, no use shall be permitted in any zone 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. If the use is permitted in the subject zone, satisfactory measures shall be undertaken to mitigate or eliminate such effects and necessary licensing shall be obtained from Manitoba Conservation, as required.

**5.15 Mobile Home Provisions**

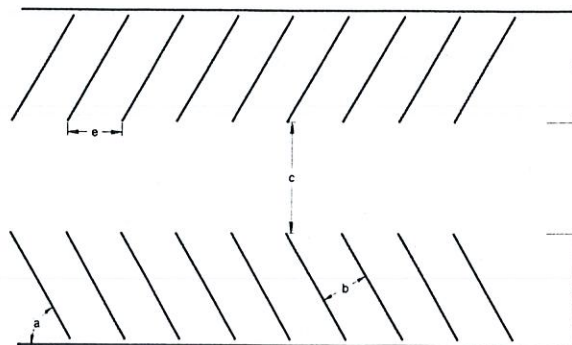
All mobile homes which are either newly sited or relocated within The Rural Municipality of Mountain after the effective date of this By-law, shall conform to C.S.A. standards pertaining to construction, site preparation, foundation and anchorage. The undercarriage of all mobile homes shall be fully concealed by skirting which is either pre-finished or painted to complement the mobile home.

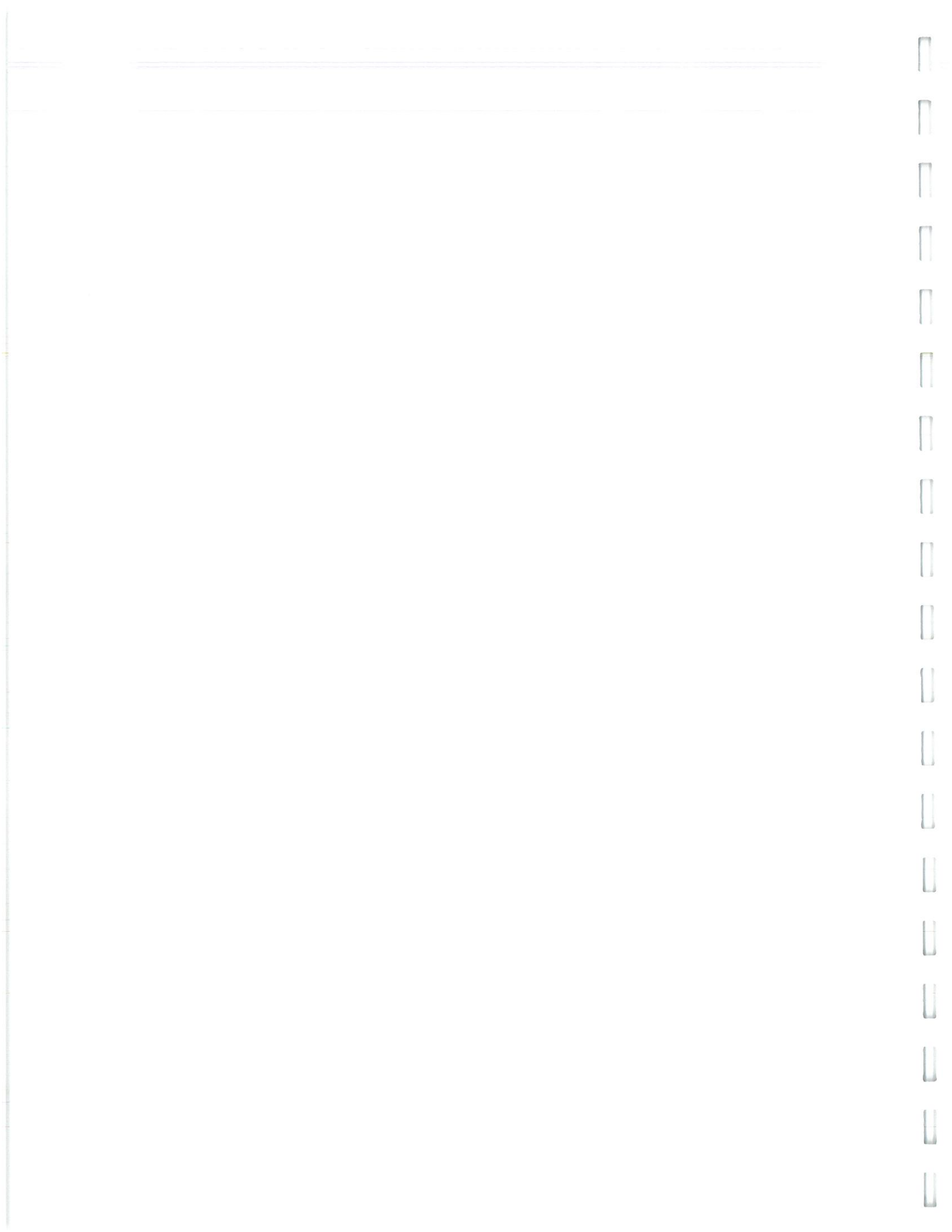
**5.16 Parking Lot Design**

All parking lots shall conform to the provisions of the following TABLE 5-1: PARKING AREA DIMENSIONS and drawing.

**TABLE 5-1: PARKING AREA DIMENSIONS**

Angle of Parking (degrees)	MINIMUM REQUIREMENTS			
	Width of Stall (ft)	Width of Aisle (ft)	Depth Perpendicular To Aisle (ft)	Width Parallel to Aisle (ft)
a	b	c	d	e
30	9	12	15	17
45	9	12	18	12
60	9	20	20	10
90	9	24	20	9





## PART 6: AGRICULTURAL GENERAL ZONE

### 6.1 Permitted and Conditional Uses

TABLE 6-1: AGRICULTURAL GENERAL USE AND BULK TABLE lists all uses that are permitted or conditional in the "AG" Agricultural General Zone and sets forth the minimum bulk regulations for these uses.

TABLE 6-1: "AG" AGRICULTURAL GENERAL USE AND BULK TABLE

USES	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (acres)	Site Width (feet)	Front Yard (feet) (a)	Side Yard (feet) (a)(b)	Rear Yard (feet) (a)(b)
<b>PERMITTED USES</b>					
Advertising Signs, less than 50 sq. ft. in area	-	-	50(c)	25	25
Agricultural Activities, General	80	1,000	125	25	25
Agriculture Activities, Specialized (d)	2	200	125	25	25
Dwellings, Farm and Non-farm (e)	2(f)	200	125	25	25
Livestock Production Operations producing 300 Animal Units (AUs) or less (g) (See Part 5)	80(h)	1,000	125	25	25
Market Gardens, Nurseries or Greenhouses (i)	2	200	125	25	25
Public Utilities (See 2.1.5 and 2.1.6)	Not Applicable				
<b>CONDITIONAL USES</b>					
Advertising Signs, exceeding 50 sq. ft. in area (i)	-	-	125	25	25
Agriculture Related Industries or Processing Plants (i)	10	400	125	25	25
Aircraft Landing Areas (i)	10	200	125	25	25
Auction Marts (i)	2(f)	200	125	25	25
Automobile Service Stations, including accessory restaurants or commercial stores (i)	2	200	125	25	25
Campgrounds (i)	2(f)	200	125	25	25



**TABLE 6-1: "AG" AGRICULTURAL GENERAL USE AND BULK TABLE**

USES	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (acres)	Site Width (feet)	Front Yard (feet) (a)	Side Yard (feet) (a)(b)	Rear Yard (feet) (a)(b)
Cemeteries (i)	2(f)	200	125	25	25
Community Halls (i)	2(f)	200	125	25	25
Earth Moving Contractors and Ready-Mix Concrete Suppliers (i)	2(f)	200	125	25	25
Establishments for the storage, handling or processing of agricultural produce, in return for remuneration (i)	2	200	125	25	25
Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures (i)	2(f)	200	125(j)	25(j)	25(j)
Establishments for the sales, storage or distribution of chemical fertilizers, herbicides, pesticides, fungicides, insecticides and similar uses (i)					
- Anhydrous Ammonia	5	300	125(j)	25(j)	25(j)
- Other	2	200	125(j)	25(j)	25(j)
Establishments related to the harvesting of natural resources such as forestry (i)	2(f)	200	125	25	25
Exhibition Grounds (i)	2	200	125	25	25
Fur Farms (i)	2(f)	200	125	25	25
Golf Courses (i)	40	660	125	25	25
Guest Houses, Outfitting Cabins, Lodges and similar uses	2	200	125	25	25
Kennels (i)	2(f)	200	125	25	25
Livestock Production Operations in excess of 300 Animal Units (AUs), irrespective of location (g) (see 5.2 to 5.5)	80(h)	1,000	125	25	25
Manufacturing, Fabricating, Machining, Processing or Repair Establishments (i)	2(f)	200	125	25	25
Motor Vehicle or Agricultural Equipment Body Shops, Salvage or Wrecking Operations (i)	2(f)	200	125	25	25

**TABLE 6-1: "AG" AGRICULTURAL GENERAL USE AND BULK TABLE**

USES	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (acres)	Site Width (feet)	Front Yard (feet) (a)	Side Yard (feet) (a)(b)	Rear Yard (feet) (a)(b)
Museums or Historic Sites (i)	2(f)	200	125	25	25
Public Works Compounds and Maintenance Buildings (i)	2(f)	200	125	25	25
Recreation Facilities, including associated uses (i)	2	200	125	25	25
Religious and Educational Institutions (i)	2(f)	200	125	25	25
Residential Care Facilities for five persons or more	2(f)	200	125	25	25
Riding Academies and Stables (i)	2	200	125	25	25
Sewage Lagoons (i)	2	200	125	25	25
Surface Mining Operations, including gravel pits (i)	2	200	125	25	25
Telecommunications Towers (i)	2(f)	200	125	25	25
Trucking Establishments (i)	2(f)	200	125	25	25
Veterinary Clinics (i)	2(f)	200	125	25	25
Waste Disposal Sites (i)	2	200	125	25	25
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES</b>	-	-	125	25	25

The following notations and additional requirements form part of TABLE 6-1:

- (a) Where a site line is adjacent to a Provincial Trunk Highway or Provincial Road, the setback requirements and changes thereto, of the provincial highway authorities shall apply;
- (b) Except for cemeteries, where a side or rear site line is adjacent to a government road allowance or other municipal road, the minimum required side or rear yard shall be one hundred twenty-five (125) feet;
- (c) Where an advertising sign is adjacent to a Provincial Trunk Highway or Provincial Road, the setback requirements and changes thereto of the provincial highway authorities shall apply;

- (d) Apiaries shall be considered as a conditional use when proposed to be located within one (1) mile of designated urban communities identified on **MAPS 1 and 2 of Appendix "A"** of this By-law;
- (e) Residential subdivisions (farm and non-farm) in the **"AG"** Zone are allowed only in accordance with the Residential Development General Provisions of The Swan Valley Planning District Development Plan;
- (f) The maximum site area shall be ten (10) acres, unless physical features of the site, such as natural drains, shelterbelts, etc. indicate that a slightly larger site would be appropriate;
- (g) New or expanding livestock production operations are deemed to be a conditional use when the total number of Animal Units (AUs) inclusive of all animal species exceeds three hundred (300). Livestock production operations of less than three hundred (300) Animal Units (AUs) that are in close proximity to dwellings, recreation areas and designated urban communities identified on **MAPS 1 and 2 of Appendix "A"** of this By-law are regulated as outlined in section 11.4 of PART 11. Applications to establish new or expand existing livestock production operations as permitted or conditional uses must be made on the forms prescribed by Council and provide information required under PART 11 of this Bylaw. Each approved livestock production operation may be required to file an annual manure management plan with Manitoba Conservation and The Rural Municipality of Mountain at the request of Council;
- (h) Notwithstanding the minimum site area requirement specified in this TABLE, there shall be sufficient land available for livestock production operations to properly accommodate manure disposal, in accordance with the provisions of the *Manitoba Farm Practices Guidelines*;
- (i) Where the site of the proposed development is located within one thousand (1,000) feet of a Provincial Trunk Highway, or within one half (1/2) mile of a highway intersection, the proposal may be referred to Manitoba Transportation and Government Services for review and comment; and
- (j) For separation distances for hazardous materials, including but not necessarily limited to anhydrous ammonia storage facilities see section 11.8 of PART 11.

## **6.2 Accessory Uses, Buildings and Structures**

6.2.1 In the Agricultural General Zone, an accessory use building or structure includes, but is not limited to, the following:

- (a) Farm dwelling as the principal residence of the use served to include a single-family dwelling, mobile or modular home when on the same site as a permitted or approved agricultural activity (and subject to special separation distances as provided in PART 11;
- (b) Staff dwellings including single-family dwellings, two-family dwellings, mobile or modular homes when on the same site as a permitted or approved agricultural activity where in the opinion of Council, staff dwellings are essential for the

continuance of the operation (and subject to special separation distances as provided in PART 11;

- (c) Farm buildings and structures, including barns, machine sheds, corrals, grain bins and similar structures;
- (d) Storage of goods used in or produced by agricultural activities and located on the same site with said use;
- (e) Vacation farms and bed and breakfast operations;
- (f) Child care services;
- (g) Residential care facilities for four (4) persons or less;
- (h) Child's playhouse, garden house, private greenhouse, a summer house, private swimming pool, sidewalks, patios, decks, fences and similar landscaping features;
- (i) A private garage or carport, covered patio, tool house, shed and other similar buildings for the storage of domestic equipment and supplies;
- (j) Individual sewage disposal system, subject to environmental regulations;
- (k) Private communications facilities including parabolic antennae and radio towers;
- (l) Home-based businesses as provided for in section 11.1 of PART 11;
- (m) Buildings and structures associated with recreational facilities;
- (n) Private airfields and related structures;
- (o) Business and identification signs up to a maximum size of one hundred (100) square feet of sign surface area, and to a maximum of two (2) signs per site;
- (p) Mobile or temporary signs not to exceed thirty-five (35) square feet in sign surface area per side for the purpose of advertising a social, community or family related event or a business activity provided the sign is on the same site as the activity or event;
- (q) Other incidental signs, including real estate and construction signs up to a maximum size of thirty-two (32) square feet of sign surface area and "No hunting" and "No trespassing" signs up to a maximum size of ten (10) square feet of sign surface area; and
- (r) In the case of non-farm uses as provided for in TABLE 6-1, the following buildings, structures and uses are deemed to be accessory:
  - (i) Facilities related to the production, processing, cleaning, servicing, altering, testing, repair or storage of materials or equipment normally



incidental to the principal use, provided that the said facilities are located on the same site as the principal use;

- (ii) One dwelling, modular or mobile home for the use of the owner or operator of the principal use, provided that it is located on the same site as the principal use; and
- (iii) Accessory domestic residential buildings and structures, when incidental to a dwelling or mobile home as provided for in clauses (h) to (l) of this subsection.

### **6.3 Projections into Required Yards**

All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space. Building components such as eaves, awnings, chimneys, canopies, bay windows, alcoves, exterior steps, open decks and similar features may project into any required yard up to a maximum of five (5) feet. Subject to sections 4.3 and 4.4 of PART 4, various driveways, trees, fences, hedges, and similar landscaping features, along with building services such as wells and septic fields, are permitted in any required yard.

THE RURAL MUNICIPALITY OF MOUNTAIN BY-LAW NO. 08/04

BEING a by-law of The Rural Municipality of Mountain to regulate the use and development of land.

WHEREAS, *Subsection 39(1) of The Planning Act* provides that the council of a municipality may enact a zoning by-law which generally conforms to a development plan adopted for the area;

AND WHEREAS, pursuant to the provisions of *Subsection 27(1) of The Act*, The Swan Valley Planning District has, by by-law, adopted *The Swan Valley Planning District Development Plan*;

AND WHEREAS, *Subsection 32(2) of The Act* provides that the council of a municipality shall enact a zoning by-law upon the adoption of a development plan;

NOW THEREFORE, the Council of The Rural Municipality of Mountain in meeting duly assembled, enacts as follows:

1. This by-law shall be known as the **Rural Municipality of Mountain Zoning By-law**.
2. The Zoning By-law, attached hereto and marked as SCHEDULE "A" is hereby adopted.
3. The By-law No. 447, being a by-law of The Rural Municipality of Mountain to adopt The Mountain Planning Scheme 1973 and all amendments thereto are hereby repealed.
4. This By-law shall take force and effect on the date of third reading.

DONE AND PASSED in Council duly assembled at The Rural Municipality of Mountain, Manitoba this 13<sup>th</sup> of December, ~~2004~~ <sup>2006</sup> A.D.

  
Reeve

  
Chief Administrative Officer

READ A FIRST TIME THIS 11<sup>th</sup> day of August A.D. 2004

READ A SECOND TIME THIS 13<sup>th</sup> day of December A.D. ~~2004~~ <sup>2006</sup>

READ A THIRD TIME THIS 13<sup>th</sup> day of December A.D. ~~2004~~ <sup>2006</sup>

**RURAL MUNICIPALITY  
OF MOUNTAIN  
ZONING BY-LAW**

**BEING SCHEDULE "A"  
TO  
BY-LAW NO. 08/04  
OF**

**THE RURAL MUNICIPALITY  
OF MOUNTAIN**

Prepared for:

THE RURAL MUNICIPALITY OF MOUNTAIN

By:

Marvin R. Borgfjord  
Planning Consultant  
Dauphin, MB

and

Cochrane Engineering Ltd.

August 2004

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## **PART 1: SCOPE**

- 1.1 This By-law shall be known as the **Rural Municipality of Mountain Zoning By-law**.
- 1.2 This By-law applies to all lands in The Rural Municipality of Mountain indicated on **Maps 1 to 6 of Appendix "A"** to this By-law.
- 1.3 This By-law regulates:
  - (a) the construction, erection, alteration, enlargement or placing of buildings and structures; and
  - (b) the establishment, alteration or enlargement of uses of land, buildings and structures.
- 1.4 No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed, except in accordance with this By-law, and only after all required permits have been obtained by the owner. Legal non-conforming buildings, structures and uses that were lawfully in existence before this By-law or prior to any amendment to this By-law, may continue to exist in accordance with the provisions of *The Planning Act*.
- 1.5 Whenever a provision of another by-law of The Rural Municipality of Mountain or of a law or regulation of the provincial or federal government contains a restriction governing the same subject matter contained in this By-law, or imposes contradictory regulations with respect to uses, buildings or structures, the most restrictive or highest standard shall prevail.
- 1.6 Nothing in this By-law, or in a development permit, approval of a conditional use, variation order or other approval issued under this By-law or under *The Planning Act*, shall be construed as authorization for the carrying out of any activity which is a nuisance due to noise, odour, emission, vibration or other cause.

## **PART 2: GENERAL REGULATIONS GOVERNING USES, BUILDINGS AND STRUCTURES**

### **2.1 Regulation of Uses**

2.1.1 Subject to subsection 2.1.5 of this PART, no land, building or structure shall be constructed, enlarged, placed, used or occupied except for a use which:

(a) is listed in the Use and Bulk Tables which apply to such land, building or structure as:

(i) a permitted use;

(ii) a conditional use, subject to approval as such; or

(b) is an accessory use.

2.1.2 All listed uses shall be interpreted in accordance with PART 14: INTERPRETATION and shall be dealt with in accordance with procedures outlined in PART 5: GENERAL REGULATIONS FOR ALL ZONES, PART 11: RULES FOR SPECIFIC USES and PART 12: ADMINISTRATION.

2.1.3 Where land or a building or structure is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. If there is a conflict, the higher or more stringent requirement shall apply.

2.1.4 There shall be a maximum of one dwelling unit per site or parcel of land, except for the following:

(a) dwellings units which are required for employees or family members, who in the opinion of Council, will be actively involved in an agricultural operation, and

(b) two-family dwellings or multiple-family dwellings as provided for in this By-law.

2.1.5 This By-law shall be interpreted so as not to interfere with the construction, erection and location of the facilities of a public utility. Office buildings, warehouses, maintenance or storage compounds operated by a public utility shall be subject to the provisions of this By-law.

2.1.6 Electric transmission lines and structures and pipelines of a public utility are deemed to be in compliance with this By-law if they are carried out, constructed and operated in accordance with federal and provincial law.

### **2.2 Existing Uses, Buildings and Structures**

2.2.1 An existing use, building or structure which is classified as a permitted use, building or structure in this By-law shall be allowed to continue to exist, and may be enlarged or expanded, may be changed to another permitted use, or may be replaced if destroyed.

- (a) All legally erected buildings and structures existing at the effective date of this By-law are deemed to conform to the bulk requirements of the zone in which the buildings or structures are situated, and
- (b) The enlargement, expansion, change in use, or replacement shall be subject to the issuance of a development permit, and shall conform to all requirements of this By-law.

2.2.2 An existing use, building or structure which is classified as a conditional use in this By-law or amendments thereto and which legally existed at the date of adoption or amendment of this By-law shall be deemed to be an approved conditional use, building or structure and shall be allowed to continue to exist, may be changed to a permitted use in the zone in which the use, building or structure is located, or may be replaced if destroyed, provided that the replacement does not increase the intensity of the previously existing use.

- (a) In these circumstances, the change in use or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of this By-law; and
- (b) Where an enlargement or expansion of such a use is proposed, it shall require the specific approval of Council, in accordance with PART 12.

2.2.3 An existing use, building or structure which is not classified as a permitted or conditional use, building or structure in this By-law and which legally existed at the date of adoption or amendment of this By-law, shall be considered as a non-conforming use, building or structure, and shall be subject to the provisions of *The Planning Act* governing non-conformities.

- (a) A non-conforming use shall be allowed to continue to exist, and may be changed to a permitted use in the zone in which the use is located;
- (b) A non-conforming use shall not be intensified, and shall not be changed to a different non-conforming use;
- (c) A non-conforming use shall not be re-established if it is discontinued for a period in excess of one year. A change in ownership or tenancy of a non-conforming use shall not affect the status of the non-conforming use;
- (d) A non-conforming building or structure shall not be re-established if it is removed or destroyed by more than fifty percent (50%) of its replacement value above the foundation; and
- (e) Other provisions of *The Planning Act* govern non-conforming uses, buildings and structures, including a provision which enables Council to consider variation orders in situations where non-conformities are proposed to be enlarged or expanded.

### **2.3 Permitted Uses, Buildings and Structures**

Where a use, building or structure is provided for as a permitted use by this By-law, the owner shall normally be entitled to establish, expand or enlarge the use, building or structure, subject to the issuance of a development permit, and provided that the use, building or structure complies with all requirements of this By-law.

### **2.4 Conditional Uses**

2.4.1 The classification of uses as conditional uses is intended to provide for a special process of review and approval for certain types of development which, due to their inherent characteristics, may have potential adverse impacts on nearby properties or resources.

2.4.2 Where a use, building or structure is provided for as a conditional use by this By-law, the establishment, enlargement or expansion of the use, building or structure shall be subject to the specific requirements of *The Planning Act* pertaining to conditional uses and section 12.8 of PART 12.

### **2.5 Accessory Uses**

2.5.1 No accessory use shall be established, and no accessory building or structure shall be constructed or erected, prior to the establishment of the use of land, building or structure to which it is accessory (except as provided under subsection 2.5.2 of this PART).

2.5.2 An accessory garage or storage building may be constructed or erected for the purpose of storage of materials and equipment for use during construction of the main building, provided that a development permit has been obtained for the main building.

2.5.3 An accessory use, building or structure may be accessory to a permitted or conditionally approved use. However, where conditional use approval is required, no accessory use, building or structure shall be constructed or located on the site prior to review and approval by Council of a conditional use application in accordance with PART 12 of this By-law and the requirements of *The Planning Act*.

2.5.4 A farm dwelling shall be permitted as an accessory use to a permitted or conditionally approved agricultural operation in the "AG" Agricultural General Zone.

## **PART 3: GUIDE TO ZONES AND ZONING MAP**

### **3.1 Zones**

#### **3.1.1 Uses of land in the Municipality are regulated in accordance with the following zones:**

(a) **“AG” Agricultural General Zone**

This zone provides for general agricultural uses, including intensive livestock production and other small holdings and non-farm development compatible with farming operations.

(b) **“GD” General Development Zone**

This zone provides for a mixture of agricultural, residential, commercial, industrial and recreational uses within the urban communities of Cowan, Mafeking and Pine River.

(c) **“RG-U” Residential General Unserviced Zone**

This zone provides for the development of low density residential development as well as moderate density residential developments of three (3) dwelling units or more on a conditional use basis in areas not serviced with municipal water and sewer systems.

(d) **“CG” Commercial General Zone**

This zone provides for appropriate land for general commercial use to meet the needs of commercial development throughout the urban community of Birch River.

(e) **“MG” Industrial General Zone**

This zone provides land for the development of processing, distribution, transportation, warehousing, and other low impact industrial uses which carry on their operations in such a manner that no nuisance factor is created or emitted and which are reasonably compatible with nearby residential or commercial uses. In addition, certain heavy industrial uses may also be considered as conditional uses, subject to conditions of approval that Council may deem appropriate under the circumstances.

(f) **“I” Institutional Zone**

This zone provides for the development of municipally serviced areas for governmental, educational, hospital and institutional uses on relatively large areas of land in the urban community of Birch River.

(g) "OR" Open Space/Recreational Zone

This zone provides for public parks and recreational purposes and for the conservation of undeveloped scenic or hazard lands, lands buffering different types of land use and major utility rights-of-way that have an open space character.

(h) "AUR" Agricultural Urban Reserve Zone

This zone provides for the continuation of non-intensive agricultural and agricultural related and open space uses in such a manner as to facilitate the orderly expansion of the urban community of Birch River.

3.1.2 The permitted and conditional uses prescribed for sites within each zone are those set out in the Use and Bulk Tables of this By-law.

### 3.2 Zoning Maps

3.2.1 The location and boundaries of the zones listed in subsection 3.1.1 of this PART are shown on Maps 1 to 6 of Appendix "A" of this By-law. The said maps form a part of this Zoning By-law. All notations, references and other information shown thereon, together with any amendments made by amending by-laws made from time to time and shown thereon, together with any amendments to the boundaries in the case of any street, lane, or public utility right-of-way closing 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.

The scale and all dimensions of the Zoning Maps of this By-law are in feet.

All plan references on the Zoning Maps pertain to registered plans filed in the Dauphin Land Titles Office.

The abbreviations noted on the Zoning Maps mean the following;

- (a) AV means "Avenue";
- (b) DR means "Drive";
- (c) PI means "Plan";
- (d) P.T.H. means "Provincial Trunk Highway";
- (e) RGE. means "Range";
- (f) R.M. means "Rural Municipality";
- (g) SEC. means "Section";
- (h) ST means "Street";
- (i) T.P. means "Township"; and
- (j) W means "West of the Principal Meridian".

### 3.3 Interpretation of Zone Boundaries

3.3.1 Heavy solid lines represent the zone boundaries. Where the zone boundary is broken by the name of a street, it shall be construed that the limit continues through the name of the street.

3.3.2 Boundaries indicated as approximately following:

- (a) the centerlines of railway or public utility rights-of-way;
- (b) the centerlines of streets, highways, or lanes;
- (c) lot, site, or holding lines; or
- (d) municipal limits

shall be construed as following those lines or limits.

3.3.3 If a street or lane or railway or public utility right-of-way (hereinafter referred to as the feature) shown on the Zoning Maps are lawfully closed, the land formerly comprising the feature shall be included within the zone of the land which surrounds it. If the said feature included a zone boundary on its centerline, then the zone boundary shall be the former centerline.



## **PART 4: GENERAL BULK REQUIREMENTS**

### **4.1 Application of Bulk Requirements**

No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged, relocated or placed, except in accordance with the minimum site area, minimum site width and yard requirements prescribed for the zone in which the use is situated as set out in the applicable Use and Bulk Tables and other requirements of this By-law.

### **4.2 Existing Substandard Parcels of Land**

Any site or parcel of land which was lawfully in existence at the date of adoption of this By-law, and which does not comply with the minimum site area and/or site width requirements for any zone as provided for in this By-law, may be used or developed for any permitted or conditional use within the zone in which the site or parcel exists, provided that;

- (a) The site or parcel of land did not form part of a larger contiguous land holding under the same ownership;
- (b) All administrative requirements for the issuance of development permits and approval of conditional use and/or variation applications as provided for in *The Planning Act* and PART 12 of this By-law are complied with; and
- (c) All required yards and separation distances as required by this By-law are complied with.

### **4.3 Open Space Along Rural Roadways**

Areas adjacent to rural roads shall be kept clear of features which would contribute to snow drifting on the roadway, or which would represent a safety hazard to motorists. Within areas which are zoned "AG" Agricultural General Zone, the following provisions shall apply to any required front yard, side yard or rear yard which is adjacent to an improved government road allowance, highway or other improved municipal road:

- (a) No building or structure shall be constructed or located within the required yard, except for electric fences, barbed wire fences, chain link fences or wooden rail fences which are at least seventy-five percent (75%) open in character, all types of signs, excluding advertising signs, which are less than fifty (50) square feet in surface area, and small shelters for children at school bus stops;
- (b) No excavation such as a dugout or gravel pit shall be located within the required yard;

- (c) No substantial planting, such as a shelterbelt or hedge exceeding a height of three (3) feet that may interfere with the functioning of the road system shall be located within the required yard;
- (d) No substantial stockpiling of materials, such as soil, gravel, bales or cordwood that may interfere with the functioning of the road system shall be located within the required yard; and
- (e) Corner vision triangles shall be maintained at the road corners of all sites adjacent to the road intersections within the "AG" Agricultural General Zone. The corner vision triangle shall be a triangular area measured one hundred twenty-five (125) feet from the road corner of the site along each site line adjacent to the road. No wall, fence, hedge, shrub or other landscaping feature which would substantially diminish the visibility of motorists shall be allowed within these corner vision triangles.

#### **4.4 Urban Corner Vision Triangles**

In order to provide for a reasonable measure of traffic safety within the urban communities, it is considered important to provide for good visibility conditions at street intersections, by establishing special open space requirements as follows:

- (a) No building, structure, vehicular parking space, shelterbelt, hedge or stockpiling of materials exceeding a height of three (3) feet above grade shall be located within a triangular area of any site adjacent to an intersection of two public streets, with the sides of the triangular area being measured a distance of ten (10) feet along each property boundary from the point of intersection.

#### **4.5 Projections into Required Yards**

Within all zones, the required yards are intended to provide open spaces around buildings and structures for purposes of amenity, privacy, fire protection, and maintenance operations along the walls of buildings. Required yards shall be maintained as open space areas on all sites, except as provided in the bulk requirements for each zone.

#### **4.6 Double Frontage Sites**

Within all zones in the Local Urban District of Birch River and the "GD" Zone, where a site has frontage along two more or less parallel streets, the following provisions shall apply:

- (a) Where the site depth is greater than two hundred (200) feet, both site lines which abut these streets shall be considered to be front site lines, and the adjacent yards shall both be considered to be required front yards; and
- (b) Where the site depth is two hundred (200) feet or less, only one site line shall be considered to be the front site line, and this determination shall be made by the Development Officer, based on the arrangement of existing buildings in the immediate area.

**4.7 Separation of Principal Building and Any Other Building**

The minimum distance between the principal building and any other building shall be six (6) feet, unless otherwise provided for herein.

**4.8 Unconventional Sites**

Where a site is of such unique configuration that the required yards cannot be ascertained in accordance with the definitions of PART 14, 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.

**4.9 Landlocked Sites**

In unique circumstances, Council may permit development on a site which only has frontage on a private lane or road, provided the said lane or road is at least twenty (20) feet in width and intersects with a street, and is secured by means of a registered easement. For the purpose of establishing the position of the required yards, the Development Officer shall determine the front, side or rear site lines of a landlocked site.

## **PART 5: GENERAL REGULATIONS FOR ALL ZONES**

### **5.1 Land Subject to Flooding**

- 5.1.1 No buildings or structures, except for fences, shall be built in areas in the vicinity of creeks or streams which, in the opinion of Council, are subject to flooding by a one hundred year flood, unless the owner provides sufficient information prepared by a qualified consultant, to demonstrate compliance with the provisions of The Swan Valley Planning District Development Plan.
- 5.1.2 Where development is proposed in an area which, in the opinion of the Development Officer, may be subject to ponding due to snowmelt or heavy rainfall events, the owner may be required to provide additional flood proofing measures such as but not necessarily limited to the provision of sufficient fill around the building to provide an additional measure of protection from flood damage.
- 5.1.3 No permanent building shall be constructed or placed on land, which is subject to subsidence or erosion by water or is marshy or unstable, or is otherwise unsuitable or hazardous by virtue of its soil or topography, unless it is demonstrated to the satisfaction of Council that proper measures will be taken to mitigate the hazard to an acceptable level.
- 5.1.4 The minimum separation distance for all permanent buildings and structures from the crest or foot of a slope having a natural gradient in excess of ten (10%) percent shall be a distance sufficient to allow for a stable slope plus fifty (50) years of erosion, or one hundred (100) feet, whichever is greater.
- 5.1.5 With the exception of bank stabilization projects having the approval of Council, clearing land of its natural vegetation, including cultivation, shall not be conducted within fifty (50) feet of the ordinary high water mark of a watercourse.
- 5.1.6 No land use activity shall be conducted in any zone unless such precautionary measures, satisfactory to Council, to safeguard and prevent water and atmospheric pollution, including enrichment of natural waters with organic nutrients or sediments, are incorporated into the proposed land use activity. Council may seek the advice of appropriate government agencies on the adequacy of the proposed preventative measures.

### **5.2 High Water Table Areas**

Groundwater conditions are highly variable throughout the Municipality and in some areas the groundwater table may be very close to the surface. Sufficient measures should be included in the design of buildings to adequately protect basements from groundwater infiltration.

### **5.3 Separation for Sewage Lagoons and Waste Disposal Grounds**

- 5.3.1 No new habitable buildings, including dwellings, schools, motels, restaurants, institutions and hospitals shall be located within one thousand five hundred (1,500) feet

of a sewage lagoon. Proposals to alter this separation distance must be considered and approved by the Environmental Authorities of the Province prior to development.

5.3.2 No habitable buildings, including dwellings, schools, motels, restaurants, institutions and hospitals shall be located within one thousand three hundred twelve (1,312) feet of a sanitary landfill site unless it can be demonstrated by a professional engineer, registered in the Province of Manitoba, that there will be no migration of methane gas or other surface or subsurface pollutants. Also, any reduction in this separation distance requires approval by the Environmental Authorities of the Province prior to development.

5.3.3 The above distances are to be measured from the centerline of the nearest lagoon dyke or nearest side of a landfill pit.

#### **5.4 Site Reduced by Road Widening**

Where the site area or site width of a parcel of land has been reduced as a result of land acquired for the establishment or widening of a public road or drain, or for any other public work, the land which has been acquired shall be deemed to be part of the site for purposes of determining compliance with the minimum site area and site width requirements and required yards for existing buildings as specified by this By-law; however, where new buildings or structures are proposed, the required yards shall be determined by the location of actual site boundaries.

#### **5.5 Building Removal**

Upon completion of removal, relocation or demolition of a building from a site, the old foundation shall be removed, any excavation shall be filled, the ground shall be levelled and the site shall be put in a safe condition to the satisfaction of the Development Officer.

#### **5.6 Building Grade and Site Drainage**

The grade for all principal buildings and structures and the proposed site drainage system shall be approved by the Development Officer prior to the commencement of construction.

#### **5.7 Road Access**

No permanent building may be constructed or placed on a site, which does not have legal access to an improved public road. Legal access to an improved road allowance may be obtained through an easement agreement.

#### **5.8 Service Connections**

Where a site is served by municipal piped sewer or water, no permanent principal building shall be constructed or placed unless it is connected to such services.

## **5.9 Public Monuments and Cairns**

Nothing in this By-law shall be so interpreted as to interfere with the establishment of public monuments and cairns.

## **5.10 Signs**

5.10.1 No sign or sign structure shall be erected or temporarily placed at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign or obstruct the view of any highway or street intersection.

5.10.2 All signs and their support structures shall be kept in good repair. Signs which have become obsolete because of the discontinuance of the business or service and have not been removed or relocated within thirty (30) days following such condition may be removed by the Municipality at the owner's expense.

## **5.11 Temporary Buildings and Uses**

5.11.1 Temporary buildings, structures and uses of land are permitted on a site in connection with construction and development on that or a nearby site, subject to the issuance of a development permit and only for the following purposes:

- (a) offices for the contractor or developer or project supervisor;
- (b) accommodation for a caretaker;
- (c) storage of materials and equipment; and
- (d) temporary accommodations, field offices and temporary concrete and asphalt plants necessary for road construction projects, provided that a minimum separation distance of one thousand three hundred twenty (1,320) feet is provided between an asphalt or concrete plant and the nearest habitable dwelling or residence.

5.11.2 A development permit for a temporary building or structure or use shall be valid for six (6) months and may not be renewed for more than two (2) successive six (6) month periods.

## **5.12 Road Allowances**

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.

## **5.13 Basement Accommodations**

A dwelling unit or living accommodation for a boarder shall not be located in a basement unless it complies with the provisions of The Manitoba Building Code with regard to various features, including but not limited to floor area, room height, stairs, egress, fire separation, sanitary facilities, windows and smoke alarms.

**5.14 Noxious or Offensive Uses**

Notwithstanding anything herein contained, no use shall be permitted in any zone 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. If the use is permitted in the subject zone, satisfactory measures shall be undertaken to mitigate or eliminate such effects and necessary licensing shall be obtained from Manitoba Conservation, as required.

**5.15 Mobile Home Provisions**

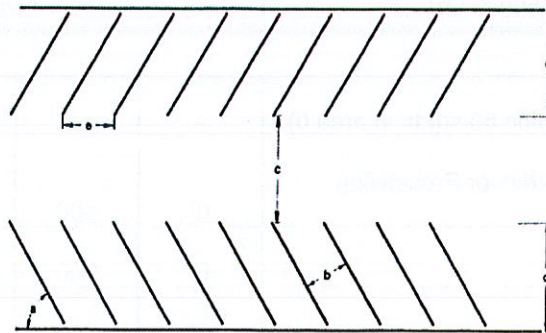
All mobile homes which are either newly sited or relocated within The Rural Municipality of Mountain after the effective date of this By-law, shall conform to C.S.A. standards pertaining to construction, site preparation, foundation and anchorage. The undercarriage of all mobile homes shall be fully concealed by skirting which is either pre-finished or painted to complement the mobile home.

**5.16 Parking Lot Design**

All parking lots shall conform to the provisions of the following TABLE 5-1: PARKING AREA DIMENSIONS and drawing.

**TABLE 5-1: PARKING AREA DIMENSIONS**

Angle of Parking (degrees)	MINIMUM REQUIREMENTS			
	Width of Stall (ft)	Width of Aisle (ft)	Depth Perpendicular To Aisle (ft)	Width Parallel to Aisle (ft)
a	b	c	d	e
30	9	12	15	17
45	9	12	18	12
60	9	20	20	10
90	9	24	20	9



## PART 6: AGRICULTURAL GENERAL ZONE

### 6.1 Permitted and Conditional Uses

TABLE 6-1: AGRICULTURAL GENERAL USE AND BULK TABLE lists all uses that are permitted or conditional in the "AG" Agricultural General Zone and sets forth the minimum bulk regulations for these uses.

TABLE 6-1: "AG" AGRICULTURAL GENERAL USE AND BULK TABLE

USES	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (acres)	Site Width (feet)	Front Yard (feet) (a)	Side Yard (feet) (a)(b)	Rear Yard (feet) (a)(b)
<b>PERMITTED USES</b>					
Advertising Signs, less than 50 sq. ft. in area	-	-	50(c)	25	25
Agricultural Activities, General	80	1,000	125	25	25
Agriculture Activities, Specialized (d)	2	200	125	25	25
Dwellings, Farm and Non-farm (e)	2(f)	200	125	25	25
Livestock Production Operations producing 300 Animal Units (AUs) or less (g) (See Part 5)	80(h)	1,000	125	25	25
Market Gardens, Nurseries or Greenhouses (i)	2	200	125	25	25
Public Utilities (See 2.1.5 and 2.1.6)	Not Applicable				
<b>CONDITIONAL USES</b>					
Advertising Signs, exceeding 50 sq. ft. in area (i)	-	-	125	25	25
Agriculture Related Industries or Processing Plants (i)	10	400	125	25	25
Aircraft Landing Areas (i)	10	200	125	25	25
Auction Marts (i)	2(f)	200	125	25	25
Automobile Service Stations, including accessory restaurants or commercial stores (i)	2	200	125	25	25
Campgrounds (i)	2(f)	200	125	25	25



**TABLE 6-1: "AG" AGRICULTURAL GENERAL USE AND BULK TABLE**

USES	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (acres)	Site Width (feet)	Front Yard (feet) (a)	Side Yard (feet) (a)(b)	Rear Yard (feet) (a)(b)
Cemeteries (i)	2(f)	200	125	25	25
Community Halls (i)	2(f)	200	125	25	25
Earth Moving Contractors and Ready-Mix Concrete Suppliers (i)	2(f)	200	125	25	25
Establishments for the storage, handling or processing of agricultural produce, in return for remuneration (i)	2	200	125	25	25
Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures (i)	2(f)	200	125(j)	25(j)	25(j)
Establishments for the sales, storage or distribution of chemical fertilizers, herbicides, pesticides, fungicides, insecticides and similar uses (i)					
- Anhydrous Ammonia	5	300	125(j)	25(j)	25(j)
- Other	2	200	125(j)	25(j)	25(j)
Establishments related to the harvesting of natural resources such as forestry (i)	2(f)	200	125	25	25
Exhibition Grounds (i)	2	200	125	25	25
Fur Farms (i)	2(f)	200	125	25	25
Golf Courses (i)	40	660	125	25	25
Guest Houses, Outfitting Cabins, Lodges and similar uses	2	200	125	25	25
Kennels (i)	2(f)	200	125	25	25
Livestock Production Operations in excess of 300 Animal Units (AUs), irrespective of location (g) (see 5.2 to 5.5)	80(h)	1,000	125	25	25
Manufacturing, Fabricating, Machining, Processing or Repair Establishments (i)	2(f)	200	125	25	25
Motor Vehicle or Agricultural Equipment Body Shops, Salvage or Wrecking Operations (i)	2(f)	200	125	25	25

**TABLE 6-1: "AG" AGRICULTURAL GENERAL USE AND BULK TABLE**

USES	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (acres)	Site Width (feet)	Front Yard (feet) (a)	Side Yard (feet) (a)(b)	Rear Yard (feet) (a)(b)
Museums or Historic Sites (i)	2(f)	200	125	25	25
Public Works Compounds and Maintenance Buildings (i)	2(f)	200	125	25	25
Recreation Facilities, including associated uses (i)	2	200	125	25	25
Religious and Educational Institutions (i)	2(f)	200	125	25	25
Residential Care Facilities for five persons or more	2(f)	200	125	25	25
Riding Academies and Stables (i)	2	200	125	25	25
Sewage Lagoons (i)	2	200	125	25	25
Surface Mining Operations, including gravel pits (i)	2	200	125	25	25
Telecommunications Towers (i)	2(f)	200	125	25	25
Trucking Establishments (i)	2(f)	200	125	25	25
Veterinary Clinics (i)	2(f)	200	125	25	25
Waste Disposal Sites (i)	2	200	125	25	25
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES</b>	-	-	125	25	25

The following notations and additional requirements form part of TABLE 6-1:

- (a) Where a site line is adjacent to a Provincial Trunk Highway or Provincial Road, the setback requirements and changes thereto, of the provincial highway authorities shall apply;
- (b) Except for cemeteries, where a side or rear site line is adjacent to a government road allowance or other municipal road, the minimum required side or rear yard shall be one hundred twenty-five (125) feet;
- (c) Where an advertising sign is adjacent to a Provincial Trunk Highway or Provincial Road, the setback requirements and changes thereto of the provincial highway authorities shall apply;

- (d) Apiaries shall be considered as a conditional use when proposed to be located within one (1) mile of designated urban communities identified on **MAPS 1 and 2 of Appendix "A"** of this By-law;
- (e) Residential subdivisions (farm and non-farm) in the **"AG"** Zone are allowed only in accordance with the Residential Development General Provisions of The Swan Valley Planning District Development Plan;
- (f) The maximum site area shall be ten (10) acres, unless physical features of the site, such as natural drains, shelterbelts, etc. indicate that a slightly larger site would be appropriate;
- (g) New or expanding livestock production operations are deemed to be a conditional use when the total number of Animal Units (AUs) inclusive of all animal species exceeds three hundred (300). Livestock production operations of less than three hundred (300) Animal Units (AUs) that are in close proximity to dwellings, recreation areas and designated urban communities identified on **MAPS 1 and 2 of Appendix "A"** of this By-law are regulated as outlined in section 11.4 of PART 11. Applications to establish new or expand existing livestock production operations as permitted or conditional uses must be made on the forms prescribed by Council and provide information required under PART 11 of this Bylaw. Each approved livestock production operation may be required to file an annual manure management plan with Manitoba Conservation and The Rural Municipality of Mountain at the request of Council;
- (h) Notwithstanding the minimum site area requirement specified in this TABLE, there shall be sufficient land available for livestock production operations to properly accommodate manure disposal, in accordance with the provisions of the *Manitoba Farm Practices Guidelines*;
- (i) Where the site of the proposed development is located within one thousand (1,000) feet of a Provincial Trunk Highway, or within one half (1/2) mile of a highway intersection, the proposal may be referred to Manitoba Transportation and Government Services for review and comment; and
- (j) For separation distances for hazardous materials, including but not necessarily limited to anhydrous ammonia storage facilities see section 11.8 of PART 11.

## **6.2 Accessory Uses, Buildings and Structures**

6.2.1 In the Agricultural General Zone, an accessory use building or structure includes, but is not limited to, the following:

- (a) Farm dwelling as the principal residence of the use served to include a single-family dwelling, mobile or modular home when on the same site as a permitted or approved agricultural activity (and subject to special separation distances as provided in PART 11;
- (b) Staff dwellings including single-family dwellings, two-family dwellings, mobile or modular homes when on the same site as a permitted or approved agricultural activity where in the opinion of Council, staff dwellings are essential for the

continuance of the operation (and subject to special separation distances as provided in PART 11;

- (c) Farm buildings and structures, including barns, machine sheds, corrals, grain bins and similar structures;
- (d) Storage of goods used in or produced by agricultural activities and located on the same site with said use;
- (e) Vacation farms and bed and breakfast operations;
- (f) Child care services;
- (g) Residential care facilities for four (4) persons or less;
- (h) Child's playhouse, garden house, private greenhouse, a summer house, private swimming pool, sidewalks, patios, decks, fences and similar landscaping features;
- (i) A private garage or carport, covered patio, tool house, shed and other similar buildings for the storage of domestic equipment and supplies;
- (j) Individual sewage disposal system, subject to environmental regulations;
- (k) Private communications facilities including parabolic antennae and radio towers;
- (l) Home-based businesses as provided for in section 11.1 of PART 11;
- (m) Buildings and structures associated with recreational facilities;
- (n) Private airfields and related structures;
- (o) Business and identification signs up to a maximum size of one hundred (100) square feet of sign surface area, and to a maximum of two (2) signs per site;
- (p) Mobile or temporary signs not to exceed thirty-five (35) square feet in sign surface area per side for the purpose of advertising a social, community or family related event or a business activity provided the sign is on the same site as the activity or event;
- (q) Other incidental signs, including real estate and construction signs up to a maximum size of thirty-two (32) square feet of sign surface area and "No hunting" and "No trespassing" signs up to a maximum size of ten (10) square feet of sign surface area; and
- (r) In the case of non-farm uses as provided for in TABLE 6-1, the following buildings, structures and uses are deemed to be accessory:
  - (i) Facilities related to the production, processing, cleaning, servicing, altering, testing, repair or storage of materials or equipment normally

incidental to the principal use, provided that the said facilities are located on the same site as the principal use;

- (ii) One dwelling, modular or mobile home for the use of the owner or operator of the principal use, provided that it is located on the same site as the principal use; and
- (iii) Accessory domestic residential buildings and structures, when incidental to a dwelling or mobile home as provided for in clauses (h) to (l) of this subsection.

### **6.3 Projections into Required Yards**

All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space. Building components such as eaves, awnings, chimneys, canopies, bay windows, alcoves, exterior steps, open decks and similar features may project into any required yard up to a maximum of five (5) feet. Subject to sections 4.3 and 4.4 of PART 4, various driveways, trees, fences, hedges, and similar landscaping features, along with building services such as wells and septic fields, are permitted in any required yard.

## PART 7: GENERAL DEVELOPMENT ZONE

### 7.1 Permitted and Conditional Uses

TABLE 7-1: GENERAL DEVELOPMENT USE AND BULK TABLE lists all uses that are permitted or conditional in the "GD" General Development Zone and sets forth the minimum bulk regulations for those uses.

TABLE 7-1 "GD" GENERAL DEVELOPMENT ZONE – USE AND BULK TABLE

USES	MINIMUM REQUIREMENTS(a)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet) (b)	Side Yard (feet) (b)	Rear Yard (feet) (b)
<b>PERMITTED USES</b>					
Accommodation Facilities, including Hotels and Motels	15,000	100	25	15	25
Advertising Signs less than 50 sq. ft. in area	-	-	25	15	15
Agricultural Activities, limited to cereal and forage crops, market gardening, nurseries and greenhouses, except for limited livestock as provided for in section 11.10 of PART 11	40 acres	300	125	25	25
Bakeries	15,000	100	25(c)	15(c)	25
Campgrounds	20,000	100	25	15	25
Cultural Facilities, including auditoriums, community clubs and halls, libraries, museums, theatres, and historic sites	15,000	100	25(c)	15(c)	25(c)
Dwellings, single-family	15,000	100	25	15(c)	25
Dwellings, mobile home	15,000	100	25	15(c)	25
Dwellings, modular home	15,000	100	25	15	25
Dwellings, two-family	15,000	100	25	15	25
Emergency Services, including police and fire stations	15,000	100	25	15	25(c)
Establishments for the provision of personal services, including offices, financial institutions, clinics, salons, day care facilities and funeral homes	15,000	100	25(c)	15(c)	25(c)

*Cemeteries*

**TABLE 7-1 "GD" GENERAL DEVELOPMENT ZONE – USE AND BULK TABLE**

USES	MINIMUM REQUIREMENTS(a)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet) (b)	Side Yard (feet) (b)	Rear Yard (feet) (b)
Establishments for the sale of goods or services, provided that all storage is within a fully enclosed building	15,000	100	25(c)	15(c)	25(c)
Exhibition Grounds	20,000	100	25	15	25
Food or Beverage Service Establishments	15,000	100(c)	25(c)	15(c)	25(c)
Institutional Buildings, including schools, personal care homes and senior citizen homes	20,000	100	25	15	25
Nurseries or Greenhouses	15,000	100	25	15	25
Parks or Playgrounds	7,500	60	-	-	-
Public Parking Areas	7,500	50	-	-	-
Public Utilities	15,000 (d)	100 (d)	25 (c)(d)	15 (c)(d)	25 (c)(d)
Recreation Facilities	15,000	100	25(c)	15(c)	25 (c)(e)
Religious Institutions	15,000	100	25(c)	15(c)	25(c)
<b>CONDITIONAL USES</b>					
Advertising Signs exceeding 50 sq. ft in area	-	-	25	15	25
Bed and Breakfast with 3 or more guest rooms	15,000	100	25(c)	15(c)	25(c)
Boarding or Rooming Houses with 3 or more boarders	15,000	100	25(c)	15(c)	25(c)
Clubs, Private or Public	15,000	100	25(c)	15(c)	25(c)
Dwellings, multiple-family	15,000 (e)	100	25	15	25
Earth Moving Contractors and Ready-Mix Concrete Suppliers	15,000	100	25	15	25
Establishments for the storage, handling or processing of agricultural produce, in return for remuneration	15,000	100	25	15(h)	25(h)
Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures, including bulk fuel establishments	15,000	100	25	15(h)	25(h)
Establishments for the sale of goods and services, where there is exterior storage of products	15,000	100	25(c)	15(c)	25(c)

**TABLE 7-1 "GD" GENERAL DEVELOPMENT ZONE – USE AND BULK TABLE**

USES	MINIMUM REQUIREMENTS(a)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet) (b)	Side Yard (feet) (b)	Rear Yard (feet) (b)
Manufacturing, Fabricating, Machining, Processing or Repair Establishments	15,000	100	25(c)	15(c)	25(c)
Public Works Compounds and Maintenance Buildings	15,000	100	25	15	25
Residential Care Facilities for 3 or more adults or children	15,000	100	25	15	25
Sewage Lagoons	15,000	100	25	15	25
Storage Facilities and Compounds, Exterior, non-hazardous materials	15,000	100	25	15	25
Trucking Establishments	15,000	100	25	15	25
Veterinary Clinics	15,000	100	25	15	25
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES</b>	-	-	(f)	5(g)(h)	5(g)(h)

- (a) In addition to the minimum requirements of this TABLE, the following requirements shall also apply:
- i) Maximum allowable height for all principal buildings and structures shall be thirty (30) feet, except for grain storage structures, fuel and fertilizer storage tanks and church steeples;
  - ii) Maximum allowable height for all accessory buildings and structures shall be fifteen (15) feet, if accessory to a residence, and eighteen (18) feet if accessory to a non-residential use, except for grain storage structures, fuel and fertilizer storage tanks, church steeples and telecommunications towers; and
  - iii) Minimum dwelling unit area shall be six hundred (600) square feet for a residential building, and four hundred (400) square feet for dwelling units in a multiple-family dwelling or an accessory residential suite within a commercial building;
- (b) Where the site line is adjacent to a Provincial Trunk Highway or Provincial Road, the setback requirements and changes thereto, of the provincial highway authorities shall apply;
- (c) When located in the central business area of the community, the minimum required yard shall be five (5) feet;



- (d) Where the proposed development consists of a building or structure less than one hundred (100) square feet in floor area, a smaller site may be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a building or structure separation distance of seven (7) feet is maintained from all site lines;
- (e) The minimum required site area for the first three (3) dwelling units shall be fifteen thousand (15,000) square feet, and the minimum required site area shall increase by an additional one thousand (1,000) square feet for each additional dwelling unit above three (3) units;
- (f) The minimum required front yard for accessory buildings and structures shall be the same as the minimum required front yard for the principal building on the same site;
- (g) In the case of buildings or structures, which are accessory to residential uses, when located entirely to the rear of the principal building, the minimum required side yard and rear yard for accessory buildings and structures shall be three (3) feet; and
- (h) Where an accessory building is used for the storage of a motor vehicle, the wall fronting on to a public lane which contains the vehicular access door shall be set back a minimum distance of ten (10) feet from a public lane.

## **7.2 Accessory Uses, Buildings and Structures**

7.2.1 In residential areas located in the General Development Zone, an accessory use, building or structure includes, but is not limited to, the following:

- (a) Private garage or carport, covered patio, toolhouse, shed, boathouse, and other similar buildings for the storage of domestic equipment and supplies;
- (b) Child's playhouse, garden house, private greenhouse, a summer house, private swimming pool, sidewalks, patios, decks, fences and similar landscaping features;
- (c) Home-based businesses incidental to or secondary to the residential use of a dwelling unit or mobile home as regulated in section 11.1 of PART 11 including:
  - (i) Bed and breakfast operations containing 2 guest rooms or less;
  - (ii) Boarding, rooming or lodging facilities for 2 persons or less;
  - (iii) Home day care services for eight (8) or less children;
  - (iv) Residential care facilities to a maximum of two (2) persons; and
  - (v) Any other home-based business not listed herein;
- (d) Private communications facilities including parabolic antennae and radio towers;
- (e) Off-street parking areas;

- (f) Water supply and sewage disposal systems, subject to environmental regulations;
- (g) One (1) residential identification sign for each residence, displaying the name of the owner or resident, or the street address of the premises, or a home-based business with a maximum sign surface area of six (6) square feet; and
- (h) Temporary real estate and construction signs not exceeding sixteen (16) square feet in surface area.

7.2.2 In non-residential areas located in the General Development Zone, an accessory use, building or structure includes, but is not limited to, the following:

- (a) Facilities related to the production, processing, cleaning, servicing, altering, testing, repair or storage of materials or equipment, provided that the said facilities are located on the same site and are under the same ownership as the principal use;
- (b) Off-street parking, loading and display areas;
- (c) Business and identification signs are permitted with a maximum sign surface area per site or business of one hundred (100) square feet;
- (d) Private water supply and sewage disposal systems, subject to environmental regulations;
- (e) Private communications facilities including parabolic antennae and radio masts;
- (f) Accessory mobile home or dwelling unit as part of a commercial building for the owner, operator or caretaker, plus accessory domestic structures including garage, greenhouse, playhouse, swimming pool, garden shed and toolhouse;
- (g) Farm dwellings when accessory to a permitted agricultural use;
- (h) A livestock confinement facility associated with an agricultural use as defined in PART 14 and as regulated in section 11.10 of PART 11; and
- (i) Temporary real estate and construction signs not exceeding thirty-two (32) square feet in surface area.

### 7.3 Projections into Required Yards

All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space. The following features are permitted to be located in required yards unless otherwise specified:

- (a) Portable buildings not exceeding one hundred (100) square feet in floor area for the storage of domestic equipment may be located within any required interior side yard or required rear yard, provided that a separation distance of one (1) foot is maintained from a site line, and a separation distance of three (3) feet is maintained from any dwelling, mobile or modular home;

- (b) Open terraces, decks and exterior stairway landings not exceeding a height of four (4) feet above grade, may project up to two and one half (2.5) feet into any required yard, provided that they do not obstruct any vehicular parking space or vehicular access to such space;
- (c) Chimneys, alcoves, bay windows, eaves, gutters, canopies, awnings and other similar building elements, provided they do not project any more than two and one half (2.5) feet into any required yard and do not obstruct any vehicular parking spaces or vehicular access to such spaces;
- (d) Driveways and accessory parking spaces, subject to the provisions of section 7.4 of this PART;
- (e) Uncovered sidewalks, patios, wheelchair ramps, trees, shrubs, trellises, arbours, retaining walls, flagpoles, lighting fixtures, water wells, and similar features;
- (f) Fences and walls, subject to the provisions of section 7.5 of this PART; and
- (g) Signs, provided there is a minimum separation of five (5) feet from any site line.

#### **7.4 Parking**

- (a) At least one accessory off-street parking space shall be provided for each residential use or for each suite or room in a hotel, motel or boarding house, and shall be located on the same site as the use served;
- (b) For residential uses, at least one on-site permanent vehicular parking space shall be provided at a location other than the required front yard, and not more than two (2) open vehicular parking spaces shall be provided within the required front yard;
- (c) Parking requirements for non-residential uses shall be determined by Council at the time of the application for a development permit, based upon the anticipated needs of the proposed uses;
- (d) Where an accessory parking lot is required for five or more vehicles, the design of the parking lot shall conform to TABLE 5-1 of PART 5 and be subject to the approval of the Development Officer;
- (e) Every parking space shall be a minimum width of nine (9) feet and shall be a minimum length of twenty (20) feet; and
- (f) When a building or structure is enlarged or a use is changed, the accessory off-street parking spaces shall be provided for the enlargement, change, or new use, in accordance with the provisions of this section.

#### **7.5 Fences and Walls**

- (a) The following provisions shall apply to all fences and walls for all uses:

- (i) within a required front yard, no fence or wall shall exceed a height of three (3) feet above grade of land within two (2) feet of each side of the fence; and
  - (ii) within a required side yard or required rear yard, no fence or wall shall exceed a height of six (6) feet above the average grade of land within two (2) feet of each side of the fence;
- (b) No chain link fence shall be constructed or located within any required front yard of any residential building or mobile home; and
  - (c) No electric fence or barbed wire fence shall be constructed or located within any residential site.

## PART 8: RESIDENTIAL ZONE

### 8.1 Permitted and Conditional Uses

TABLE 8-1: RESIDENTIAL USE TABLE lists all uses that are permitted or conditional in the "RG-U" Residential General Unserved Zone.

TABLE 8-1: RESIDENTIAL USE TABLE

LEGEND "P" means Permitted Use "C" means Conditional Use "." means Use is Prohibited	"RG-U" Residential General Unserved Zone
Arts and Crafts Studios	C
Bed and Breakfast Establishments with 3 or more guest rooms	C
Boarding, Rooming and Lodging Houses with 3 or more boarders	C
Community Centres and Community Clubs	-
Dwellings:	
Single-Family Dwellings	P
Two-Family Dwellings	.
Multiple-Family Dwellings, including threeplexes, fourplexes, row housing and apartment buildings	C
Mobile Homes	P
Modular Homes	P
Group Day Care Facilities (9 children or more)	C
Mobile Home Parks (see section 8.7)	C
Parks, Playgrounds and Public Reserves	P
Personal Care Homes and similar institutions	-
Public Utility Buildings	P
Religious Institutions, including churches, church halls, and church educational facilities	C
Residential Care Facilities for 3 or more adults or children	C
Senior Citizens' Homes	C
Accessory Uses, Buildings and Structures	P

### 8.2 Accessory Uses, Buildings and Structures

8.2.1 In the Residential General Unserved Zone, a permitted accessory use, building or structure includes, but is not limited to, the following uses, buildings or structures, which shall be permitted on the same site as a principal building, structure or use, and shall be subject to the provisions of section 8.3 of this PART:

- (a) A private garage, carport, covered patio, tool house, shed, or other similar building;
- (b) A private swimming pool, greenhouse, garden house, conservatory, child's playhouse or child's play structure;

- (c) Accessory off-street parking areas as required and further regulated in section 8.4 of this PART;
- (d) Antennas, including satellite dish antennas;
- (e) Fences and walls, subject to the additional provisions of section 8.5 of this PART;
- (f) Decks, patios, sidewalks, wheelchair ramps, gazebos, statuary, flagpoles and similar landscaping features;
- (g) Home-based businesses incidental to or secondary to the residential use of a dwelling unit, mobile or modular home as regulated in section 11.1 of PART 11 including:
  - (i) Bed and breakfast operations containing 2 guest rooms or less;
  - (ii) Boarding, rooming or lodging facilities for 2 persons or less;
  - (iii) Home day care services for eight (8) or less children;
  - (iv) Residential care facilities to a maximum of two (2) persons; and
  - (v) Any other home-based business not listed herein;
- (h) Signs, subject to the additional provisions of section 8.6 of this PART; and
- (i) Refuse and garbage disposal containers, which in the case of multiple-family dwellings and personal care homes, shall be subject to the approval of the Development Officer with regard to location on the site.

### **8.3 Residential Bulk Regulations**

- 8.3.1 The Residential Bulk Regulations shall be as set forth in TABLE 8-2 and shall apply to all permitted and conditional uses. These regulations are intended to provide for adequate space for the buildings, vehicular parking, and private outdoor recreation areas, as well as to provide for convenient access for vehicles and pedestrians, for sufficient space for the purposes of privacy, maintenance of the building or structure, and as a measure of fire protection.
- 8.3.2 The owner shall maintain the minimum site area, site width, required yards and other requirements specified herein for any use.
- 8.3.3 Not more than one principal building or use and its accessory buildings, structures, and uses shall be permitted on one site, with the exception of mobile homes located in a mobile home park.
- 8.3.4 No parcel of land shall be subdivided into sites, unless each site conforms with the bulk regulations as set forth in TABLE 8-2.
- 8.3.5 No required yard shall be reduced below the minimum requirements as set forth in TABLE 8-2 unless a minor variation or variation order is obtained in accordance with the provisions of *The Planning Act*.

**TABLE 8-2: RESIDENTIAL BULK TABLE**

PERMITTED OR CONDITIONAL USES	MINIMUM REQUIREMENTS (a)(b)(c)				
	Site Area (sq ft)	Site Width (ft)	Front Yard (ft)(d)	Side Yard (ft)	Rear Yard (ft)(d)
Arts and Crafts Studios	15,000	100	30	15	25
Bed & Breakfast Establishments with 3 or more guest rooms	15,000	100	30	15	25
Boarding, Rooming and Lodging Houses with 3 or more boarders	15,000	100	30	15	25
Community Centres and Community Clubs	15,000	100	30	15	25
Dwellings: Single-Family	15,000	100	30	15(g)(h)	25
Unserviced Single-Family and Two-Family (e)(f)	15,000	100	30	15(i)	25
Multiple-Family(e)	15,000	100	30	15(i)	25
Mobile & Modular Homes	15,000	100	30	15	25
Subdivision	6,000(j)	50	15	10	15
Park	6,000(j)	50	15	10	15
Group Day Care Facilities	15,000	100	30	10	25
Parks and Playgrounds	7,500	60	30	10	25
Public Utility Buildings	7,500	60	30	10	25
All other permitted and conditional uses in the "RG-U" Zone	20,000	100	30	15	25
Accessory Uses, Buildings and Structures	-	-	(k)	5(k)	5(k)(l)

The following notations, exceptions and additional requirements form part of TABLE 6-2:

- (a) The minimum floor area of all dwellings and mobile homes shall be six hundred (600) sq. ft. and the minimum floor area of all dwelling units in multiple-family residences shall be four hundred (400) sq. ft.;
- (b) The maximum height of all principal buildings and structures in the Residential Zone shall be thirty-five (35) feet. The maximum height for all accessory buildings and structures shall be eighteen (18) feet, provided that these requirements shall not apply to building elements such as chimneys, flagpoles, antennas or church spires;
- (c) Where a site abuts a highway under the jurisdiction of Manitoba Transportation and Government Services, the owner shall obtain all permits required for setbacks of buildings and structures;
- (d) The minimum front yard requirement and rear yard requirement for a zoning site, where there are existing buildings on the adjacent sites on both sides of the site, or one side for a corner site, shall be the average of the existing front yard(s) or existing rear yard(s) of the said adjacent building(s), provided that the distance is less than the minimum bulk requirements as specified in this TABLE. The minimum front yard requirement and rear yard requirement noted above may be

used to determine the front and rear yard requirements for a building that was destroyed and is being rebuilt, or where an existing building is to have an addition made to it, or where a new building is to be constructed in an infilling situation;

- (e) For the purposes of interpreting the requirements of this TABLE, a semi-detached two-family dwelling, a row house or a multiple-family dwelling having a common party wall shall be considered as one (1) building occupying one (1) site;
- (f) In the case of semi-detached two family dwellings, each dwelling unit may occupy a separate site, provided that each site is a minimum of seven thousand five hundred (7,500) square feet in site area and has a minimum site width of fifty (50) feet. The side yard requirement along the party wall shall be zero (0) feet, and all other provisions of this TABLE shall apply;
- (g) In existing subdivisions where site width is less than one hundred (100) feet, the minimum side yards shall be as follows:
  - (i) with a public lane at rear of site, five (5) feet for a one storey building and six (6) feet for a dwelling having more than one storey;
  - (ii) without a public lane at the rear of the site, one side yard shall be twelve (12) feet for a one-family dwelling and both side yards shall be twelve (12) feet for a two-family dwelling unless an attached garage or carport is provided at the side of the dwelling(s) in which case both side yards shall be as required in sub-clause (i) above; and
  - (iii) in the case of a corner site the side yard on the street side of the corner site shall be increased to twelve (12) feet;
- (h) The corner side yard requirement for a private garage or carport with vehicular access onto the flanking street shall be twenty (20) feet;
- (i) In the case of multiple-family dwellings, the required side yard shall be twenty (20) feet where the wall of the building exceeds an average height of twenty (20) feet above grade, or where a living room window or dining room window of any dwelling unit within the building views directly out on the side yard;
- (j) For the purposes of the requirements of this TABLE, a mobile home space shall be deemed to be a mobile home site;
- (k) Accessory buildings or structures may be attached to the principal building and in such cases, the accessory building or structure shall be considered as being a part of the principal building, and the yard requirements for principal buildings shall apply; and
- (l) The minimum rear yard requirement for accessory buildings and structures which do not have direct vehicular access on to a public lane shall be two (2) feet.



8.3.6 All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space. The following features are permitted to be located in required yards unless otherwise specified:

- (a) Portable buildings not exceeding one hundred (100) square feet in floor area for the storage of domestic equipment may be located within any required interior side yard or required rear yard, provided that a separation distance of one (1) foot is maintained from a site line, and a separation distance of three (3) feet is maintained from any dwelling, mobile or modular home;
- (b) Open terraces, decks and exterior stairway landings not exceeding a height of four (4) feet above grade, subject to the following requirements:
  - (i) a minimum separation distance of twenty (20) feet from any front site line shall be maintained;
  - (ii) a minimum separation distance of seven (7) feet from the side site line on the street side of a corner site shall be maintained;
  - (iii) a minimum separation distance of two and one half (2.5) feet from any interior side site line shall be maintained; and
  - (iv) vehicular parking spaces or required vehicular access to such spaces shall not be obstructed;
- (c) Chimneys, alcoves, bay windows, eaves, gutters, canopies, awnings and other similar building elements, provided that they do not project any more than two (2) feet into any required yard and do not obstruct any vehicular parking spaces or vehicular access to such spaces; or in the case of detached accessory buildings located to the rear of the principal building, eaves and gutters shall not project any more than one (1) foot into any required yard;
- (d) Driveways and accessory parking spaces, subject to the provisions of section 8.4 of this PART;
- (e) Uncovered sidewalks, patios, wheelchair ramps, trees, shrubs, trellises, arbours, retaining walls, flagpoles, lighting fixtures, and similar features;
- (f) Fences and walls, subject to the provisions of section 8.5 of this PART; and
- (g) Signs subject to the provisions of section 8.6 of this PART.

8.3.7 Corner vision triangles shall be maintained at the street corners of all sites located adjacent to street intersections within the "RG-U" Zone. The corner vision triangle shall be a triangular area measured ten (10) feet from the street corner of the site along each site line adjacent to the street. No wall, fence, hedge, shrub or other landscaping feature which would substantially diminish the visibility of motorists shall be allowed to exceed a height of three (3) feet within these corner vision triangles.

## 8.4 Parking

8.4.1 For all permitted and conditional uses in the "RG-U" Zone, accessory off-street parking shall be provided and maintained in accordance with TABLE 8-3.

**TABLE 8-3: RESIDENTIAL PARKING TABLE**

USES	MINIMUM NUMBER OF PARKING SPACES REQUIRED *
Boarding, rooming and lodging houses, and Bed and Breakfast establishments	1 for owner and 1 for each boarder or guest room
Parks, Playgrounds, Tot Lots and Buffer Strips	0
Public utility buildings	1
Single-family dwellings	1
Mobile Homes and Modular Homes	1
Two-family dwellings	1 per dwelling unit
Multiple-family dwellings containing 3 or more dwelling units	1.5 per dwelling unit
All other permitted and conditional uses	As determined by Council

\*Where the computation of the number of required accessory off-street parking spaces results in a requirement of a fraction of a parking space, any fraction less than one-half (1/2) of a parking space may be disregarded, whereas a fraction of one-half (1/2) or more of a parking space shall be counted as one parking space.

- 8.4.2 Accessory off-street parking spaces shall be located on the same site as the use served, unless a variation order is approved for parking spaces located elsewhere.
- 8.4.3 At least one permanent accessory parking space per dwelling unit shall be provided at a location other than in the required front yard in the "RG-U" Zone.
- 8.4.4 Accessory parking is allowed within a required front yard, subject to the following provisions:
- (a) No more than two (2) vehicles are parked within the required front yard;
  - (b) The parking area is located on a driveway not more than twenty (20) feet in width leading to a side yard, carport or attached garage; and
  - (c) There are no canopies, walls, or other structures within the required front yard.
- 8.4.5 No accessory parking space shall be located within a horizontal distance of ten (10) feet of the window of a habitable room within a site containing multiple-family dwellings.

- 8.4.6 Where an accessory parking lot is required for three or more vehicles, the design of the parking lot, including all exits and entrances, shall conform to the provisions of section 5.16 of PART 5, and shall be subject to the approval of the Development Officer.
- 8.4.7 Every parking space shall be designed in accordance with the criteria set out in section 5.16 and TABLE 5-1 of PART 5.
- 8.4.8 When a building or structure is enlarged or a use is changed, the accessory off-street parking spaces shall be provided for the enlargement, change, or new use, in accordance with the provisions of section 8.4 of this PART.

## **8.5 Fences and Walls**

8.5.1 The following provisions shall apply to all fences and walls in the "RG-U" Zone:

- (a) Within a required front yard, no fence or wall shall exceed a height of three (3) feet above grade of land within two (2) feet of each side of the fence, and
- (b) Within a required side yard or required rear yard, no fence or wall shall exceed a height of six (6) feet above the average grade of land within two (2) feet of each side of the fence or wall, and enclosures for swimming pools shall be subject to the provisions of The Manitoba Building Code.

8.5.2 No chain link fence shall be constructed or located within any required front yard in the "RG-U" Zone.

8.5.3 No electric fence or barbed wire fence shall be constructed or located within the "RG-U" Zone.

## **8.6 Signs**

8.6.1 The following accessory signs are permitted in the "RG-U" Zone and may be installed without the issuance of a development permit as provided for in subsection 12.6.3 of PART 12:

- (a) One identification sign not exceeding four (4) square feet in surface area per site;
- (b) One bulletin board not exceeding sixteen (16) square feet in surface area per site for religious institutions;
- (c) One sign for a home-based business not exceeding six (6) square feet in surface area;
- (d) One temporary real estate sign or construction sign not exceeding sixteen (16) square feet in surface area per site; and
- (e) Temporary posters, bulletins, legal notices and the like.

8.6.2 Notwithstanding subsection 8.6.1 above, the following accessory signs are also permitted in the "RG-U" Zone, without the issuance of a development permit, but the

location of these signs on the site shall be subject to the approval of the Development Officer:

- (a) One identification sign not exceeding thirty-two (32) square feet in surface area per site for multiple-family dwellings;
- (b) One identification sign not exceeding thirty-two (32) square feet in surface area per site for religious institutions and other non-residential buildings; and
- (c) One mobile sign or temporary sign for the purpose of advertising a social, community or family related event for a period of six (6) days, including the day of the event, provided the sign is on the same site as the event and subject to the following requirements:
  - (i) maximum sign surface area per side is thirty-five (35) square feet, and
  - (ii) minimum set back from site lines is five (5) feet except where two intersecting streets or a street and lane intersect in which case the minimum setback from the corner site lines on the street or side is fifteen (15) feet.

8.6.3 Signs in the "RG-U" Zone shall not contain any animated components or any internal illumination, or any flashing, rotating or scintillating lights.

## **8.7 Mobile Home Park Regulations**

In addition to the preceding bulk requirements, the following requirements shall apply to mobile homes and modular homes and their accessory buildings and structures in Mobile Home Parks.

### ***Minimum Size***

8.7.1 A mobile home park shall contain a minimum of three (3) mobile home spaces and shall have a minimum site width of two hundred (200) feet.

### ***Buffer Area***

8.7.2 A buffer area at least ten (10) feet in width shall be provided within and adjacent to the perimeter of the mobile home park property and twenty (20) feet in width on the perimeter which abuts a street.

### ***Development of the Buffer Area***

- 8.7.3 (a) The buffer area provided in subsection 8.7.2 above shall be developed as an area suitably landscaped with trees, shrubs, grass and similar horticultural features as shown on the site plans submitted pursuant to subsection 8.7.11 of this section;
- (b) The buffer area may be crossed by an access right-of-way a minimum of fifty (50) feet in width containing a concrete, gravel or asphalt driveway a minimum of twenty-five (25) feet in width from a street to the internal roadway system; and

- (c) The buffer area shall contain no use other than permitted by clauses (a) and (b) above.

***Location of Storage Compound***

- 8.7.4 A storage compound shall not be located within the buffer area described in subsection 8.7.3 above and shall be located according to approved site plans.

***Mobile Home Park Internal Roadway System***

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

***Number of Mobile Homes***

- 8.7.6 There shall not be more than one mobile home located on a mobile home space in a mobile home park.

***Distance from Storage Compound, Common Parking, Service Building***

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

***Required Services for Mobile Home Space***

- 8.7.8 A mobile home space shall be provided with the following:
  - (a) An approved sewer connection;
  - (b) An approved potable water supply system;
  - (c) An electrical service outlet; and
  - (d) An adequate base support for the mobile home.

***Location of Accessory Buildings and Structures***

- 8.7.9 Except as provided in clause 8.3.6(a) of this PART, no detached accessory building or structure shall be located nearer a mobile home, including a mobile home on an adjoining space, than a distance of six (6) feet clear of all projections. Detached accessory buildings or structures shall be located only in the side or rear yard.

***Accessory Structures and Buildings***

8.7.10 All accessory structures and buildings such as porches, additions, carports, private garages, skirting and storage facilities shall be painted or pre-finished and maintained so that the design, construction and maintenance will complement the main structure.

***Site Plans – Requirements***

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

***Mobile Home Standards***

8.7.12 All mobile homes must meet all structural standards as determined by *The Buildings and Mobile Homes Act* and amendments thereto.

***Required Services for Mobile Home Park***

8.7.13 A mobile home park shall be provided with:

- (a) An adequate street lighting system, satisfactory to the Development Officer; and
- (b) Any other services that the Development Officer considers necessary for the public health and safety.

## PART 9: COMMERCIAL AND INDUSTRIAL ZONES

### 9.1 Permitted and Conditional Uses

TABLE 9-1: COMMERCIAL AND INDUSTRIAL USE TABLE lists all uses that are permitted or conditional in the "CG" Commercial General and "MG" Industrial General Zones.

TABLE 9-1: COMMERCIAL AND INDUSTRIAL USE TABLE

LEGEND: "P" means Permitted Use "C" means Conditional Use "-" means Use is Prohibited	"CG" Zone	"MG" Zone
Abattoirs	-	C
Advertising Signs	C	C
Agricultural Implements, Equipment or Structures, Manufacture	-	P
Agricultural Implements, Equipment or Structures, Sales and Service	C	P
Amusement Enterprises	P	-
Animal Feed, Manufacture	-	P
Animal Feed, Sales and Storage	-	P
Antique Stores and Second Hand Stores	P	-
Art Stores	P	-
Auction Marts (excluding livestock)	P	P
Auditoriums, Clubs, Halls or Lodges	P	-
Automobiles, Boats, Trucks, Trailers or Recreation Vehicles (including motorcycles and snowmobiles)		
Body Shops and Manufacturing	C	P
Parts Supply Establishments	P	P
Sales Areas	P	P
Service Stations	C	P
Washing Establishments	C	P
Wrecking Establishments	-	C
Bakeries	P	-
Banks or Financial Institutions	P	-
Bicycle Rental, Sales, and Repair Shops	P	-
Billiard Parlours or Bowling Alleys	P	-
Book Stores	P	-
Bowling Alleys	P	-
Building Contractors' Establishments, including Plumbers or Electricians	P	P
Building Supply Sales, Exterior and Interior Storage	P	P
Building Supply Sales, Interior Storage only	P	P
Bus Garages or Compounds	-	P
Bus Depots	C	P
Cafes, Coffee Shops, Restaurants, Banquet Halls or Beverage Rooms	P	P
Carpet Cleaning Establishments	P	P
Carpet, Rug, Linoleum or Other Floor Covering Stores	P	P
Carpentry or Cabinet Shops	C	P
Catering Establishments	P	-
Cement, Batch Plants or Ready Mix	-	C
Ceramic and Pottery Studios	P	P
Cleaning Establishments, including Dry Cleaners or Laundromats	P	-
Clinics, Dental, Medical or Optical	P	-

**TABLE 9-1: COMMERCIAL AND INDUSTRIAL USE TABLE**

<b>LEGEND: "P" means Permitted Use "C" means Conditional Use "." means Use is Prohibited</b>	<b>"CG" Zone</b>	<b>"MG" Zone</b>
Clothing Stores or Fabric Stores	P	-
Community Centres or Community Clubs	P	-
Convenience Stores	P	-
Dairy Processing Establishments	-	P
Department Stores	P	-
Drive-in Restaurants or Other Drive-in Establishments	C	-
Drug Stores	P	-
Dry Goods or Notions Stores	P	-
Earth Moving Contractors, Sand and Gravel Contractors	-	P
Fertilizer, Select Storage, Non-Hazardous Chemicals	-	P
Florists' Stores	P	-
Food Processing Establishments	-	P
Fuels, Bulk Sales and Storage	-	C
Furniture Stores	P	-
Funeral Homes or Parlours	C	-
Garden and Seed Supply Stores	P	-
Gift or Novelty Shops	P	-
Grain Elevators and Storage	-	P
Grocery Stores, Meat Markets, or Delicatessens	P	-
Group Day Care Facilities	P	-
Hardware or Appliance Stores	P	-
Hatcheries, poultry	-	C
Hotels	P	-
Interior Decorating Establishments	P	-
Jewellery Stores	P	-
Libraries, Museums or Theatres	P	-
Liquor Stores	P	-
Locksmith Shops	P	-
Machine Shops or Welding Shops	-	P
Mail Order Stores	P	-
Maintenance Buildings or Compounds for Public Works Equipment	-	P
Manufacturing or Processing Establishments not listed elsewhere in this TABLE, but deemed by Council to be readily identifiable, in general terms, for the "MG" Zone as being similar to permitted or conditional uses of land, buildings or structures	-	C
Miniature Golf Courses	-	-
Monument Sales Establishments with incidental processing but not shaping of headstones	P	P
Motels	P	-
Newspaper or Printing Establishments	P	P
Nurseries and Greenhouses	-	P
Offices, Business, Professional, Health Care or Governmental	P	-
Parking Lots	P	P
Parks or Buffer Strips	P	P
Personal Service Shops, such as Barber Shops, Beauty Parlours and similar uses	P	-
Plastics Fabricating Establishments	-	C
Police Stations or Fire Halls	P	P
Public Utilities or Services	P	P



**TABLE 9-1: COMMERCIAL AND INDUSTRIAL USE TABLE**

<b>LEGEND: "P" means Permitted Use "C" means Conditional Use "-" means Use is Prohibited</b>	<b>"CG" Zone</b>	<b>"MG" Zone</b>
Radio, Television or Small Appliance Sales, Service and Repairs	P	-
Recycling Depot	C	P
Retail Stores and Services not listed elsewhere in this TABLE, but deemed by Council to be readily identifiable, in general terms, for the "CG" Zone as being similar to permitted or conditional uses of land, buildings or structures	C	-
Religious Institutions including churches, temples, church halls and church educational facilities	P	-
Residential Uses: Apartments, dwelling units, or suites in the second storey or in the rear portion of the main floor of a principal commercial building	P	-
Multiple-Family Dwellings or Senior Citizen Homes	P	-
Boarding, Rooming, and Lodging Houses	P	-
Rinks, Curling, Ice Skating, Hockey, or Roller Skating	P	-
Seed Processing Plants	-	P
Service Clubs or Private Clubs	P	-
Shoe Sales or Repair Stores	P	-
Shopping Centres	P	-
Sign Painters' Establishments	P	P
Sporting Goods Stores	P	-
Stockyards for holding, sales and shipping of livestock	-	C
Storage Buildings or Facilities, Non-Hazardous Materials	-	P
Storage Buildings or Facilities, Hazardous Materials	-	C
Studios, Music, Theatrical, or Photographic	P	-
Taxidermist Shops	P	P
Tire Shops	-	P
Travel Trailer, Camping and Tenting Grounds	C	-
Truck Terminals	-	C
Upholstering Shops	C	P
Veterinary Clinics	C	C
Wholesale Businesses and Warehousing	C	P
Existing Uses*	P	P
Accessory Uses, Buildings and Structures	P	P

\*Existing uses in the Commercial and Industrial Zones at the time of adoption of this By-law, which do not otherwise conform to TABLE 9-1 shall be considered as permitted uses for the site upon which they are located. Expansion of said uses shall be limited to the site associated with them at the time of adoption of this By-law and will be subject to all other requirements of this By-law.

**9.2 Accessory Uses, Buildings and Structures**

9.2.1 In the Commercial and Industrial Zones, a permitted accessory use, building or structure includes, but is not limited to, the following uses, buildings or structures which shall be permitted on the same site as a principal building, structure or use, and shall be subject to all other provisions of this By-law:

- (a) Land, buildings or structures used for the storage or display of goods customarily

offered for sale in connection with a permitted or conditional commercial use, provided that the storage or display does not create an unusual hazard to public health or safety;

- (b) Land, buildings or structures used for the storage of goods or equipment required for or produced by any manufacturing process in connection with a permitted or conditional industrial use, provided that the storage does not create an unusual hazard to public health or safety and is located within an enclosed building or structure;
- (c) Incidental processing, cleaning, servicing, altering, testing or repair of merchandise normally offered for sale in connection with a permitted or conditional commercial or industrial use;
- (d) An accessory suite or dwelling unit within a commercial or industrial building for the use of an owner, operator, caretaker or watchman and his family;
- (e) Accessory off-street parking and loading facilities as required and regulated in section 9.4 of this PART;
- (f) Fences and walls subject to the provisions of section 9.5 of this PART;
- (g) Signs as permitted and regulated in section 9.6 of this PART;
- (h) A private garage, carport, covered patio, tool house, shed, private swimming pool, greenhouse, garden house, conservatory or child's playhouse or any other building or structure normally accessory to a residential use;
- (i) Home-based businesses accessory to a permitted residential use of a dwelling unit as regulated in section 9.1 of PART 9;
- (j) Antennas, including satellite dish antennas; and
- (k) Sidewalks, driveways, decks, patios, gazebos, statuary, flagpoles, lighting fixtures, trees, shrubs and other landscaping features.

9.2.2 Where the accessory building or structure is attached to a principal building or structure, it shall conform to all provisions of this By-law which are applicable to the principal building or structure.

### **9.3 Commercial and Industrial Bulk Regulations**

9.3.1 The Commercial and Industrial Bulk Regulations shall be as set forth in TABLE 9-2 and shall apply to all permitted and conditional uses. These regulations are intended to ensure that the site area, site width and yards will allow space for the buildings as well as parking and loading areas appropriate for each zone.

9.3.2 The owner shall maintain the minimum site area, site width, required yards and other requirements specified herein for any use.

- 9.3.3 No parcel of land shall be subdivided into sites, unless each site conforms with the bulk regulations as set forth in TABLE 9-2.
- 9.3.4 No required yard shall be reduced below the minimum requirements as set forth in TABLE 9-2 unless a minor variation or variation order is obtained in accordance with the provisions of *The Planning Act*.
- 9.3.5 All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space. The following features are permitted to be located in required yards unless otherwise specified:
- (a) Portable buildings not exceeding one hundred (100) square feet in floor area for the storage of domestic equipment may be located within any required interior side yard or required rear yard, provided that a separation distance of one (1) foot is maintained from a site line, and a separation distance of three (3) feet is maintained from any dwelling;
  - (b) Parking and loading areas as required and regulated by section 9.4 of this PART;
  - (c) Exterior service, display and incidental storage of materials including gas pumps, provided that such service, storage and display areas will not, in the opinion of Council, be detrimental to abutting property owners;
  - (d) Uncovered sidewalks, patios, wheelchair ramps and driveways;
  - (e) Fences and walls subject to the provisions of section 9.5 of this PART;
  - (f) Signs subject to the provisions of section 9.6 of this PART;
  - (g) Open terraces, decks and exterior stairways not exceeding a height of four (4) feet above grade, provided that they do not obstruct any required vehicular parking space or loading space, or access to such spaces;
  - (h) Chimneys, bay windows, alcoves, eaves, gutters, canopies, awnings and other similar building elements, provided that they do not project any more than two (2) feet into any required yard and do not obstruct any required vehicular parking spaces, loading spaces or vehicle access to such spaces; or in the case of detached accessory buildings located to the rear of the principal building, eaves and gutters shall not project any more than one (1) foot into any required yard;
  - (i) Service station canopies; and
  - (j) Trees, shrubs, trellises, arbours, retaining walls, flagpoles, lighting fixtures, and similar landscape features.

**TABLE 9-2: COMMERCIAL AND INDUSTRIAL BULK TABLE**

PERMITTED AND CONDITIONAL USES	MINIMUM REQUIREMENTS (a)(b)(c)				
	Site Area (sq. ft)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)
Advertising Signs	-	-	3	3	3
Agricultural Implements, Equipment or Structures Manufacture or Sales and Service	30,000	150	50	15	15
Automobiles, Boats, Trucks, Trailers or Recreational Vehicles					
Sales, Exterior and Interior Display	30,000	150	50	15	15
Sales, Interior Display Only	15,000	150	50	15	15
Service Stations	15,000	150	30	15	15
Building Supply Sales, Exterior Storage	30,000	150	50	15	15
Fertilizer Sales and Storage Non-Hazardous Chemicals	30,000	150	50	15	15
Hotels and Motels					
Without Beverage Rooms or Restaurants	15,000	100	50	15	15
With Beverage Rooms or Restaurants	30,000	150	50	15	15
Police Stations or Fire Halls	15,000	100	25	5(d)	25
Public Utilities	5,000	50	25	5(d)	25
Religious Institutions	20,000	100	25	15	25
Truck Terminals	15,000	100	25	15	15
Residential Uses					
Existing Single-Family Dwellings	6,000	50	25	5	25
Multiple-Family Dwellings or Senior Citizen Homes	10,000	100	25	15(e)	25
All Other Permitted and Conditional Uses in the "CG" Commercial Central Zone	6,000	50	0	0 (f)(g)	25 (f)(h)
All Other Permitted and Conditional Uses in the "MG" Commercial Highway Zone	20,000	100	50	15	15
Accessory Uses, Buildings and Structures (i)	-	-	(j)(k)	(f)(k)(l)	4 (f)(k)

The following notations and exceptions form part of TABLE 9-2:

- (a) The minimum floor area of all permitted accessory residential dwelling units shall be four hundred (400) square feet;
- (b) The maximum height for all buildings and structures shall be thirty (30) feet, with the exception of grain elevator complexes, storage tanks for fuels, fertilizers and grain, and with the exception of features such as antennas, flagpoles, church spires, and chimneys;

- (c) Where a site abuts a highway under the jurisdiction of Manitoba Transportation and Government Services, the owner shall obtain all permits required for setbacks of buildings and structures;
- (d) Where an interior site is not adjacent to a lane, one of the side yards shall be a minimum of ten (10) feet in width, clear of all projections, except eaves and gutters, in order to provide vehicular access to the rear of the site;
- (e) Where the side wall of a multiple-family dwelling or senior citizens' home does not contain windows of a habitable room, the minimum required side yard shall be ten (10) feet;
- (f) Where the boundary of a site in the "CG" or "MG" Zones is coterminous with the side site line or rear site line of a site in a Residential Zone, the principal and accessory buildings or structures shall be set back fifteen (15) feet from the common site line, and this separation space shall not be used for accessory exterior storage, processing, service, parking or loading, unless a solid fence at least six (6) feet in height is provided along the site line;
- (g) A side site line may be located within a party wall but where an interior side yard is provided it shall be a minimum width of four (4) feet and where the wall of a building or structure is located closer than four (4) feet to an interior site line, it shall be fire-rated as required by The Manitoba Building Code;
- (h) The required rear yard may be reduced to four (4) feet, provided that all required parking and loading spaces are provided elsewhere on the site, and provided that the rear portion of the building does not contain a dwelling unit;
- (i) The required yards for buildings and structures accessory to a single-family residential use shall be as specified in PART 8, TABLE 8-2 of this By-law;
- (j) In the case of accessory buildings or structures, the required front yard shall be the same as the required front yard of the principal building or structure with the exception of gasoline pumps and related canopy structures;
- (k) Gasoline pumps shall have a minimum setback of fifteen (15) feet in the "CG" Zone, and twenty (20) feet in the "MG" Zone; and
- (l) The minimum required side yard for accessory uses, buildings and structures in the "CG" Zone shall be zero (0) feet and ten (10) feet in the "MG" Zone.

#### **9.4 Parking and Loading**

- 9.4.1 For all permitted and conditional uses in the Commercial and Industrial Zones, accessory off-street parking shall be provided and maintained in accordance with TABLE 9-3 and accessory off-street loading shall be provided and maintained in accordance with subsections 9.4.6 to 9.4.8 of this PART.

**TABLE 9-3: COMMERCIAL AND INDUSTRIAL PARKING TABLE**

USE	MINIMUM NUMBER OF PARKING SPACES REQUIRED*
Residential Apartments, Dwelling Units or Suites	1 per dwelling unit or suite
Hotels and Motels	1 per individual suite or hotel room
All Other Permitted and Conditional Uses in the "CG" Commercial General Zone	1 per 1,000 sq. ft. of floor area, but not less than 1 space
All Permitted and Conditional Uses in the "MG" Industrial General Zone	1 per 1,000 sq. ft. of floor area, but not less than 1 space

\*Where the computation of the number of required accessory off-street parking spaces results in a requirement of a fraction of a parking space, any fraction less than one-half (1/2) of a parking space may be disregarded, whereas a fraction of one-half (1/2) or more of a parking space shall be counted as one parking space.

- 9.4.2 All required permanent accessory off-street parking spaces shall be located on the same site as the use served, unless a variation order is approved for parking spaces located elsewhere.
- 9.4.3 Where an accessory parking lot is provided for three or more vehicles, the design of the parking lot, including all exits and entrances, shall conform to section 5.16 of PART 5 and shall be subject to the approval of the Development Officer.
- 9.4.4 Every parking space shall be designed in accordance with the criteria set out in section 5.16 and TABLE 5-1 of PART 5 of this By-law.
- 9.4.5 When a building or structure is enlarged or a use is changed, the accessory off-street parking spaces shall be provided for the enlargement, change, or new use, in accordance with the provisions of section 9.4 of this PART.
- 9.4.6 For all permitted and conditional uses in the "CG" Zone, no separate off-street loading space is required for any building having a gross floor area of less than ten thousand (10,000) square feet; however, one of the required off-street parking spaces shall also serve as an off-street loading space.
- 9.4.7 For all permitted and conditional uses in the "CG" and "MG" Zones, at least one loading space shall be provided for each building, and the loading space shall be a minimum width of twelve (12) feet and a minimum length of fifty (50) feet.
- 9.4.8 No accessory off-street parking space or loading space shall be used for the storage of a derelict vehicle, or for substantial motor vehicle repair work.

## **9.5 Fences and Walls**

9.5.1 The following provisions shall apply to all fences and walls in the Commercial and Industrial Zones:

- (a) Within a required front yard or corner side yard, no fence or wall shall exceed a height of three (3) feet above the average grade of land within two (2) feet of each side of the fence, and
- (b) Within a required interior side yard or rear yard, no fence or wall shall exceed a height of seven (7) feet above the average grade of land within two (2) feet of each side of the fence.

9.5.2 No chain link fence or barbed wire fence shall be constructed or located within any required front yard in any commercial zone.

9.5.3 No electric fence shall be constructed or located in any commercial zone.

## **9.6 Signs**

9.6.1 The following signs are permitted in the Commercial and Industrial Zones and may be installed without the issuance of a development permit:

- (a) One identification sign not exceeding four (4) square feet in surface area;
- (b) One temporary real estate sign or construction sign not exceeding sixteen (16) square feet in surface area per site;
- (c) Directional signs for parking and loading areas; and
- (d) Temporary campaign posters, legal notices or bulletins, and permanent signs such as commemorative plaques, governmental signs and the like.

9.6.2 All other signs shall be subject to the issuance of a development permit. The total surface area of all signs shall not exceed twenty-five percent (25%) of the area of the front facade of the principal building and the location of the signs shall be subject to the approval of the Development Officer.

9.6.3 No sign shall be erected or altered which would interfere with, or obstruct the view of, or be confused with any authorized traffic signal or device.

9.6.4 No sign, including a temporary mobile sign, shall be located within a public right-of-way without the specific approval of Council.

9.6.5 In no case shall a rotating beam or beacon be incorporated into any sign.

9.6.6 Mobile or temporary sign requirements:

- (a) Minimum separation distance from a Residential Zone is sixty (60) feet;

- (b) Maximum sign surface area per side is thirty-five (35) square feet;
- (c) Minimum set back from site lines is three (3) feet except where two intersecting streets or a street or lane intersects, the minimum setback from the corner site lines on the street or lane side is fifteen (15) feet; and
- (d) A mobile sign is permitted for a period of six (6) months which time may be extended by Council.

## **9.7 Pollution Standards**

- 9.7.1 All new industrial uses that generate waste that must be emitted into the environment shall meet, on a continuing basis, the applicable provincial pollution guidelines and standards.
- 9.7.2 Council may require any proposed industrial use to conduct environmental impact studies to determine the extent and the possible mitigative measures required for any perceived pollution problem.
- 9.7.3 Council may require any industry to monitor its waste emissions and submit the results to Council for its consideration. Even for results that meet provincial standards, Council may require mitigative measures be undertaken by the industry to further regulate waste emissions that because of content, location or timing of emissions are deemed detrimental to the population of The Rural Municipality of Mountain.



## PART 10: INSTITUTIONAL, OPEN SPACE / RECREATIONAL AND AGRICULTURAL URBAN RESERVE ZONES

### 10.1 Permitted and Conditional Uses

TABLE 10-1: INSTITUTIONAL, OPEN SPACE/RECREATIONAL AND AGRICULTURAL URBAN RESERVE USE TABLE, lists all uses that are permitted or conditional in the "I" Institutional, "OR" Open Space/Recreational and "AUR" Agricultural Urban Reserve Zones.

**TABLE 10-1: INSTITUTIONAL, OPEN SPACE / RECREATIONAL AND AGRICULTURAL URBAN RESERVE USE TABLE**

<b>LEGEND:</b> "P" means Permitted Use "C" means Conditional Use "-" means Use is Prohibited	ZONES		
	I	OR	AUR
Agricultural Activities, limited to cereal and forage crops, market gardening, nurseries and greenhouses, except for limited livestock in the "AUR" Zone as provided for in section 11.10 of PART 11	-	C	P
Aircraft Landing Areas	-	-	C
Arenas, Curling or Ice Skating	P	C	-
Athletic Fields	P	P	C
Auditoriums, Grandstands and similar Assembly Facilities	P	C	-
Camping and Tenting Grounds	-	C	C
Cemeteries and Crematoriums	P	C	C
Communications Facilities	P	C	C
Community Halls	P	C	-
Exhibition Grounds	-	P	C
Golf Courses and Driving Ranges	-	P	C
Hospitals	P	-	C
Institutions such as Personal Care Homes, Senior Citizens' Housing, Rest Homes, Convalescent Homes and similar uses	P	-	-
Kennels	-	-	C
Libraries, Museums and Art Centres	P	C	C
Non-Farm Dwellings	-	-	C
Offices, Governmental, Medical, Dental and Optical	P	-	-
Parks, Playgrounds, Tot Lots or Buffer Strips	P	P	P
Public Utility Buildings or Structures	P	C	C
Recreational Facilities, including Tennis Courts, Hiking Trails and Swimming Pools	P	P	C
Religious Institutions, including Churches, Temples, Church Halls and Church Educational Facilities	P	-	C
Schools, Private or Public	P	C	-
Sewage Treatment Plants and Lagoons	-	-	C
Telecommunication Towers	-	-	C
Waste Disposal Grounds	-	-	C
Water Treatment Plants and Reservoirs	-	C	C
Accessory Uses, Buildings and Structures	P	P	P

## **10.2 Accessory Uses, Buildings and Structures**

10.2.1 In the Institutional and Open Space / Recreational Zones, an accessory use, building or structure, includes, but is not limited to, the following:

- (a) Buildings or structures required for the operation or maintenance of any institutional, recreational or other use which is a permitted or conditional use in the zone in which the principal use is located;
- (b) Off-street parking areas as required and regulated in section 10.4 of this PART;
- (c) Antennas, including satellite dish antennas;
- (d) Fences, walls, decks, patios, gazebos, statuary, flagpoles and similar features; and
- (e) Accessory signs as permitted and regulated in section 10.5 of this PART.

10.2.2 In the Agricultural Urban Reserve Zone, an accessory use, building or structure includes, but is not limited to, the following:

- (a) Farm dwellings when accessory to a permitted or conditional agricultural use;
- (b) A livestock confinement facility as defined in PART 14 and as regulated in section 11.10 of PART 11;
- (c) A private garage, carport, covered patio, toolhouse, shed, service building associated with a principal use or other similar building but excluding grain storage buildings or structures;
- (d) A private swimming pool, greenhouse, garden house, conservatory, or child's playhouse;
- (e) Home-based businesses accessory to a permitted residential use of a dwelling or mobile home as regulated in section 11.1 of PART 11;
- (f) Antennas, including satellite dish antennas;
- (g) Fences, decks, patios, gazebos, statuary, flagpoles and similar features; and
- (h) Accessory signs, subject to the provisions of section 10.5 of this PART.

## **10.3 Institutional, Open Space/Recreational and Agricultural Urban Reserve Bulk Regulations**

10.3.1 The Institutional, Open Space/Recreational and Agricultural Urban Reserve Bulk Regulations shall be as set forth in TABLE 10-2 and shall apply to all permitted and conditional uses within each respective zone.

- 10.3.2 The owner shall maintain the minimum site area, site width, required yards and other requirements specified herein for any use.
- 10.3.3 No land shall be subdivided into sites, unless each site conforms with the bulk regulations as set forth in TABLE 10-2.
- 10.3.4 No required yard shall be reduced below the minimum requirements as set forth in TABLE 10-2 unless a minor variation or variation order is approved in accordance with the provisions of *The Planning Act*.
- 10.3.5 All required yards specified for any use shall be located on the same site as the principal use, and shall be maintained as open space. The following features are permitted to be located in required yards unless otherwise specified:
- (a) Portable buildings not exceeding one hundred (100) square feet in floor area for the storage of domestic equipment may be located within any required interior side yard or required rear yard, provided that a separation distance of one (1) foot is maintained from a site line, and a separation distance of three (3) feet is maintained from any dwelling, mobile or modular home;
  - (b) Parking and loading areas;
  - (c) Open terraces, steps, decks and patios not exceeding a height of four (4) feet above grade, provided that there is a minimum separation of fifteen (15) feet from any site line;
  - (d) Chimneys, alcoves, eaves, gutters, canopies, awnings and other similar building elements, provided that they do not project any more than two (2) feet into any required yard;
  - (e) Trees, shrubs, trellises, arbours, retaining walls, wheelchair access ramps, flagpoles, lighting fixtures, and similar features;
  - (f) Fences and walls, provided that the height of these features does not exceed:
    - (i) three (3) feet within any required front yard or corner side yard; and
    - (iii) seven (7) feet within any required interior side yard or within any required rear yard; and
  - (g) Signs subject to the provisions of section 10.5 of this PART.

**TABLE 10-2: INSTITUTIONAL, OPEN SPACE/RECREATIONAL AND AGRICULTURAL URBAN RESERVE BULK TABLE**

PERMITTED AND CONDITIONAL USES	MINIMUM REQUIREMENTS (a)(b)				
	Site Area (sq ft)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)
Churches, Church Halls and other Religious Institutions	15,000	100	25	15	15
Communications Facilities	10,000	75	25	15	25
Golf Courses	50 acres	575	25	15	25
Institutions such as Personal Care Homes and Senior Citizen Houses	15,000 (c)	75	25	15	25
Libraries, Museums and Art Centres	15,000	50	25	15	25
Non-Farm Dwellings	2 acres (d)	200	125	25	25
Offices, Government, Medical, Dental and Optical	15,000	75	25	15	25
Parks, Playgrounds, Tot Lots and Buffer Strips	7,500	60	25	15	25
Recreation Facilities, including Tennis Courts, Hiking Trails and Swimming Pools	15,000	100	25	15	25
Schools, Private or Public	5 acres	300	75	25	25
Sewage Disposal Lagoon	3 acres	300	125	50	50
Telecommunication Towers	2 acres	200	125	25	25
Waste Disposal Ground	5 acres	300	125	50	50
All Other "I" Institutional Zone Uses	30,000 sq ft	100	25	15	25
All Other "OR" Open Space/Recreational Zone Uses	30,000 sq ft	100	15	15	25
All Other "AUR" Agricultural Urban Reserve Zone Uses	40 acres	500	125	25	25
Accessory Uses, Buildings and Structures	-	-	(e)	(e)	(e)

The following notations and exceptions form part of TABLE 10-2:

- (a) The maximum height of all buildings and structures shall be thirty (30) feet, with the exception of grain storage bins and features such as antennas, chimneys and church spires;

- (b) Where a site abuts a highway under the jurisdiction of Manitoba Transportation and Government Services, the owner shall obtain all permits required for setbacks of buildings and structures;
- (c) Fifteen thousand (15,000) square feet of site area for the first three (3) dwelling units and one thousand (1,000) additional square feet of site area, for each additional dwelling unit;
- (d) The maximum site area shall be ten (10) acres unless physical features of the site, such as natural drains, shelterbelts, etc., indicate that a slightly larger site would be appropriate; and
- (e) In the case of accessory buildings or structures, the required yards shall be the same as the required yards for the principal building or structure, except as otherwise provided for herein.

10.3.6 The owner shall maintain the minimum site area, site width, required yards and other requirements specified herein for any use. Furthermore, the minimum requirements allocated to a use as specified by this By-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the requirements for any other use.

#### **10.4 Parking**

10.4.1 For all permitted and conditional uses in the Institutional, Open Space/Recreational and the Agricultural Urban Reserve Zones, at least one (1) accessory off-street parking space shall be provided for every one thousand five hundred (1,500) square feet of floor area with an additional parking space provided for each fifteen hundred (1,500) square feet increase in floor area.

10.4.2 Where an accessory parking lot is provided for three (3) or more vehicles, the design of the parking lot including all exits and entrances shall conform to the provisions of section 5.16 of PART 5 and shall be subject to the approval of the Development Officer.

10.4.3 Every parking space shall be designed in accordance with the criteria set out in section 5.16 and TABLE 5-1 of PART 5 of this By-law.

10.4.4 When a building or structure is enlarged or a use is changed, the accessory off-street parking spaces shall be provided for the enlargement, change, or new use, in accordance with the provisions of section 10.4 of this PART.

10.4.5 All required accessory off-street parking spaces shall be located on the same site as the use served, unless a variation order is obtained for parking spaces located elsewhere.

#### **10.5 Signs**

10.5.1 The following signs are permitted in the Institutional, Open Space/Recreational and Agricultural Urban Reserve Zones and may be installed without the issuance of a development permit:

- (a) One identification sign not exceeding four (4) square feet in surface area per site;
- (b) One bulletin board not exceeding sixteen (16) square feet in surface area per site for religious institutions;
- (c) One temporary real estate sign or construction sign not exceeding sixteen (16) square feet in surface area per site;
- (d) Directional signs for parking and loading areas;
- (e) Temporary posters, bulletins, legal notices and the like; and
- (f) Mobile or temporary signs not to exceed thirty-five (35) square feet in sign surface per side for the purpose of advertising a social, community, or family related event provided the sign is on the same site as the event.

10.5.2 All other signs shall be subject to the issuance of a development permit, and the location of the signs shall be subject to the approval of the Development Officer.

10.5.3 In no case shall any permanent sign contain any animated components or flashing, rotating or scintillating lights.

## **PART 11: RULES FOR SPECIFIC USES**

### **11.1 Home-Based Businesses**

Home-based businesses are governed by the following rules:

- (a) They shall be carried on in a dwelling unit or mobile home or its permitted accessory building;
- (b) They shall be carried on principally by the members of the family residing at the same dwelling unit or mobile home;
- (c) Persons employed or otherwise engaged in the business who do not reside in the dwelling may not exceed
  - (i) ten (10) persons in the “AG” Zone, and
  - (ii) two (2) persons in all other zones;
- (d) In all zones except the “AG” Agricultural Urban Reserve Zone, there can be no processing or outside storage of goods or materials, and in the “AG” Zone, the location of all exterior processing and storage shall be subject to review and approval by the Development Officer;
- (e) Not more than forty percent (40%) of the floor area may be devoted to the home-based business in all zones;
- (f) One business sign, either freestanding or affixed to the wall of a principal or accessory building is permitted, not exceeding
  - (i) in the “AG” Zone, thirty-two (32) square feet; and
  - (ii) in all other zones, six (6) square feet in any location;
- (g) They shall not generate undue traffic or congestion, or if located in the vicinity of a provincial highway, should not impair the safe or efficient operation of the highway;
- (h) They shall not by reason of emission of odour, dust, smoke, noise, gas, fumes, light, vibration, refuse matter or water carried wastes become offensive or obnoxious or create a nuisance beyond any site line; and
- (i) In the urban zones, the residential character of the property shall be maintained.

### **11.2 Livestock Production Operations**

11.2.1 The provisions of this PART shall apply to livestock production operations, which shall be deemed to include barns and similar types of buildings along with related manure storage facilities, and also to include feedlots and similar fenced areas where livestock are confined solely for the purpose of growing and finishing, and are sustained by means other than grazing, including winter or seasonal feedlots.

11.2.2 Where a livestock production operation is located within one half mile of one or more other livestock production operations, and where these operations are on separate land parcels, and where these operations share a common liquid manure storage facility, they shall be deemed to be one combined larger livestock production operation for the purposes of interpreting the number of Animal Units (AUs) and the associated requirements of this By-law.

11.2.3 Livestock production operations shall be setback from property lines in accordance with TABLE 11-1.

**TABLE 11-1: SETBACK DISTANCES FROM PROPERTY LINES (FEET)**

To animal housing structures	164
To manure storage facility	328

11.2.4 To assist in the interpretation of this By-law, the total combined number of existing and proposed Animal Units (AUs) of a livestock production operation, cumulative across species, shall be determined in accordance with TABLE 11-2.

11.2.5 The provisions of this By-law are dependent upon a determination of the production capacity of a livestock production operation, which shall be based upon the intensity of use as measured by Animal Units determined in accordance with TABLE 11-2 by multiplying the number of animals by the Animal Unit produced by one livestock.

11.2.6 No manure storage facility shall be constructed or located within three hundred twenty-eight (328) feet of surface water which is standing or flows either perennially or intermittently beyond the site of the facility and sources of domestic water supply including community wells and water treatment plants.



**TABLE 11-2: ANIMAL UNIT SUMMARY TABLE**

		<b>AU Produced by One Livestock</b>	<b>Livestock Producing One AU</b>
<b>Dairy</b>	Milking Cows, including associated livestock	2.000	0.5
<b>Beef</b>	Beef Cows, including associated livestock	1.250	0.8
	Backgrounder	0.500	2
	Summer pasture/replacement heifers	0.625	1.6
	Feeder cattle	0.769	1.3
<b>Hogs</b>	Sows, farrow to finish	1.250	0.8
	Sows, farrow to weanling	0.313	3.2
	Sows, farrow to nursery	0.250	4
	Weanlings	0.033	30
	Growers/finishers	0.143	7
	Boars (artificial insemination operations)	0.200	5
<b>Chickens</b>	Broilers	0.0050	200
	Roasters	0.0100	100
	Layers	0.0083	120
	Pullets	0.0033	300
	Broiler Breeder Pullets	0.0033	300
	Broiler Breeder Hens	0.0100	100
<b>Turkeys</b>	Broilers	0.010	100
	Heavy Toms	0.020	50
	Heavy Hens	0.010	100
<b>Horses (PMU)</b>	Mares, including associated livestock	1.333	0.75
<b>Sheep</b>	Ewes, including associated livestock	0.200	5
	Feeder Lambs	0.063	16
<p>Current conversion factors from the Farm Practices Guidelines are provided by Manitoba Agriculture and Food. The regional agricultural engineer or livestock specialist of Manitoba Agriculture and Food may be consulted for other livestock or operations type and interpretation of this TABLE.</p>			

**NOTE:** To calculate the number of AUs for a particular operation, multiply the AU produced by one livestock by the number of animals. For example, for 200 animal beef cows including associated livestock equals  $1.25 \times 200 = 250$  AUs.

### 11.3 Livestock Production Operations Deemed Conditional Uses

Livestock production operations are deemed to be a conditional use when the size of the operation exceeds three hundred (300) Animal Units (AUs), irrespective of location.

### 11.4 Livestock Production Operations in Proximity to Residences and Designated Areas

11.4.1 The criteria outlined in **TABLE 11-3** shall apply to all new and expanding livestock production operations in proximity to residences and designated areas as well as siting of new rural residences in proximity to livestock production operations.

**TABLE 11-3: CRITERIA FOR SITING LIVESTOCK OPERATIONS**

Animal Units (AUs)	Separation Distance (feet)			
	From a Residence (a)		From Designated Areas (b)	
	To Earthen Storage	To Buildings (c)	To Earthen Storage	To Buildings (c)
10-100	656	328	2,625	1,739
101-200	984	492	3,937	2,625
201-300	1,312	656	5,249	3,511
301-400	1,476	738	5,906	3,937
401-800	1,640	820	6,562	4,364
801-1,600	1,969	984	7,874	5,249
1,601-3,200	2,297	1,148	9,186	6,135
3,201-6,400	2,625	1,312	10,499	6,988
6,401-12,800	2,953	1,476	11,811	7,874
>12,800	3,281	1,640	13,123	8,760

- (a) Residences, excluding the residence of the owner/operator of the livestock operation.
- (b) "Designated areas" means an area designated as a residential, seasonal residential or recreation area, the corporate limits of a town, village or city, or the limits of an unincorporated local urban district.
- (c) The distance to buildings includes barns and non-earthen manure storage such as above or below grade structures that may be covered or uncovered.

Notwithstanding the above criteria, livestock production operations within one (1) mile of designated areas will be subject to the policies of The Swan Valley Planning District Development Plan.

Livestock production operations of greater than nine (9) Animal Units (AUs) in existence as of the date of the adoption of the Development Plan may be permitted to expand to three hundred (300) AUs as conditional uses.

## **11.5 Application Requirements**

11.5.1 Where conditional use approval for a new or expanding livestock production operation is required, the application shall be accompanied by, in addition to the information required by subsection 12.6.6 of PART 12:

- (a) Plans, specifications and descriptions, for
  - i) the animal housing facilities including the manure handling system,
  - ii) the manure storage facilities including storage and odour control, and
  - iii) land application of manure;
- (b) A site plan showing the location of animal housing, manure storage and other related facilities and their distances from property boundaries; and
- (c) Type of existing and proposed livestock and number of Animal Units (AUs).

11.5.2 Council may require that an application to establish a livestock production operation or expand an existing livestock production operation within a groundwater sensitivity area, as identified in The Swan Valley Planning District Development Plan, be accompanied by, in addition to, other information contained in this PART and section 12.6.6 of PART 12, the following information:

- (a) An engineering and hydro-geological assessment of soils, surface and groundwater site features; and
- (b) A description of mitigative measures to be undertaken to minimize the risk of soil and groundwater pollution.

11.5.3 Council may approve the livestock production operation subject to conditions as provided for in *The Planning Act*, and including (but not limited to) conditions having to do with:

- (a) protection of a watercourse or other body of water;
- (b) protection of groundwater;
- (c) protection of soil;
- (d) drainage of the site;
- (e) the nature and frequency of testing of soil and water;
- (f) prevention of offensive odours;
- (g) the location and amount of land available for disposal of manure;
- (h) the method and manner of disposing of manure;
- (i) compatibility with neighbouring land uses;
- (j) effect on municipal assets and services such as roads;
- (k) requiring the operator to enter into an agreement respecting such matters;
- (l) requiring the operator to pay the municipality's reasonable expenses of testing, monitoring and enforcing such matters; and
- (m) traffic generation.

## **11.6 Accessory Livestock Production Operations**

Livestock confinement facilities located on small rural holdings and accessory to a non-farm rural residence with a capacity of up to nine (9) Animal Units, cumulative across species, may be established subject to the following requirements:

- (a) The animal confinement facilities and manure storage facilities shall be separated a distance of five hundred (500) feet from the urban communities of Birch River, Mafeking, Cowan and Pine River as shown on **Maps 1 and 2, Appendix "A"**, and any existing recreation area and two hundred fifty (250) feet from any dwelling other than the dwelling of the operator on the same site; and
- (b) The site area is not less than five (5) acres.

The separation distance of two hundred fifty (250) feet shall also apply to siting of new rural residences in proximity to existing accessory livestock production operations. Notwithstanding clause 11.6(b) above, additional lands may be required, particularly at the upper threshold levels of AUs to satisfy environmental requirements for the storage, handling and disposal of manure.

## **11.7 Special Limitations Governing Development of Farm Buildings, Structures and Dwellings**

- 11.7.1 No dwelling, mobile or modular home shall be constructed or located within one thousand five hundred (1,500) feet of the site of any municipal sewage lagoon or one thousand three hundred twelve (1,312) feet of a solid waste disposal site.
- 11.7.2 No dwelling, mobile or modular home shall be constructed or located within five hundred (500) feet of a commercial bulk fuel facility or a farm bulk chemical supply facility and one thousand (1,000) feet of an inland grain terminal and two thousand six hundred forty (2,640) feet of a stationary anhydrous ammonia storage tank.
- 11.7.3 No building, dwelling, mobile or modular home or farm building or structure shall be constructed or located within an area which has been designated as a high or medium quality aggregate area by the Mines Branch, unless the site has been further reviewed by that Branch and a recommendation provided which would allow development to proceed. Where the proposed building is a dwelling, mobile or modular home, a separation distance of five hundred (500) feet shall be provided between the building location and any active mining area.
- 11.7.4 Any proposal to establish any building, structure, dwelling, mobile or modular home or farm building or structure which exceeds a building height of ten (10) feet, or to establish a shelterbelt or similar obstruction within the flight approaches of any aircraft landing area for a distance of one (1) mile, shall be deemed to be a conditional use, and shall be subject to the approval of Council.

## **11.8 Hazardous Materials Storage**

- 11.8.1 No bulk farm chemical supply warehouse, commercial bulk fuel facility or fertilizer storage facility shall be located within five hundred (500) feet of a building used for

human occupancy or individual residence and no inland grain terminal shall be located within one thousand (1,000) feet of a building used for human occupancy or individual residence.

11.8.2 No stationary anhydrous ammonia storage tank shall be located within:

- (a) Two thousand six hundred forty (2,640) feet of any designated urban community, any existing recreation area and any building used for human occupancy or individual residence; and
- (b) Three hundred twenty-eight (328) feet of a municipal road or provincial highway.

### **11.9 Variation of Separation Distances**

Minimum separation distances may be reduced through the application for a minor variation or variation order as prescribed in PART 12 of this By-law and *The Planning Act*.

### **11.10 Livestock Confinement Facilities**

11.10.1 The keeping of livestock, excluding hogs, within the Municipality's designated urban communities shall be subject to the provisions of the Municipality's "Animal Control By-law" except as otherwise permitted herein.

11.10.2 The keeping of limited livestock may be permitted in the "GD" and "AUR" Zones. The determination of the production capacity of livestock shall be based upon the intensity of use as measured by Animal Units determined in accordance with TABLE 9-1 by multiplying the number of animals by the Animal Unit produced by one livestock. The requirements are as follows:

- (a) The site area is not less than five (5) acres;
- (b) A maximum of two (2) Animal Units (AUs);
- (c) The animal confinement facility and manure storage area shall be separated a distance of two hundred fifty (250) feet from any "RG-U" Zone, and dwelling (other than the dwelling on the same site), fifty (50) feet from the site boundary and two hundred fifty (250) feet from a public highway;
- (d) The paddock or animal exercising yard or enclosure shall be fifteen (15) feet from the site boundaries;
- (e) A further two (2) acres of site area are required for each additional Animal Unit to a maximum total of five (5) Animal Units (AUs); and
- (f) The storage, handling and disposal of manure shall be subject to Council's approval and shall satisfy environmental requirements, particularly at the upper threshold levels of Animal Units (AUs) with no permanent accumulation or storage of manure allowed within the "GD" and "AUR" Zones.

11.10.3 Notwithstanding the above provisions in subsection 11.10.2, in the event that a dwelling is later located on an adjacent site nearer to the above said animal confinement facility, it shall not become a non-conforming building nor shall it become a non-conforming use and may be enlarged and maintained.

## **PART 12: ADMINISTRATION**

### **12.1 Administration and Enforcement**

In the administration and enforcement of this By-law The Rural Municipality of Mountain authorizes and directs the Board of The Swan Valley Planning District to proceed under PART 13.

### **12.2 Responsibilities of Council**

Subject to the provisions of *The Planning Act*, the Council is responsible for the enactment or repeal of this By-law in accordance with the provisions of *The Planning Act* and:

- (a) Considering the adoption or rejection of proposed amendments to this By-law;
- (b) Considering the approval or rejection of applications for conditional use and variations;
- (c) Considering the revocation of any approved conditional use as a result of any violation by the owner of any conditions specified by Council on the conditional use order; and
- (d) Establishing a schedule of fees as provided for in section 12.10 of this PART.

### **12.3 Responsibilities of the Board**

Subject to the provisions of *The Planning Act*, The Swan Valley Planning District Board is responsible for:

- (a) Administering and enforcing the provisions of this By-law;
- (b) Administering and enforcing those provisions of *The Act*, where applicable;
- (c) In accordance with provisions of *The Planning Act* establishing a schedule of fees and charges for development permits. Until all applicable fees and charges have been paid in full, no action shall be taken on any application; and
- (d) Process applications to be submitted to Council for amendments, variations and conditional uses and the collection of fees as provided for herein.

### **12.4 Responsibilities of the Development Officer**

Subject to the provisions of *The Planning Act*, the Development Officer shall be the person appointed as such by the Board of The Swan Valley Planning District who on behalf of The Rural Municipality of Mountain, shall:

- (a) Receive and review applications for development permits;

- (b) Issue development permits, and otherwise administer and enforce the provisions of this By-law and *The Planning Act*, where the proposed development of land, buildings or structures conforms with this By-law, other by-laws of The Rural Municipality of Mountain, and any applicable regulations of the provincial and federal governments;
- (c) Receive and process applications for amendments to this By-law, conditional use orders and variation orders;
- (d) Issue zoning memoranda and any other documents as may be necessary for the administration and enforcement of this By-law;
- (e) Allow or refuse minor variations (up to 10% of stated setback requirements) of this By-law as authorized by and in accordance with the provisions of *The Planning Act*; and
- (f) Exercise the powers of remedy and enforcement set out in PART 13 of this By-law.

#### **12.5 Responsibilities of the Owner**

- (a) The owner shall be responsible for the preparation of all application forms and drawings which are required to be submitted to the Development Officer in accordance with the provisions of this By-law and *The Planning Act*;
- (b) The owner shall obtain all necessary permits and approvals which may be required by The Rural Municipality of Mountain, The Swan Valley Planning District Board or any agencies or departments of the provincial government, prior to the commencement of construction, or the change of use of any land, building or structure;
- (c) The owner shall ensure that all work is completed in accordance with the approved application and development permit;
- (d) The owner shall obtain the written approval of the Development Officer before doing any work at variance with the approved development permit; and
- (e) The owner shall permit the Development Officer to enter any premises at any reasonable time for the purpose of administering or enforcing this By-law, and shall not molest, obstruct or interfere with the Development Officer in the discharge of his duties under this By-law.

#### **12.6 Development Permits**

12.6.1 A development permit is required for any of the following:

- (a) Subject to subsection 12.6.2 of this PART, the erection, construction, enlargement, structural alteration or placing of a building or structure;
- (b) The establishment of a use of land or a building or structure;



- (c) The change of a use of land or a building or structure from the existing use to a use which is not a permitted use; and
- (d) The alteration or enlargement of an approved conditional use.

12.6.2 Every owner shall be required to obtain a development permit prior to the commencement of development, including the commencement of construction or relocation of any building or structure, except as provided for in subsection 12.6.3 below. The issuance of a development permit in respect of a building or structure does not affect the obligation to obtain a building permit or other permit where they are required under the building by-law for such a building or structure, nor does it relieve the owner from the responsibility of obtaining any other permit or approval that may be required by any other administrative body, including business licenses, environmental approvals, highway access and structure location approval and similar approvals.

12.6.3 A development permit is not required for the following:

- (a) The erection, construction, enlargement, structural alteration or placing of the following as accessory structures:
  - i) fences,
  - ii) signs (not including advertising signs where they are conditional uses),
  - iii) lighting,
  - iv) flagpoles,
  - v) sheds and buildings for the storage of domestic equipment and supplies, except those with a floor area exceeding one hundred (100) square feet,
  - vi) communications aerials or antennas,
  - vii) garden houses or children's playhouses,
  - viii) water supply wells and private sewage disposal systems,
  - ix) unenclosed patios, and
  - x) temporary signs and notices including real estate signs; and
- (b) The maintenance, replacement, or restoration of building components and finishes, provided that the size of the building or structure is not materially increased, or the structural load carrying capacity of any component is not reduced.

12.6.4 Notwithstanding the development permit exemptions listed in subsection 12.6.3 of this PART, all such exempted activities shall be subject to all other requirements of this By-law and of any government department, including the highway control areas adjacent to provincial trunk highways and provincial roads.

12.6.5 An application for a development permit shall be made by the owner or owners of the site in question, or by a person authorized in writing by them.

12.6.6 An application for a development permit shall be accompanied by plans drawn to scale showing the following:

- (a) The shape and dimensions of the site to be used and built on;

- (b) The location and dimensions of existing buildings and structures and their distances from property lines;
- (c) The location and dimensions of the proposed building, structure, enlargement or alteration, including separation distances from site boundaries;
- (d) The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;
- (e) Vehicular access and utility connections;

and shall be accompanied by any other information required by the Development Officer to determine compliance with, and to provide enforcement of, this By-law.

12.6.7 An application for a development permit shall be accompanied by the fee prescribed by the Board of The Swan Valley Planning District.

12.6.8 Despite apparent compliance with this By-law, the Development Officer may refuse to issue a development permit where the proposed building, structure or use does not, to the Development Officer's knowledge, comply with The Swan Valley Planning District Development Plan, the municipal building by-law or with any other by-law.

12.6.9 No person shall use or occupy any land, building or structure, or erect, construct, enlarge, alter or place any building or structure, except in accordance with an approved development permit (where required), and with this By-law.

12.6.10 All proposed development shall be in accordance with the application and drawings submitted to and approved by the Development Officer. No work shall vary from the approved application and drawings without the prior written authorization of the Development Officer, and the owner shall ensure that all development is completed in accordance with the approved development permit.

12.6.11 The Development Officer may revoke a development permit

- (a) Where any information accompanying the development application is incorrect or incomplete and an existing or proposed building, structure or use is thereafter found to be in contravention of this By-law, the building by-law, or any other by-law; or
- (b) Where the development permit was issued in error.

## **12.7 Application for Amendment**

12.7.1 An application for an amendment to this By-law, including a change to the maps, shall be made to the Development Officer by the owner or owners of the land in question, or by a person authorized in writing by them.

12.7.2 An application for amendment shall be accompanied by plans drawn to scale showing the following:

- (a) The shape and dimensions of the land affected;

- (b) The location and dimensions of existing buildings and structures;
- (c) The location and dimensions of any proposed building, structure, enlargement or alteration;
- (d) The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;

and shall include any other information required by the Development Officer to determine compliance with, and to provide for enforcement of, this By-law.

12.7.3 An application for an amendment shall be accompanied by the fee prescribed by Council.

12.7.4 Following such consultation, review and report (if any) as the Council deems necessary, the application shall be submitted to Council, which shall decide whether or not to start the procedures for enactment of an amendment.

12.7.5 On receipt of an application for amendment, Council may, prior to the hearing date prescribed under *The Planning Act*, refer the application to Manitoba Intergovernmental Affairs or any other department or agency for its review and comment.

## **12.8 Applications for Variances and Conditional Uses**

12.8.1 An application for a variation or conditional use shall be made to the Development Officer by the owner or owners of the site, or by a person authorized in writing by them.

12.8.2 An application for a variation or approval of a conditional use shall be accompanied by the plans and information described in subsection 12.6.6 of this PART.

12.8.3 An application for a variation or approval of a conditional use shall be accompanied by the fee prescribed by the Board or Council.

12.8.4 Where an application for a variation or conditional use has been submitted, a public hearing shall be held by the Council, to receive representations from any person with respect to the proposal, and notice of the public hearing shall be given as required by *The Planning Act*.

12.8.5 On receipt of an application for a variation or approval of a conditional use in proper form, the Municipality may, prior to the hearing date prescribed under *The Planning Act*, refer the application to Manitoba Intergovernmental Affairs or any other department or authority for its review and comment.

12.8.6 Council shall either approve or deny the variation or conditional use, and may establish conditions of approval appropriate to the circumstances, in accordance with the provisions of *The Planning Act*.

12.8.7 Council may subsequently revoke any approved conditional use as a consequence of any violation of conditions specified at the time of approval.

12.8.8 The validity of a conditional use or variation shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the approval by Council unless the approval is renewed prior to the expiry, at the discretion of Council, for an additional period not exceeding twelve (12) months.

12.8.9 Except as provided for in subsection 2.2.2 of PART 2, any change in the circumstances of a conditional use shall be subject to the provisions of subsections 12.8.1 through 12.8.8 of this PART and the provisions of *The Planning Act*.

## **12.9 Development Agreements**

12.9.1 In accordance with the provisions of *The Planning Act*, where an application is made for the amendment of this Zoning By-law, Council may require the owner or the person entitled to be registered as owner of the land, building, or structure to which the amendment will apply, as a condition to its enactment, to enter into a development agreement with The Rural Municipality of Mountain in respect of that land as well as contiguous land owned or leased to the applicant.

12.9.2 Where an application is made for the subdivision of land, Council may require the owner or the person entitled to be registered as owner of the land to enter into a development agreement with The Rural Municipality of Mountain in accordance with the provisions of *The Planning Act*.

12.9.3 A development agreement may contain provisions with respect to the responsibilities for the provision of various services and other improvements such as water and sewer piping, lot grading and drainage, street construction and other matters as provided for in *The Planning Act*.

## **12.10 Fee Schedule**

12.10.1 The fees shall be as established by Council for any amendment, conditional use order, variation order, zoning memorandum or non-conforming use certificate to this By-law.

12.10.2 The Board shall by by-law establish a fee schedule for development permits and other charges to be paid by any person for services rendered by any employee of the Board.

## **PART 13: ENFORCEMENT**

### **13.1 Entry for Inspection and Other Purposes**

13.1.1 The Development Officer may, after giving reasonable notice to the owner or occupier of land or a building or other structure to be entered:

- (a) Enter the land, building or structure at any reasonable time for the purpose of inspection, enforcement and or action authorized by this By-law or *The Planning Act*;
- (b) Request that anything be produced to assist in inspection, remedy, enforcement or authorized action; and
- (c) Make copies of anything related to the inspection, remedy, enforcement, or authorized action.

13.1.2 The Development Officer must display or produce on request identification showing his or her official capacity.

13.1.3 In an emergency or in extraordinary circumstances, the Development Officer need not give reasonable notice or enter at a reasonable time and may do the things referred to in clauses 13.1.1(a) and (c) of this PART without the consent of the owner or occupant.

### **13.2 Order to Remedy Contravention**

13.2.1 If the Development Officer finds that a person is contravening this By-law or *The Planning Act*, the Development Officer may by written order require the person responsible for the contravention to remedy it if, in the opinion of the Development Officer, the circumstances so require.

13.2.2 The order may:

- (a) Direct a person to stop doing something, or to change the way in which the person is doing it;
- (b) Direct a person to take any action necessary to remedy the contravention, including the removal or demolition of a building or structure (or part of one) that has been constructed, erected or placed in contravention and, if necessary to prevent a reoccurrence of the contravention;
- (c) State a time within which the person must comply with the directions; and
- (d) State that if the person does not comply with the directions within the time stated, the Municipality will take the action or measure at the expense of the person.

### **13.3 Review by the Board**

13.3.1 A person who receives an order under subsection 13.2.1 of this PART may request The Board of The Swan Valley Planning District to review the order, by written notice given within fourteen (14) days after the date the order is received.

13.3.2 After giving the person a reasonable opportunity to be heard, the Board may confirm, vary, substitute or cancel the order or decision.

### **13.4 Enforcement and Penalties**

13.4.1 The enforcement of this By-law or any resolution or order enacted by the Board under *The Planning Act* or any regulation made thereunder shall be in accordance with *The Planning Act*.

13.4.2 Any penalty imposed for a violation of this By-law shall be in accordance with *The Planning Act*.

## PART 14: INTERPRETATION

### 14.1 Footnotes

The footnotes are part of this By-law.

### 14.2 Permitted Uses

Where a use appears in the Use and Bulk Tables as a permitted use, it shall not be construed to include any use which appears as a conditional use for the same zone.

### 14.3 Definitions

14.3.1 Terms not defined in this By-law which are defined in *The Planning Act*, have the meaning provided in *The Act*.

14.3.2 Where the following terms appear in this By-law they have the meaning provided as follows:

**"Accessory building, structure or use"**, means a building, structure or use which:

- (a) Is subordinate to, incidental to, and serves the principal building, structure or use;
- (b) Is customarily subordinate in area, extent, or purpose to the principal building, structure or use served;
- (c) Contributes to the comfort, convenience or necessity of occupants of the principal building, structure or use served; and
- (d) Is located on the same site as the principal building, structure or use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning site with the building, structure or use served.

**"Accessory"**, when it is used in this By-law, shall have the same meaning as accessory use.

**"Act, Planning"**, means *The Planning Act*, R.S.M. 1987, being Chapter P80 of the Continuing Consolidation of the Statutes of Manitoba and all amendments thereto.

**"Agricultural activities, general"**, means a use of land for agricultural purposes including farming, dairying, pasturage, and the necessary accessory uses for packing, storing or treating the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Such activities do not include the following:

- (a) livestock production operations;
- (b) storage, handling or processing of agricultural products for the general public in return for remuneration; and

- (c) sales or servicing (in return for remuneration) of agricultural equipment or agricultural buildings.

**"Agricultural activities, specialized"**, means agricultural activities such as apiculture, floriculture, horticulture and activities of a like nature which do not require large acreages of land, and which in the opinion of Council, provide a major component of household income.

**"Agriculture Implement Sales and Services"**, 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.

**"Agriculture Related Industries"**, means industries that provide support services for agricultural activities and includes seed cleaning plants, grain elevators, fertilizer plants, feed mills, abattoirs, auction marts, implement sales and service, and bulk fuel and fertilizer.

**"Aircraft Landing Area"**, means any area of land which is used or intended for use for the landing or take off of aircraft, along with any appurtenant areas used or intended for use as airport buildings or other airport facilities or rights-of-way, including taxiways, aircraft storage or tie-down areas, hangars and other related buildings and open spaces.

**"Alteration"**, means a change or modification to an existing building, structure or use.

**"Alteration, structural"**, means, for the purpose of this By-law, any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

**"Automobile, mobile home or trailer sales area"**, means an open area, used for the display, sale or rental of new or used automobiles, mobile homes or trailers, and where repairs are made they shall generally be done within a completely enclosed building.

**"Automobile service station"**, means a building or portion thereof and land used for supplying fuel, oil and minor accessories and making repairs to motor vehicles at retail direct to the customer, and where repairs are made, they shall generally be done within a completely enclosed building.

**"Basement"**, means that portion of a building between two floor levels which is partly underground but which has at least one half of its height from finished floor to finished ceiling above adjacent finished grade as approved.

**"Bed and Breakfast Establishment"**, means a building or portion thereof, other than a hotel or motel, where lodging, or lodging and meals, are provided for compensation, exclusive of the proprietor and his family.

**"Board"**, means the Board of The Swan Valley Planning District as established under *The Planning Act*.

**"Building"**, means, for the purpose of this By-law, a structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels.



**"Building, height of"**, means the total number of storeys in the building or the vertical distance measured from grade to the highest point of the roof surface of a flat roof, to the deck of a mansard roof or to the mean height level between eaves and ridge for a gable, hip or gambrel roof.

**"Building, principal"**, means the structure in which the principal use of the site is conducted.

**"Bulk"**, means the term used to describe the size of a building or structure or land, and their relationship to each other, and therefore includes:

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

**"Camping and tenting grounds"**, means an area of land designed and improved to accommodate travel trailers, motor homes, tent trailers, tents and other camping accommodations on a temporary basis for recreation and vacation purposes.

**"Cellar"**, means that portion of a building between two floor levels which is partly or wholly underground and which has more than one-half of its height, from finished floor to finished ceiling, below adjacent finished grade as approved.

**"Cemetery"**, means land for the burial of the deceased and dedicated for cemetery purposes, including columbaria, crematoria, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

**"Conditional use"**, means for the purpose of this By-law, a use which, because of its unique characteristics and the impact which it may have on nearby premises, will be subject to special consideration and approval procedures which will take into account the public need for the proposed use at a given location, as well as any mitigative measures deemed appropriate by Council.

**"Council"**, means the Council of The Rural Municipality of Mountain.

**"Day care"**, means as follows:

- (a) **Group day care**, means the provision of child care services to nine (9) or more children not over the age of twelve (12) in a provincially licensed facility with access to an outdoor recreation area; and

- (b) **Home day care**, means the provision of child care services in a family dwelling unit with access to an outdoor recreation area, in which the owner or tenant resides, or churches or halls, to children, including the children of the owner or tenant, not over twelve (12) years of age. The number of children shall not exceed eight (8). Determination of licensing shall be the responsibility of the owner/operator of the service and the provincial authority.

**"Development Officer"**, means a person appointed by The Swan Valley Planning District Board who is responsible for those duties as provided for herein.

**"Drive-in establishment"**, means an establishment with facilities for attracting and servicing prospective customers travelling in motor vehicles, which are driven onto the site where the customer may or may not receive service in the vehicle.

**"Dwelling"**, means a building or portion thereof designed for residential occupancy in accordance with the provisions of *The Buildings and Mobile Homes Act*.

**"Dwelling unit"**, means one (1) or more rooms in a building used or intended to be used by one (1) or more persons as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.

**"Dwelling, farm"**, means a single-family dwelling, mobile or modular home, which is the principal residence of the owner or operator of a permitted or conditionally approved agricultural activity, and which is located on the same site as the agricultural activity.

**"Dwelling, non-farm"**, means a single-family dwelling, mobile or modular home on a site used for residential purposes, regardless of the owner's occupation, and found in the "AG" Agricultural General and "AUR" Agricultural Urban Reserve Zones.

**"Dwelling, single-family"**, means a detached building designed, used or intended to be used exclusively for occupancy by one (1) family.

**"Dwelling, two-family"**, means a detached building designed, used or intended to be used by two (2) families, with each family having exclusive occupancy of a dwelling unit.

**"Dwelling, multiple-family"**, means a building containing three or more dwelling units, with each family having exclusive occupancy of a dwelling unit.

**"Dwelling, semi-detached"**, means one or a pair of two attached single-family dwellings divided in whole or in part by a common vertical wall, each of which has an independent entrance either directly from the outside or through a vestibule.

**"Dwelling, duplex"**, means a two-family dwelling that is divided horizontally into two separate dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule.

**"Enlargement"**, means an addition to the floor area of an existing building, an increase in the size of any structure, or an increase in that portion of an area of land occupied by an existing use.

**"Existing"**, means existing on the effective date of this By-law.

**"Family"**, means one or more persons related by blood or marriage or common-law marriage occupying a dwelling unit, or a group of not more than four (4) unrelated persons, living together and maintaining a common household, which shall be deemed to exist if all members thereof have access to all parts of the dwelling.

**"Farm Building or Structure"**, means any building or structure designed for and used principally for agricultural activities, but does not include a dwelling.

**"Garage"**, means a building or portion thereof in which a motor vehicle is stored, repaired, washed or serviced.

**"Guest House"**, means a fully furnished and equipped dwelling for rental purposes to hunting parties, snowmobilers, family reunions, family vacations or just an overnight stay providing country living.

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

**"Home-based business"**, means an accessory use which is carried on principally by the members of the family residing at the same dwelling unit or mobile home or its permitted accessory building and is incidental to or secondary to the principal residential use.

**"Hotel"**, means a building or part thereof wherein accommodation is provided for transient lodgers, in any individual room or suite, with or without cooking facilities, and may include accessory uses such as restaurants, beverage rooms, banquet halls, and meeting rooms.

**"House, boarding, lodging or rooming"**, means a building or portion thereof, other than a hotel or motel, where lodging, or lodging and meals, are provided for compensation, exclusive of the proprietor and his family.

**"Hundred year flood"**, means a flood that can be expected to occur, on average, once in one hundred (100) years, or specifically a flood that has a one percent (1%) chance of being equalled or exceeded in any year.

**"Kennel"**, means premises on which more than two (2) dogs or cats at least four (4) months of age are maintained, boarded, bred, trained, or cared for, in return for remuneration, or are kept for the purpose of sale, with the exception of animal pounds and veterinary clinics.

**"Lane, public"**, means a public thoroughfare not over thirty-three (33) feet in width in public ownership which affords only a secondary means of access to abutting property.

**"Livestock confinement facility"**, means a livestock facility where animals such as cattle, horses, poultry, sheep and other similar animals are fed in buildings or pens or in outdoor areas confined by fences, other structures or topography and found in the "GD" and "AUR" Zones, but does not include:

- (a) a livestock auction mart,
- (b) an agricultural fair, or
- (c) a livestock sales yard where livestock are kept no longer than three (3) days.

**"Livestock production operation"**, means an agricultural operation where animals are fed in buildings or pens, or in outdoor non-grazing areas confined by fences, other structures or topography, but does not include:

- (a) a livestock auction mart,
- (b) an agricultural fair, or
- (c) a livestock sales yard where livestock are kept no longer than three (3) days.

**"Loading space"**, means an off-street space on the same zoning site with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or material, and which abuts upon a street, lane or other appropriate means of access.

**"Mobile home"**, means a factory-built transportable dwelling which is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has at any time such wheels attached, or is jacked up or skirted and which conforms to the structural standards of The Buildings and Mobile Homes Act, Chapter B93, C.C.S.M., and amendments thereto.

**"Mobile home park"**, means an area of land upon which mobile home spaces are rented to individual mobile home owners, and which has been approved by Council.

**"Mobile home site"**, means a site in a mobile home subdivision which may be purchased for the placement of a mobile home.

**"Modular home"**, means a pre-fabricated portable dwelling unit similar to but distinct from a mobile home, in that a modular home does not have a chassis designed to accommodate wheels. Modular homes are designed to be transported to a site on a flatbed truck and may be folded, collapsed or telescoped when in tow, and which may be extended on the site for additional interior space. Modular homes are distinct from ready-to-move dwellings in that they are not designed or constructed to the same building code requirements.

**"Motel"**, means a building not over two storeys in height wherein sleeping accommodation is provided for transient lodgers, in which there is an exit from individual rooms or suites directly to the outdoors, and may include accessory uses such as restaurants, beverage rooms, banquet halls, and meeting rooms.

**"Motor home"**, means a self-propelled vehicle designed for temporary living, sleeping and eating accommodation of persons and includes a camper pick-up and camper van.

**"Non-conformity"**, means one, or a combination of more than one, of the following:

- (a) A site or an area of land;

- (b) A building or structure;
- (c) A use of a building or structure;
- (d) A use of land; or
- (e) A sign;

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

**"Open Space"**, shall mean that required portion of a site at ground level unoccupied by principal or accessory buildings and available to all the occupants of the building.

**"Owner"**, means an owner as defined in *The Planning Act*.

**"Parcel of land"**, means a parcel as defined in *The Planning Act*.

**"Parking area"**, means an open area of land other than a street or lane, or an area within a structure, used for the parking of vehicles.

**"Parking area, public"**, means an off-street 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 space"**, means a space on a parking area, public parking area or zoning site for the temporary parking or storage of a motor vehicle.

**"Party Wall"**, means a wall forming part of a building and used for separation of adjoining buildings occupied, constructed or adapted to be occupied by different owners, persons or businesses.

**"Public utility"**, means any system, works, plant, pipeline, equipment or service which furnishes services and facilities available at approved rates to or for the use of the general public, including but not limited to:

- (a) Communication, by way of telephone, telegraph, wireless or television;
- (b) Public transportation, by bus or other vehicles;
- (c) Production, transmission, delivery or furnishing of water, gas or electricity to the public at large; or
- (d) Collection of sewage, garbage or other waste.

**"Public utility building"**, means a building used by a public utility.

**"Recycling depot"**, means a building where waste materials such as paper, plastic and metals are collected and separated for storage and transfer to market.

**"Repair"**, means the renewal or reconstruction of any part of an existing structure for the purpose of its maintenance or restoration, excluding structural alterations.

**"Residential care facility"**, means the use of any building or structure, or part thereof, which is advertised, announced or maintained for the express or implied purpose of providing lodging, meals, care and supervision, or transitional services to persons not related by blood, marriage or adoption to the operator, nor to each other, but does not

include a facility licensed or designated as an institution by The Manitoba Health Services Commission.

**"Shopping centre"**, means a building or group of buildings designed, developed, owned and managed as a unit by a single owner or tenant, or group of owners or tenants containing three or more separated spaces for lease or occupancy of commercial uses or business or professional offices.

**"Sign"**, means any writing (including letter, word, or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol or trademark), banner, pennant or any other figure of similar character which:

- (a) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on or in a building or other structure;
- (b) Is used to identify, direct attention to, or advertise;
- (c) Is visible from outside a building, but shall not include show windows as such; and
- (d) May include the following types:
  - (i) **advertising sign**, means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zoning site where the sign is maintained, including a billboard sign;
  - (ii) **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 maintained, e.g., school, church, community centre, etc.;
  - (iii) **business sign**, means an accessory sign directing attention to a business, commodity, service or entertainment conducted, sold, or offered upon the same zoning site where the sign is maintained;
  - (iv) **construction sign**, means a sign which identifies a construction project and information relative thereto;
  - (v) **identification sign**, means an accessory sign that identifies the business, owner, or resident and/or the street address and which sets forth no other advertisement;
  - (vi) **real estate sign**, means a sign advertising the sale, rental or lease of the premises on which it is maintained; and
  - (vii) **mobile sign**, means any structure designed for transport, which is placed or maintained at one (1) particular location for the express purpose and intent of promoting or conveying an advertising message. The removal of the wheels from such a sign does not change the inherent portability which was part of the design.

**"Sign surface area"**, means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any other material or colour forming an integral part of the display; excluding the necessary supports or uprights on which it is placed. In computing the sign surface area in square feet, standard mathematical formulas for known or common shapes will be used. In the case of irregular shapes, straight lines drawn closest to the extremities of the shape will be used. Where a sign has two (2) faces placed back to back and at no point more than three (3) feet from one another, the sign surface area of the sign may be taken as the sign surface area of one (1) face.

**"Site"**, means a zoning site as defined herein unless the context indicates otherwise.

**"Site area"**, means the computed area contained within the site lines.

**"Site, corner"**, means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

**"Site depth"**, means the horizontal distance between the centre points in the front and rear site lines.

**"Site, interior"**, means a site other than a corner site or a through site.

**"Site lines"**, means as follows:

- (a) **Front site line**, means that boundary of a site which is along an existing or designated street. For a corner site, the front site line shall be that line which is the continuation of the front site line of any abutting interior site, or in the case of a corner site which is abutted by two interior sites, the front site line shall be the site line which is shorter, otherwise the Development Officer may select the front site line;
- (b) **Rear site line**, means that boundary of a site which is most nearly parallel to the front site line and in the case of a site in which the side site lines intersect, such as a triangular site, a line ten (10) feet in length within the site, parallel to and at the maximum distance from the front site line;
- (c) **Side site line**, means any boundary of a site which is not a front or rear site line; and
- (d) Where an irregular shaped site cannot have its site lines defined by the foregoing definitions, the front, rear and side site lines shall be determined by the Development Officer.

**"Site, through"**, means a site having a pair of opposite site lines along two (2) more or less parallel streets.

**"Site, width"**, means the horizontal distance between the side site lines, measured at right angles to the site depth at a point midway between the front and rear site lines, or forty (40) feet from the front site line, whichever is the lesser.

**"Site, zoning"**, means an area of land which:

- (a) Is occupied, or intended to be occupied, by a principal building or a group of such buildings and accessory buildings, or utilized for the principal use or uses thereto, together with such open spaces as are required under the provisions of this By-law;
- (b) Has frontage on a street or has any lawful means of public access satisfactory to the Council; and
- (c) Is of sufficient size to provide the minimum requirements of this By-law for a permitted or conditional use in a zone where the use is located.

**"Street"**, means for the purpose of this By-law, a thoroughfare in public ownership which provides the principal means of access to abutting property.

**"Structure"**, means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground and includes buildings, walls, fences, signs, billboards, light standards and similar items.

**"Surface water"**, means any body of flowing or standing water, whether naturally or artificially created including, but not limited to, a lake, river, creek, spring, swamp, wetland and marsh, but not including a dugout on the property of an agricultural operation. For the purpose of the definition "surface water", where the By-law requires a use, building or structure to be set back a certain distance from the surface water, that distance shall be measured from the high water mark of the surface water or from the nearest and highest bank of the surface water, whichever is further from the surface water.

**"Travel Trailer"**, means any vehicle or portable structure constructed so as to permit temporary occupancy thereof for lodging purposes or for use as an accessory building or structure in the conduct of a business, trade, or occupation, and which is designed and constructed so that it is, or may be, mounted on wheels and used as a conveyance on streets and highways, and which is propelled or drawn by its own or other motive power.

**"Use"**, means:

- (a) Any purpose for which a building or structure or an area of land may be designed, arranged, intended, maintained or occupied; or
- (b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or structure or on an area of land.

**"Wrecking Establishment"**, means the dismantling or wrecking of used motor vehicles, trailers or agricultural implements, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, agricultural implements or their parts.

**"Yard, required"**, means an open area, on the same zoning site with a building or structure, which yard is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein, and which extends along a site line to a depth or



1. The first step in the process of identifying a problem is to define the problem clearly.

2. The second step is to gather information about the problem.

3. The third step is to analyze the information and identify the causes of the problem.

4. The fourth step is to develop a plan of action to solve the problem.

5. The fifth step is to implement the plan and monitor the results.

6. The sixth step is to evaluate the results and make adjustments as needed.

width (measured from the site line) specified in the yard requirement for the zone in which such zoning site is located.

- (a) **Yard, front**, means a yard extending along the full length of the front site line between the side site lines;
- (b) **Yard, rear**, means a yard extending along the full length of the rear site line between the side site lines;
- (c) **Yard, side**, means a yard extending along the side site line from the front yard to the rear yard;
- (d) **Yard, corner side**, means a side yard which adjoins a public street; and
- (e) **Yard, interior side"** means a side yard which is located adjacent to another zoning site, or to a lane separating such side yard from another zoning site.