THE RURAL MUNICIPALITY OF HARRISON

ZONING BY-LAW CONSOLIDATION

THE RURAL MUNICIPALITY OF HARRISON

ZONING BY-LAW

NOTE: This Consolidation By-law Manual is designed for ease of reference only and is not considered a legal document by the Courts. For all legal purposes, please contact the Development Officer of the South Riding Mountain Planning District or the Chief Administrative Officer of the Rural Municipality of Harrison to view and copy certified copies of any pertinent By-laws. Consolidation – January 6, 2010.

RURAL MUNICIPALITY OF HARRISON

ZONING BY-LAW

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BY-LAW NO. 1381

Being a By-law to regulate the use and development of land within the Rural Municipality of Harrison.

Whereas Section 40(1) of the Planning Act, Chapter 29, S.M. 1975 provides that a Zoning By-law may be enacted by the Council of a Municipality.

And whereas, pursuant to Section 30(1) of the said Planning Act, the South Riding Mountain Planning Board has by By-law adopted a Development Plan;

And whereas, Section 34(2) of the same Act provides that a Zoning By-law shall be prepared upon the adoption of a Development Plan;

And whereas, all planning schemes, including the Rackham Town Planning Scheme 1928 and By-law No. 870 being a By-law adopting the Rural Municipality of Harrison Planning Scheme 1964, and any By-laws adopted from time to time amending said Planning Schemes are hereby repealed.

Now therefore, the Council of the Rural Municipality of Harrison, in meeting duly assembled, enacts as follows:

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PART I - DEFINITIONS

RULES OF CONSTRUCTION

1. (1) The following rules of construction apply to the text of this By-law:

(a) Words, phrases and terms defined herein shall be given the defined meaning.

(b) Words, phrases and terms not defined herein but defined in the Act and the Building, Electrical or Plumbing By-laws of the R.M. of Harrison shall be construed as defined in such Act and By-laws.

(c) Words, phrases and terms neither defined herein nor in the Building, Electrical or Plumbing By-laws of the R.M. of Harrison shall be given their usual and customary meaning except where, in the opinion of Council, the context clearly indicates a different meaning.

(d) The phrase "used for" includes "arranged for", "designed for", or "occupied for".

(e) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and", "or", or "either - or", the conjunction shall be interpreted as follows:

(i) "and" indicates that all the connected items, conditions, provisions or events shall apply in any combination.

(ii) "or" indicates that the connected items, conditions, provisions or events may apply singly or in combination.

(iii) "either - or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

(f) The word "includes" shall not limit a term to the specified examples, but is intended to extend the meaning to all instances or circumstances of like kind or character.

DIVISIONS OF BY-LAW

2. (1) This By-law is divided into PARTS, each PART being self-sufficient with a minimum of cross references.

DEFINITIONS

3. (1) "ACCESSORY BUILDING OR USE" means a subordinate building or use located on the same zoning site as the principal building or use, the use of which is incidental and accessory to that of the principal building or use of the land:

(a) "Accessory building, attached or semi-detached" means an accessory building which is attached to the principal building directly or by a breezeway, etc., and in determining the required yards, the accessory building shall be treated as being part of the main building.

(b) "Accessory building, detached" means an accessory building which is not attached to the principal building and in determining the required yards, the requirements for accessory uses, buildings and structures as shown in the Bulk Tables shall be used.

3. (2) "ACT, THE" means The Planning Act, being CHAPTER P80 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.

3. (3) "AGRICULTURAL ACTIVITIES" means a use of land for agricultural purposes including farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and animal and poultry husbandry 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.

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

3. (5) "AIRCRAFT LAND STRIP" means any area of land or water which is used or intended for use for the landing or taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including taxiways, aircraft storage and tie-down areas, hangars and other related buildings and open spaces.

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

3. (7) "ALTERATIONS, INCIDENTAL" means:

(a) Changes or replacements in the non-structural parts of a building or structure, including but not limited to the following:

(i) minor addition on the exterior of a building, such as an open porch;

(ii) alterations of interior partitions in all types of buildings; or

(iii) replacement of, or changes in, the capacity of utility pipes, ducts or conduits.

(b) Changes or replacements in the structural parts of a building, including but not limited to the following:

(i) adding or enlarging windows or doors in exterior walls;

(ii) replacement of building facades; or

(iii) strengthening the load bearing capacity, in not more than ten percent (10%) of the total floor area, to permit accommodation of a specialized unit of machinery or equipment.

3. (8) "ALTERATION, STRUCTURAL" means a structural alteration as defined in the Act.

3. (9) "AUTOMOBILE BODY SHOP" means a building wherein the repair and painting of automobiles takes place.

3. (10) "AUTOMOBILE **[~~LAUNDRY~~** ***WASHING ESTABLISHMENT"]*** **[B/L 05-2011]** means a building or portion thereof wherein facilities are provided for the washing, cleaning and polishing of motor vehicles.

3. (11) "AUTOMOBILE SERVICE STATION" means a building or portion thereof and land used for supplying fuel, oil and motor accessories for motor vehicles at retail direct to the customer, and for making minor emergency repairs.

3. (12) "AUTOMOBILE OR TRAILER SALES AREA" means an open area, used for the display, sale or rental of new or used automobiles or trailers, and where repairs are made, they shall be done within a completely enclosed building, except minor incidental repairs of automobiles or trailers to be displayed, sold or rented on the premises.

3. (13) "AUTOMOBILE WRECKING" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

3. (14) "BASEMENT OR CELLAR" means that portion of a building which is partially underground. If more than fifty (50) percent is below grade, it can be used for recreational purposes but not contain habitable suites unless approved by the Council and the local Medical Health Officer.

3. (15) "BOARD" means the Board of The South Riding Mountain Planning District as established under the Act.

3. (16) "BUILDING" means a building as defined in the Act.

3. (17) "BUILDING, MAIN OR PRINCIPAL" means a building in which is conducted the principal use of the site on which it is situated.

3. (18) "BUILDING, HEIGHT OF" means the total number of storeys in a building or the vertical distance measured from grade to the highest point of the roof surface if a flat roof, to the deck of a mansard roof, and to the mean height level between eaves and ridge for gable, hip or gambrel roof.

3. (19) "BULK" means the following:

(a) the size of buildings or structures (including height of building and floor area);

(b) the size of zoning site (including the area, width and depth of the site) upon which a building or structure is located, and the number of dwelling units or rooms or floor area within such building or structure in relation to the area of the zoning site;

(c) the location of exterior walls of buildings and structures in relation to site lines, to other walls of the same building, to legally required windows, or to other buildings or structures; and

(d) all open areas relating to buildings or structures and their relationships thereto.

3. (20) "CAMPGROUNDS" means an area of land planned and improved to accommodate, on a temporary basis, travel trailers, camping trailers, pick-up coaches, motorized homes, tents, tent trailers, portable cottages or other camping accommodations used for travel, recreational and vacation uses.

3. (21) "CHILD CARE SERVICES" means the provision of care, for remuneration or reward, to a child apart from his or her parents or guardians for a period in any one day exceeding (3) hours but not exceeding fourteen (14) hours:

(a) "Home day care" means the provisions of child care services to a maximum of eight (8) children, including the children of the owner or tenant, not over twelve (12) years of age, in a dwelling unit, in which the owner or tenant resides, or churches or parish halls, with access to an outdoor recreation area; and

(b) "Group day care" means the provision of child care service 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.

3. (22) "CLUB, PRIVATE, NON-PROFIT RECREATIONAL, LODGE" means a non-profit corporation chartered by The Canada Corporation Act or The Manitoba Corporation Act, or an association consisting of persons who are bona fide members paying annual dues, which owns, or leases a building or portion thereof; the use of such premises being restricted to members and their guests.

3. (23) "CONDITIONAL USE" means the conditional use of land and/or buildings as defined in the Act.

3. (24) "CONDOMINIUM" means a condominium as established under the provisions of The Condominium Act.

3. (25) "CONDOMINIUM, BARE LAND UNIT" means a unit of land defined by delineation of its horizontal boundaries without reference to any buildings on a condominium plan.

3. (26) "CONDOMINIUM UNIT" means a part of the land or building and is designated as a unit by the condominium plan, and is comprised of the space enclosed by its boundaries and all the material parts of the land within this space at the time the condominium declaration and plan are registered.

3. (27) "CONFERENCE CENTER" means a building or group of buildings and accessory buildings and structures within which conferences and courses are conducted for various organizations.

3. (28) "COUNCIL" means the Council of the Rural Municipality of Harrison.

3. (29) "DENSITY" means the total number of dwelling units divided by the total area of land to be developed, expressed in gross acres.

3. (30) "DEVELOPMENT PLAN" means the South Riding Mountain Planning District Development Plan adopted by **[*~~By-law No. 5-84~~ By-law No. 01-DP-2010*]** **[B/L 05-2011]** and amendments thereto.

3. (31) "DRIVE-IN ESTABLISHMENTS" 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.

3. (32) "DWELLING" means a building or portion thereof designed for residential occupancy but not including hotel or motels.

3. (33) "DWELLING, COTTAGE" means a dwelling constructed and used as a secondary or intermittent place of residence, for seasonal vacations and recreational purposes.

3. (34) "DWELLING, SINGLE-FAMILY" means a detached building designed for and used by one (1) family.

3. (35) "DWELLING, TWO-FAMILY" means a detached or semi-detached building designed for and used by two (2) families, each having exclusive occupancy of a dwelling unit.

3. (36) "DWELLING, MULTIPLE-FAMILY" means a building containing three (3) or more dwelling units, each unit designed for and used by one (1) family.

3. (37) "DWELLING, RURAL NON-FARM SINGLE-FAMILY" means a single-family dwelling or mobile home on a site used for residential purposes, regardless of owner's occupation, and found in an "A80" General Agricultural Zone or "RR" Rural Residential Zone.

3. (38) "DWELLING UNIT" means one (1) or more rooms in a building designed for one (1) or more persons as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.

3. (39) "ENLARGEMENT" means an addition to the floor area of an existing building or structure, or an increase in that portion of a parcel of land occupied by an existing use.

3. (40) "EXTENSION" means an increase in the amount of existing floor area used for an existing use, within an existing building.

3. (41) "FAMILY" means one or more persons related by blood or marriage or common-law marriage, or a group of not more than three (3) persons who may not be related by blood or marriage, living together as a single housekeeping unit.

"Family" also includes domestic servants.

"Common-law" means a man and a woman living together as a family without the sanctity of marriage.

A housekeeping unit referred to above, shall be deemed to exist if all members thereof have access to all parts of the dwelling unit.

3. (42) "FARM BUILDINGS OR STRUCTURES" means any buildings or structures existing or erected on agricultural land and used principally for agricultural activities but not including dwellings.

3. (43) "FLOOR AREA" (as applied to bulk regulations) means the sum of the gross horizontal areas of the several floors of all buildings and structures on the zoning site, measured from the exterior faces of the exterior walls or from the centrelines of party walls. In particular, the floor area of a building or buildings shall include basements when used for residential, commercial or industrial purposes, but not including space used for storage or the housing of mechanical or central heating equipment and attics where there is a structural headroom of seven (7) feet or more.

3. (44) "GARAGE, PRIVATE OR CARPORT" means an accessory building or portion of a principal building, if attached, used by the occupants of the premises upon which it is located for the parking or temporary storage of private passenger motor vehicles and may also include the incidental storage of other personal property.

3. (45) "GRADE" (as applying to the determination of building or structure height) means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Development Officer.

3. (46) "GRAIN STORAGE STRUCTURE" means any structure which is designed to store any type of grain.

3. (47) **[*"HOME-BASED BUSINESS" means an accessory use, either permitted or conditional (depending on the zone) which is carried on for financial gain by an occupant of a dwelling, and which shall be incidental or secondary to the principal residential use.*] [B/L 05-2011]**

3. (48) "HOTEL" means a building or part thereof wherein accommodation is provided for transient lodgers, in any individual room or apartment, with or without cooking facilities. Permitted accessory uses include, but are not limited to, restaurants, licensed beverage rooms, banquet halls, ballrooms, meeting rooms and gift shops.

3. (49) "HOUSE, BOARDING, LODGING OR ROOMING" means a building or portions thereof, other than a hotel or motel, without cooking facilities, where lodging, or lodging and meals are provided for compensation.

3. (50) "KENNEL" means any premises on which more than two (2) animals are boarded, bred, trained or cared for, in return for remuneration or are kept for the purpose of sale. A kennel shall not include a veterinary clinic, animal hospital or animal pound.

3. (51) "LANE" means, for the purposes of this By-law, a street for vehicular traffic not over thirty-three (33) feet in width.

3. (52) "LIVESTOCK" means cattle, swine, horses, poultry, sheep, rabbits, mink, bison, deer and similar animals.

3. (53) **[*"LIVESTOCK OPERATION" means a permanent or semi-permanent facility or non-grazing area where livestock producing at least 10 animal units are kept or raised, either indoors or outdoors, and includes all associated manure collection facilities, but does not include an auction mart, agricultural fair, and livestock sale yards, in which livestock may be kept for a period not exceeding 10 days, unless, they create a pollution problem.***

***53.1** "Animal housing facility" means, for the purposes of this by-law, a barn or an outdoor, non-grazing area where livestock are confined by fences or other structures.*

***53.2** "Feedlot" means a fenced area where livestock are confined solely to this structure for the purpose of growing or finishing, and are sustained totally by means other than grazing. This structure may be emptied for short periods of time during the year for cleaning, maintenance or livestock economic or management reasons.*

***53.3** "Seasonal feeding area" means an outdoor non-grazing area where livestock are kept for the purpose of providing supplemental or total feed requirements on a seasonal basis, and where manure builds up such that mechanical removal and land application is required, but, for the purposes of this by-law, does not include a feedlot.*

***53.4** "Earthen manure storage area" means a structure built primarily from soil, constructed by excavating or forming dykes, and used to retain livestock manure.*

***53.5** "Non-earthen manure storage facility" means a structure, molehill, tank or other facility not made out of earth for storing manure, and includes any permanent equipment or structures in or by which manure is moved to*

or from the storage facility, but does not include a field storage site, a vehicle or other mobile equipment used to transport or dispose of manure, a gutter or concrete storage pit used to store liquid or semi-solid manure for less than 30 days, a collection basin, or a composting site for manure or mortalities. **] [B/L 05-2011]**

3. (54) **[*"ANIMAL UNIT OR A.U." means the number of animals of a particular category of livestock that will excrete 73 kg of total nitrogen in a 12 month period, as established by the Province.*]** [**B/L 05-2011]**

3. (55) "MOBILE HOME" means a portable dwelling unit 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.

3. (56) "MOBILE HOME PARK" means a parcel of land upon which mobile home spaces are provided and have been approved by the Council.

3. (57) "MOBILE HOME SPACE" means a defined space in a mobile home park for the placement of a mobile home.

3. (58) "MOTEL" means a building or part thereof, not over two (2) storeys in height wherein sleeping accommodation is provided for transient lodgers and in which there is an exit from each room or suite of rooms directly to the outdoors with access to grade level. Permitted accessory uses include but are not limited to restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

3. (59) See "NON-CONFORMITIES" in PART II, Section 10.

3. (60) "OPEN SPACE" means that required portion of a zoning site at ground level unless otherwise stated, unoccupied by principal or accessory buildings and available to the occupants of the building. The open space shall be unobstructed to the sky and shall not be used for service driveways or access off-street parking space or loading space, unless otherwise provided for herein, but shall be usable for landscaping, drying yards, recreational space and other leisure activities normally carried on outdoors. Balconies, roof and other like above grade level areas may also be considered as open space.

3. (61) "OWNER" means an owner as defined in the Act.

3. (62) "PARCEL OF LAND" means a parcel as defined in the Act.

3. (63) "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 persons or businesses.

3. (64) "PASTURE" means any area in which forage growth is sustained and provides a significant portion of the diet to livestock kept, fed or raised there and includes facilities for watering, supplement feeders, and handling facilities.

3. (65) "PERSONAL SERVICE SHOP" means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and without limiting the generality of the foregoing may include such establishments as barber shops, beauty parlors, hair-dressing shops, hand laundries, shoe repair and shoe shining shops, tailor and dressmaking shops, valets and depots for collecting dry cleaning and laundry.

3. (66) "PREMISES" means an area of land with or without buildings.

3. **[*(67) "PUBLIC UTILITIES AND SERVICES" means any system, works, building, plant equipment or service, excluding communication towers and wind turbine towers, for the purpose of furnishing publicly used services and facilities that are available at approved rates to the inhabitants of the Rural Municipality of Harrison`, including but not limited to:*

(a) Standard communication lines and associated poles
(b) Public transportation, by bus or other vehicle
(c) Public water wells and public water purification systems
(d) Transmission, delivery or furnishing of water, gas or electricity to the public at large
(e) Public buildings and structures, and
(f) Public collection and storage of sewage, garbage or other waste.] **[B/L 4-2006]**

3. (68) "RESIDENTIAL CARE FACILITY" means the use of any building or structure or part thereof, however named, which is advertised, announced or maintained for the express or implied purpose of providing care and supervision or transitional services with or without lodging and meals to persons not related by blood, marriage or adoption to the operator nor to each other but does not include a facility which is licensed or designated by the Manitoba Health Services Commission.

3. (69) "RESORT, COMMERCIAL" means a commercial recreation establishment which may consist of one or more buildings containing single or multiple-family dwellings, recreational facilities, conference facilities and service facilities which are used on an intermittent basis. Other facilities which may be a part of the resort development includes: camping and tenting grounds, hotel, retail store, eating establishments, marina, golf course and other outdoor recreation game courts, areas and trails.

3. (70) "SENIOR CITIZEN HOME" means a building containing one or more dwelling units or individual rooms where elderly people live independent of personal care.

3. (71) "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; and

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

3. (72) "SIGN, ADVERTISING" 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.

3. (73) "SIGN, BULLETIN BOARD" 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 sign is maintained, e.g., school, church, community centre bulletin board sign and similar uses.

3. (74) "SIGN, BUSINESS" means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same zoning site where the sign is maintained.

3. (75) "SIGN, FACIA OR WALL" means any sign attached against the surface of, or against or within a recess in the wall, a column or other perpendicular portion of a building in a position essentially parallel to said wall, column or other perpendicular position. A facia sign shall also mean any sign attached to the walls of two or more buildings and spanning the spaces between said buildings.

3. (76) "SIGN, FREESTANDING" means a sign supported by a vertical column or columns placed in the ground with the sign surface area above ground level.

3. (77) "SIGN, IDENTIFICATION" means a sign that identifies the owner, resident or the street address and which sets forth no other advertisement.

3. (78) "SIGN SURFACE AREA" means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any

figure of similar character, including any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which it is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than one (1) yard from one another, the sign surface area of the sign shall be taken as the surface area of one face if the two faces are of equal area, or as the surface area of the larger face if the two faces are of unequal area.

3. (79) A "SITE, ZONING SITE" means a parcel of land which:

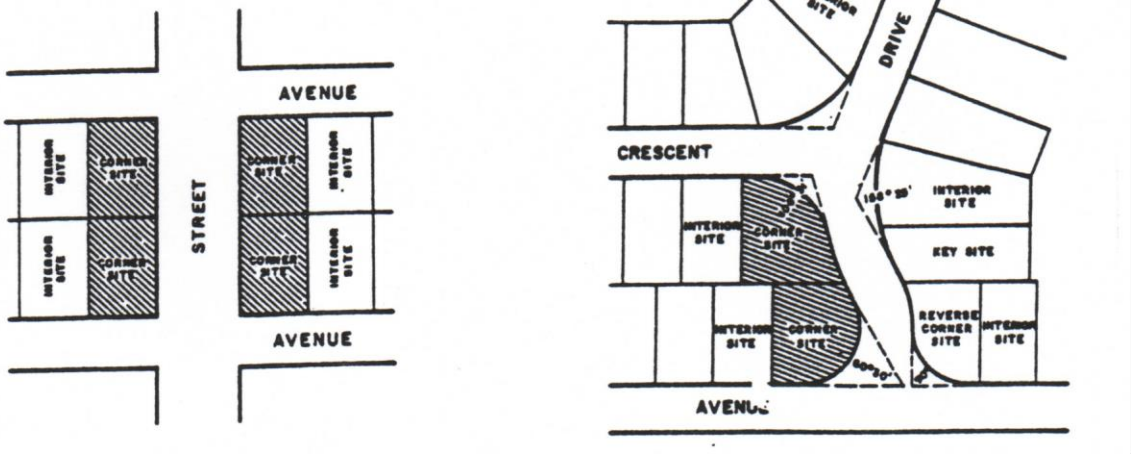
(a) is occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use or uses thereto, together with such open spaces as are required under the provisions by this by-law;

(b) has site frontage on a street or has any lawful means of 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.

3. (80) "SITE AREA" means the computed area contained within the site lines.

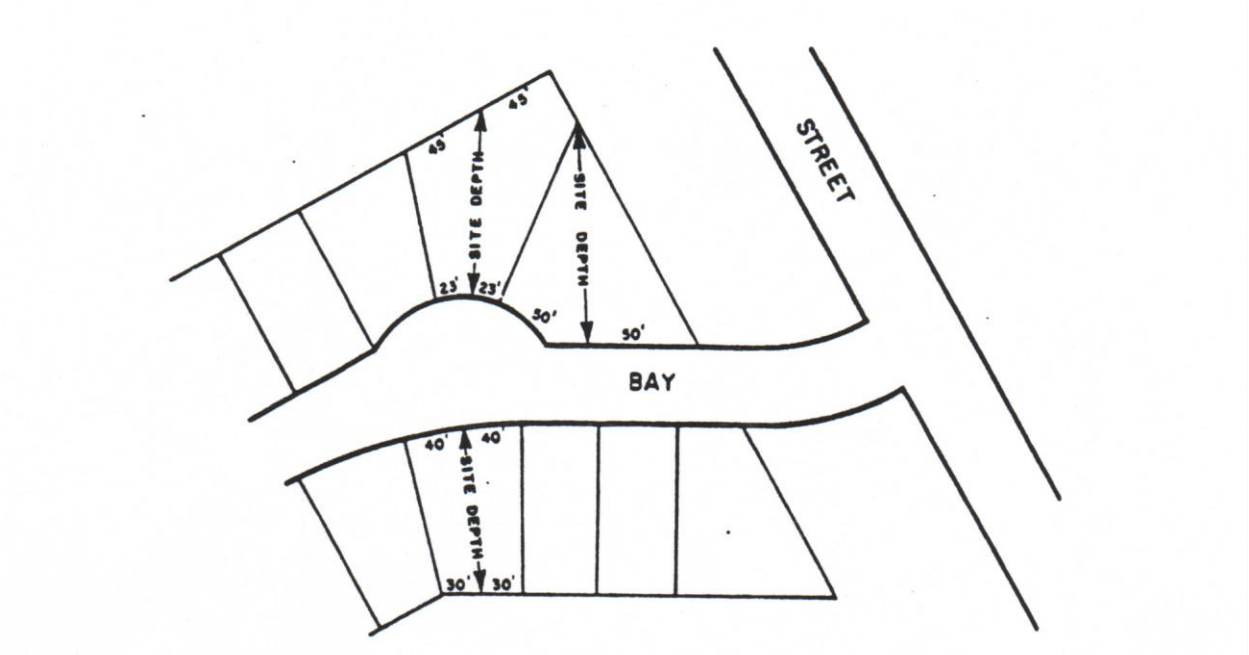
3. (81) "SITE CORNER" means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.



3. (82) "SITE COVERAGE" means that part or percentage of the site occupied by buildings, including accessory buildings.

That portion of the structure which is below the finished grade shall not be included in site coverage.

3 (83) "SITE DEPTH" means the horizontal distance between the centre points in the front and rear site lines.



3. (84) "SITE FRONTAGE" means all that portion of a zoning site fronting on a street and measured between side site lines (see sketches).

3. (85) "SITE, INTERIOR" means a site other than a corner site or a through site (see sketches).

3. (86) "SITE, KEY" means the first site to the rear of a reversed corner site.

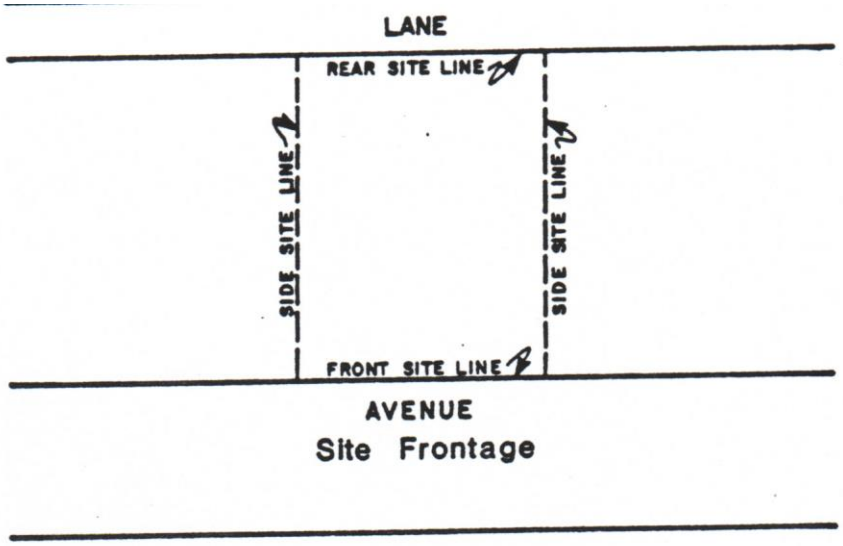
3. (87) "SITE LINES" means as follows:

(a) "Front site line" means that boundary of a site which abuts a legally existing street or council approved access. For a corner site, the Development Officer may select the front site line except where an interior site abuts the corner site, then the front site line shall be that line which is the continuation of the front site line of the interior site;

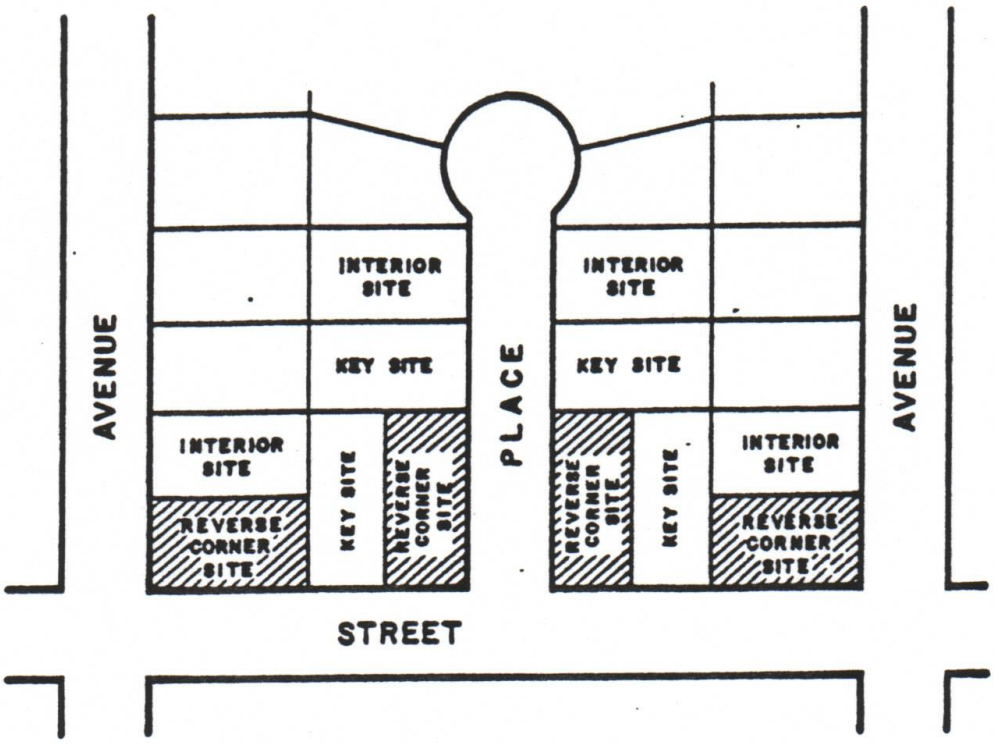
(b) "Rear site line" means that boundary of a site which is most nearly parallel to the front site line and in the case of a site in which the side site lines intersect, such as a triangular site, a line ten (10) feet in length within the site, parallel to and at the maximum distance from the front site line;

(c) "Side site line" means any boundary of a site which is not a front or rear site line;

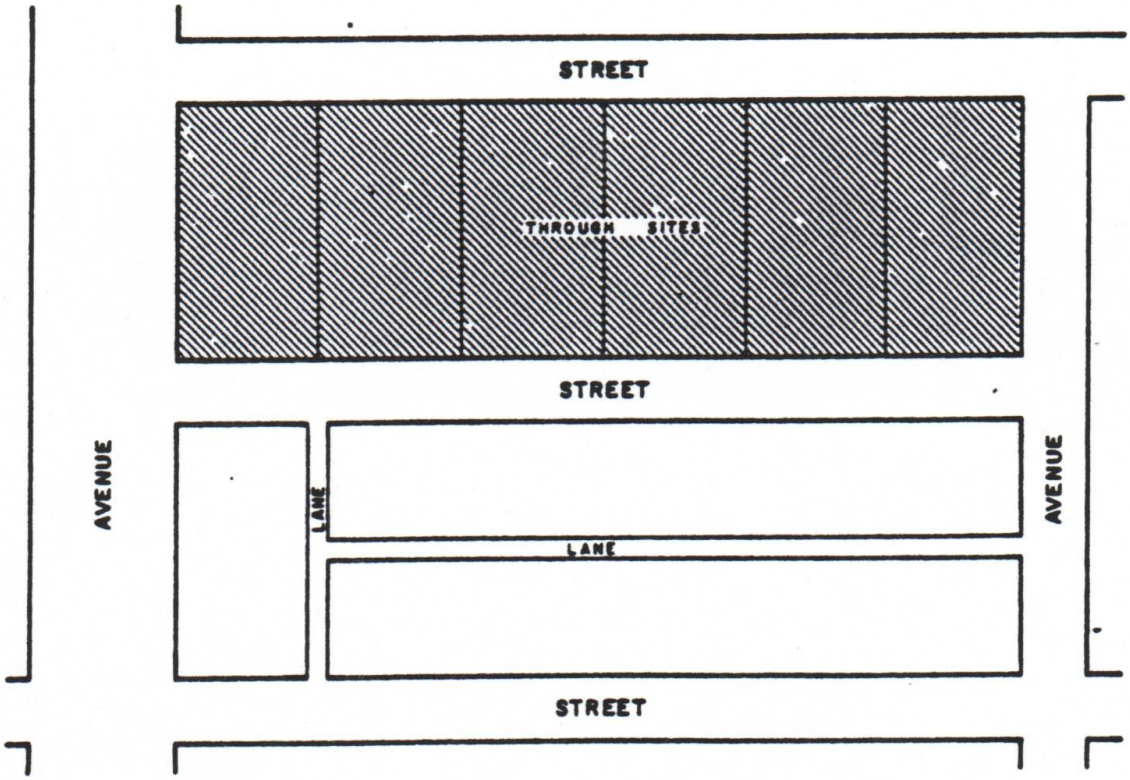
(d) Where an irregular shaped site cannot have its site lines defined by the foregoing definitions, the front, rear and side site lines shall be determined by the Development Officer.


LANE
REAR SITE LINE
SIDE SITE LINE
SIDE SITE LINE
FRONT SITE LINE
AVENUE
Site Frontage

3. (88) "SITE, REVERSE CORNER" means a corner site, the flanking street site line of which is substantially a continuation of the front site line of the first site to its rear.

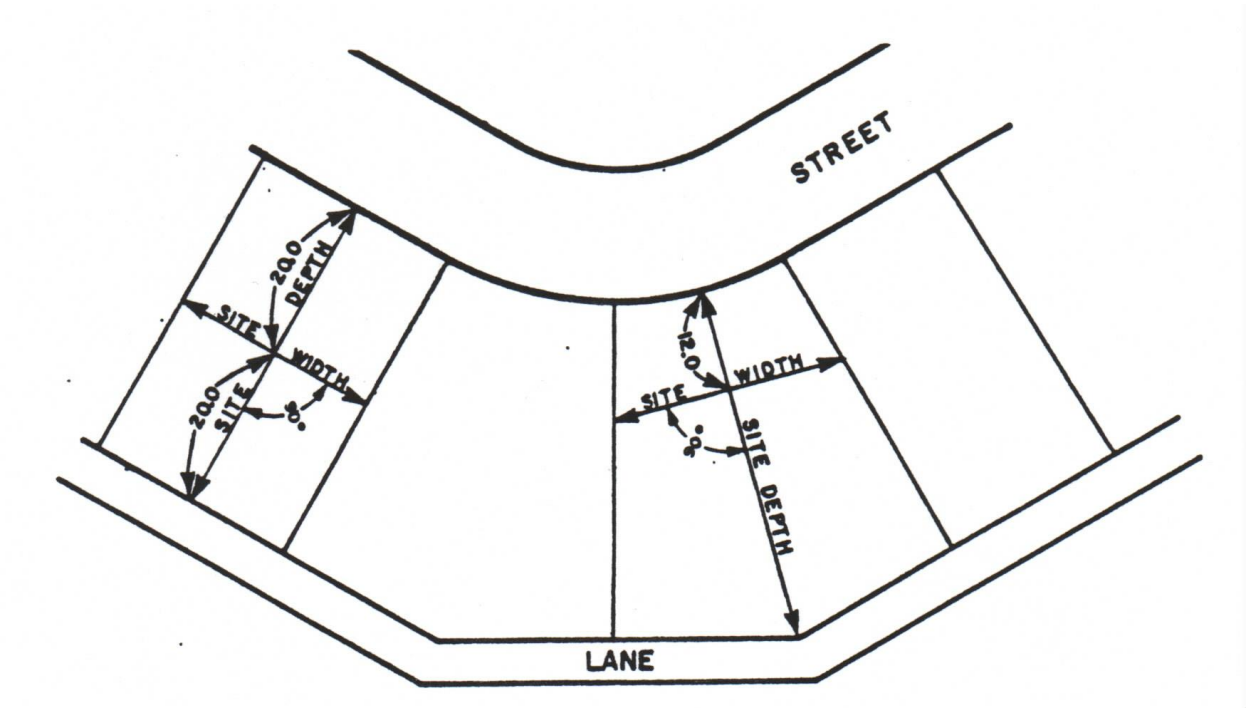


3. (89) "SITE-THROUGH" means a site having a pair of opposite site lines along two (2) more or less parallel streets. On a through site, both street lines shall be deemed front site lines.



ADMINISTRATION

3. (90) "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 twenty-five (25) feet from the front site line, whichever is the lesser.



3. (91) "STOREY" means that portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, then that portion between the top of such floor and the ceiling above it. A basement shall be counted as a storey for the purpose of height measurement if the vertical distance between the ceiling and the average finished level of the adjoining ground is more than five (5) feet.

3. (92) "STREET" means, for the purpose of this By-law, a public highway over thirty-three (33) feet in width, for vehicular traffic.

3. (93) "STRUCTURE" means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground and includes buildings, walls, fences, signs, billboards, poster panels, light standards, bee hives and similar items.

3. (94) "TRAVEL TRAILER" means a portable living accommodation designed to be used as accommodation for travel, recreation or vacation purposes that:

(a) Is capable of being transported on its own chassis and running gear by towing or other means;

(b) Is placed on the chassis or body of a motor vehicle; or

(c) Forms part of a motor vehicle.

3. (95) "USE" means:

(a) Any purpose for which a building or structure or parcel 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.

3. (96) "YARD" means an open area, on the same zoning site with a building or structure which yard is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein:

(a) "Yard, required" means a yard extending along a site line or wall to a depth or width (measured from the site line or wall) specified in the yard requirements for the zone in which such zoning site is located.

(b) "Yard, side" means a yard extending along the side site line from the front yard to the rear yard.

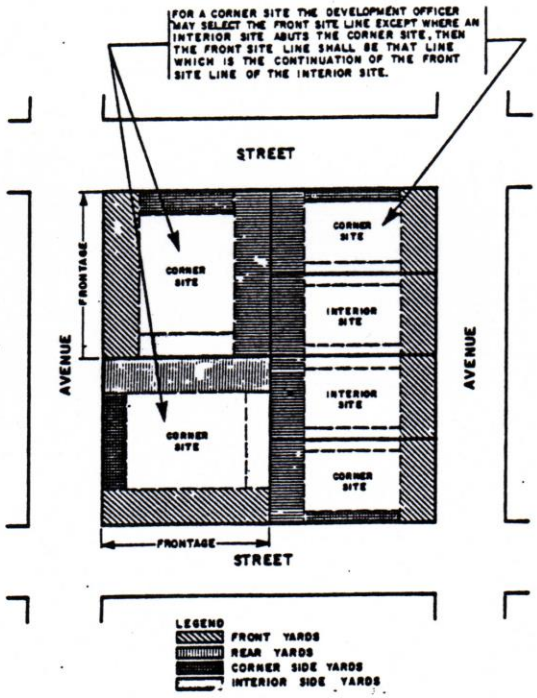
(c) "Yard, corner side" means a side yard which adjoins a street.

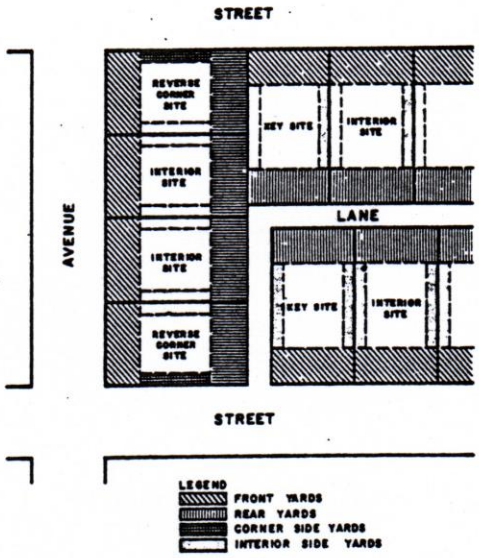
(d) "Yard, interior side" means a side yard which is adjacent to another zoning site, or to a lane separating such side yard from another zoning site, or to the wall of a building adjacent to the wall of another building in a planned unit development.

(e) "Yard, front" means a yard extending along the full length of the front site line between the side site lines.

(f) "Yard, rear" means a yard extending along the full length of the rear site line between the side site lines.

(g) The following sketches illustrates the foregoing definitions of the yards:


FOR A CORNER SITE THE DEVELOPMENT OFFICER MAY SELECT THE FRONT SITE LINE EXCEPT WHERE AN INTERIOR SITE ABUTS THE CORNER SITE, THEN THE FRONT SITE LINE SHALL BE THAT LINE WHICH IS THE CONTINUATION OF THE FRONT SITE LINE OF THE INTERIOR SITE.
STREET
AVENUE
FRONTAGE
CORNER SITE
INTERIOR SITE
CORNER SITE
CORNER SITE
INTERIOR SITE
CORNER SITE
AVENUE
FRONTAGE
STREET
LEGEND
FRONT YARDS
REAR YARDS
CORNER SIDE YARDS
INTERIOR SIDE YARDS


STREET
AVENUE
REVERSE CORNER SITE
INTERIOR SITE
INTERIOR SITE
REVERSE CORNER SITE
KEY SITE
INTERIOR SITE
LANE
KEY SITE
INTERIOR SITE
STREET
LEGEND
FRONT YARDS
REAR YARDS
CORNER SIDE YARDS
INTERIOR SIDE YARDS

3. (97) **[*"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, drainage ditch, roadside ditch, reservoir, swamp, wetland and marsh, including ice on any of them, but not including a dugout or reservoir on the property of an agricultural operation.*] [B/L 05-2011]**

(98) **[*"SURFACE WATERCOURSE" means the channel in or bed on which surface water flows or stands, whether continuously or intermittently, but does not include a dugout, reservoir, intermittent slough, drainage ditch or intermittent stream that is completely surrounded by private land controlled by the owner or operator of an agricultural operation and that has no outflow going beyond the private land.*] [B/L 05-2011]**

(99) **[*"ORDINARY HIGH WATER MARK" means a point on land that would be at the water's edge when the water reaches the following level:***

(a) in the case of a reservoir, the full supply level;
(b) in the case of a drain, the bank-full level; and
***(c) in the case of any other water body, the highest level to which the water usually rises each year at which it remains long enough to change the characteristics of the land or vegetation on the land.*] [B/L 05-2011]**

(100) WIND TURBINE GENERATOR STATION (WTGS)" means a site and facility that is comprised of, but not limited to, one or more wind turbine generator towers, and may include associated operation and maintenance buildings, research or meteorological towers, collector grids, roads and substations that convert wind energy to electrical energy for use or sale by a private commercial enterprises or public utility. It must have a collective nameplate rating of 0.50 megawatt or greater and be connected to the transmission or a local distribution grid. The (WTGS) can be comprised of either a leased or an owned site.

PART II - ADMINISTRATION

SCOPE

TITLE

1. (1) This By-law shall be known as "The Rural Municipality of Harrison Zoning By-law".

WHEN EFFECTIVE

1. (2) This by-law shall be in full force and effect when it is given third reading by the Council of the R.M. of Harrison.

THE AREA

1. (3) The Area to which this Zoning By-law shall apply shall be all of the R.M. of Harrison.

INTENT AND PURPOSE

1. (4) The regulations and provisions established by this By-law are deemed necessary in order to:

    (a) Implement the objectives and policies of the South Riding Mountain Planning District Development Plan;

    (b) To define and limit the powers and duties of the Council, the Board, and the Development Officer; and

    (c) To regulate the following:

        (i) Buildings and structures erected hereinafter unless otherwise provided;

        (ii) Uses of buildings, structures and land established hereafter;

        (iii) Alterations or relocations of existing buildings and structures occurring hereafter;

        (iv) Enlargements or additions to existing buildings, structures or uses; and

(v) The change of use of land, buildings or structures.

RESPONSIBILITIES OF COUNCIL

1. (5) Subject to the provisions of the Act, the Council is responsible for:

(a) The enactment of this by-law;

(b) Considering the adoption of proposed amendments or the repeal of this By-law;

(c) Acting as a Variation Board;

(d) Approving or rejecting conditional use applications, and may revoke the authorized conditional use for any violation of any conditions imposed by it; and

(e) Establishing a schedule of fees as provided for in Section 22 of this PART.

RESPONSIBILITIES OF THE BOARD

1. (6) Subject to the provisions of the Act, the 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; and

(c) In accordance with Section 21 (2) of the Act, establishing a schedule of fees and charges for permits relevant to the Development Plan. Until all applicable fees and charges have been paid in full, no action shall be taken on any application.

AMENDMENTS

2. (1) Subject to the procedure required under the Act, an amendment may be initiated by a resolution of intention by the Council, or by application of one or more owners of the property or their agents within the area proposed to be changed. An application and all required information and fees as determined by Council and in accordance with Section 22 of this PART shall be made to the Council and submitted through the Development Officer.

(2) Council shall notify the applicant in advance of the hearing, at which time it shall hear all of the facts presented, and any representation by the applicant, study the facts presented, make its findings and determination in writing and shall transmit a copy thereof to the applicant. If Council approves the application, it shall proceed with the adoption of the amendment in accordance with the provisions of the Act.

CONDITIONAL USE

3. (1) The development and execution of this By-law is based upon the division of The Area into zone, within which zones the use of land and buildings and structures in relation to the land are substantially compatible. It is recognized, however that there are certain uses deemed conditional uses which, because of their unique characteristics, cannot properly be classified in any particular zone or zones without consideration, in each case, of the impact of those uses upon neighbouring land and of the public need for the particular use at the particular location;

(2) An application for a conditional use shall be made to the Council and submitted through the Development Officer and processed and approved or rejected in accordance with the provisions of the Act;

(3) The application shall be accompanied by a site plan and other data as the Council may prescribe and such fees as determined by Council in accordance with Section 22 of this PART;

(4) Where a use is classified as a conditional use under this By-law or amendments thereto, and exists as a permitted use or conditional use at the date of the adoption of this By-law or amendments thereto, it shall be considered as a legally existing conditional use;

(5) Any change in a conditional use shall be subject to the provisions of this Section and the appropriate provisions of the Act; and

(6) The approval of Council in accordance with the provisions of the Act shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the decision, unless it is renewed prior to the expiry date, at the discretion of Council, for an additional period of twelve (12) months.

TEMPORARY USES

4. (1) Notwithstanding any provisions elsewhere contained in this By-law, the Council may permit, subject to such terms and conditions as it may seem fit to impose, and for a period of six (6) months which may be renewed by Council for not more than two (2) successive periods. The temporary use of lands, buildings or structures necessary or incidental for construction purposes if, in Council's opinion, the safety

and health or sanitary conditions of property in the vicinity will not be adversely affected thereby; and

(2) The building shall not be used for human habitation except for a watchman or caretaker on a temporary basis.

[*(3) A meteorological tower, used for climate research shall be allowed to be erected as a temporary use, subject to Council's approval for a term not exceeding three (3) years and subject to the pertinent provisions of the By-law concerning Wind Turbine Generator Stations (WTGS) development found in PART IV RURAL ZONES, clause (h) of Table IV-II and Section 6(26). If the meteorological tower is to remain in place after the maximum three (3) year period it shall become a part of a (WTGS) through the approval process identified in PART IV*.] [B/L 4-2006]

VARIATIONS

5. (1) Any person may apply for a variation order, in accordance with the provisions of the Act; and

(2) An application for a variation order and all required information and fees, shall be filed with the Variation Board and submitted through the Development Officer.

DEVELOPMENT AGREEMENT

6. Where an application is made for the amendment of this By-law, the Council may require the owner or the person entitled to be registered as owner of the land, building or structure to which the amendment shall apply, as a condition to its enactment, to enter into a development agreement with the R.M. of Harrison in respect of that land as well as contiguous land owned or leased by the applicant. The provisions of said agreement shall be in accordance with the Act.

THE DEVELOPMENT OFFICER

DUTIES

7. (1) The Board shall appoint a development officer, who on behalf of the R.M. of Harrison, may:

(a) Allow or refuse such minor variations to the requirements of this By-law as authorized by and in accordance with the provisions of the Act;

(b) Issue a development permit where the development of land, buildings or structures conforms to the adopted Development Plan, and the requirements of this By-law and amendments thereto;

(c) Enter any buildings or premises at all reasonable hours in the performance of his duties with respect to this By-law;

(d) Issue development permits for the temporary use of buildings, structures or land pursuant to the provisions of this By-law;

(e) Issue zoning memoranda or such other documents necessary for the administration and enforcement of this By-law; and

(f) Shall receive applications for amendments, variations and conditional uses.

7. (2) At the request of Council, the Development Officer shall:

(a) Defer approving an application for a development permit:

(i) as provided for in the Act;

(ii) which will result in a violation of this By-law, the Development Plan or any By-law of the R.M. of Harrison; or

(iii) to any person who has failed to pay any fees due and owing to the R.M. of Harrison under this By-law.

DEVELOPMENT PERMIT

PERMIT REQUIRED

8. (1) The owner or his agent shall obtain all necessary permits as required by the Council, Board or any other government agencies.

WHEN REQUIRED

8. (2) (a) An application for a development permit is required for the following:

(i) The erection, construction, relocation or placement of buildings and structures;

(ii) The addition, enlargement, extension, structural alteration or conversion of any building or structure;

(iii) The use of vacant land, buildings or structures;

(iv) The change of use of land, buildings or structures from one permitted or approved use to another permitted or approved use; and

(v) The development of sand, gravel, and mineral extraction operations.

(b) Notwithstanding paragraph (a) above, development permits are not required for the following:

(i) Fences, flagpoles, light standards, storage buildings of one hundred (100) square feet or less; and

(ii) Farm buildings and structures when located more than two hundred (200) feet from a road allowance. This exception does not pertain to dwellings at any location and livestock production operation buildings and structures within one-half (0.5) mile of the Urban Zones, the General Seasonal Recreation Zone, and the Rural Residential Zone.

All buildings and structures must conform to the provisions and requirements of this zoning by-law where applicable.

REQUIREMENTS

8. (3) In addition to the requirements of any By-law of the R.M. of Harrison, all applications for a development permit shall:

(a) Be accompanied by a plan, drawn to scale, showing the actual dimensions and shape of the site to be built upon; the exact size and location on the site of buildings already existing, if any, and the location and dimensions of the proposed building, enlargement, extension or structural alterations and existing or proposed use of buildings and land; and

(b) Includes such other information as required by the Council, including existing or proposed building or structural alterations; the number and location of automobile parking spaces and loading spaces; landscaping and road surfacing; signs; the number of families, dwelling units or rental units the building is designed to accommodate; use of other building conditions existing on the site; outside facilities for waste and sewage disposal, current copies of relevant titles, easements, caveats; a surveyor's certificate prepared by a Manitoba Land Surveyor and such other matters as may be necessary to determine conformance with and provide for the enforcement of this By-law.

CONFORMITY

8. (4) (a) No person shall erect, locate, repair, use, or occupy any building, land or structure contrary to any development permit or the material furnished in support of the application; and

(b) No building or structure shall be moved in whole or in part to any other location unless every portion of the building or structure is made to conform to all the regulations of this By-law unless relevant requirements may be varied by a variation order pursuant to the provisions of the Act.

BUILDING PERMITS

PERMITS ISSUED PRIOR TO BY-LAW

9. Unless otherwise provided for herein, building permits issued prior to the effective date of this By-law shall be considered valid for the purpose of this By-law provided all the conditions under which the permit was issued are complied with.

NON-CONFORMITY

10. (1) "NON-CONFORMITY" means one, or a combination of one or more, of the following:

(a) A site or parcel of land;

(b) A use of a building or structure;

(c) A use of land; or

(d) 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 or amendments thereto.

10. (2) Non-conformities are hereby classified as:

10. (3) "NON-CONFORMING USES" means any lawful use of building, structure or a parcel of land, or portion thereof, which does not conform to one or more of the applicable use regulations of the zone in which it is located, either on the effective date of this By-law or amendments thereto;

10. (4) "A NON-CONFORMING SITE OF LAND" means any site of land which does not comply with the site area, site width or site depth on the effective date of this By-law, or amendments thereto, and was on record in the Land Titles Office prior to the effective date of this By-law, or amendments thereto, and did not form part of a larger contiguous holding in the same ownership.

10. (5) "A NON-CONFORMING SIGN" means any lawful sign which does not comply with one or more of the applicable district bulk regulations on the effective date of this By-law or amendments thereto;

10. (6) A non-conforming use and a non-conforming sign structure shall be regulated in accordance with and subject to the provisions of the Act, unless otherwise provided for herein.

10. (7) No building or structure may be erected on a non-conforming site or land unless:

(a) The required yards are provided as set forth in the Bulk requirements of the zone in which the site of land is located; or

(b) Where a variation order for such yard requirements is granted.

10. (8) A non-conforming sign shall be subject to all the provisions of this PART relating to non-conformities, except as otherwise provided hereafter:

(a) A change in the subject matter represented on a sign shall not be considered a change of use; and

(b) A non-conforming sign may be structurally altered, reconstructed, or replaced in the same location and position provided that such structural alteration, reconstruction, or replacement does not result in:

(i) the creation of a new non-conformity or an increase in the degree of non-conformity;

(ii) an increase in the sign surface area; or

(iii) an increase in the degree of illumination.

EXISTING BUILDINGS AND STRUCTURES

11. Where a building or structure has been erected prior to the effective date of this By-law or amendments thereto, it shall be deemed to meet the Bulk Requirements of this By-law regarding the existing legal yards of the site. Any enlargements or extensions to a building or reconstruction or a building shall conform to the requirements of this By-law or as varied.

INTERPRETATION AND APPLICATION

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

RELATION TO OTHER BY-LAWS

12. (2) Whenever provisions of any By-law of the R.M. of Harrison or any other requirement of the Provincial or Federal Government or public utility impose overlapping or contradictory regulations over the use of land or buildings or bulk requirements or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest requirement shall govern.

PREVIOUS VIOLATIONS

12. (3) Unless otherwise provided for herein, an existing building, structure or use which was illegal under the provisions of any planning scheme or zoning by-law in force on the effective date of this By-law and amendments thereto shall not become or be made legal solely by reason of the adoption of this By-law; and to the extent that, and in any manner that, said illegal building, structure or use is in conflict with the requirements of this structure or use is in conflict with the requirements of this By-law, said building, structure or use remains illegal hereunder.

SITE REDUCED

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

VARIATION ORDER OR SPECIAL EXCEPTION PRIOR TO BY-LAW

12. (5) A building or structure or use established by a variation order or special exception prior to the coming into force of this By-law shall be subject to the provisions of the variation order or special exception.

RETENTION OF BULK REGULATIONS

12. (6) It shall be a continuing obligation of the owner to maintain the minimum site area, site width, site depth, yards and other open spaces required herein for any use as long as it remains in existence. Furthermore, the minimum site area, site width, site depth, yards and other open spaces allocated to a use as per requirements of this by-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the minimum site area, site width, site depth, yards and open space requirements for any other use on another site.

FUTURE ROAD ALLOWANCE DEEMED EXISTING

13. No building or structure shall be erected upon any land designated for a future said road allowance in a registered subdivision plan or adopted Development Plan. Any development adjacent to said future road allowance shall comply with the requirements of the By-law as if the said future road allowance was already in existence.

PUBLIC UTILITIES AND SERVICES

14. Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any public utility, as defined by this By-law, or public service such as police and fire protection, provided that the requirements of such public utility or public service are of a standard compatible with the adjacent area, and that any building or structure erected in any zone complies with the required yard and area requirements applicable to the zone.

MONUMENTS AND STATUARY

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

ENFORCEMENT

16. The enforcement of this By-law, or any resolution or Order enacted by the Council or Board under the Act or any regulation made thereunder shall be in accordance with the Act.

PRIVATE, LANE OR ROAD FRONTAGE

17. Where it shall deem fit, the Council may permit a use of land or buildings to be constructed upon parcels having frontage on a private lane or road provided that said lane or road intersects with a street.

THROUGH SITE - MAY BE TWO SITES

18. A through site having a depth of two hundred (200) feet or more may be assumed to be two sites with the rear line of each approximately equidistant from the front site lines, provided all area and yard requirements are complied with.

BUILDING GRADE

19. All new principal buildings shall have a ground surface elevation as approved by the Development Officer.

DUTIES OF THE OWNER

20. (1) Neither the granting of a development permit nor the approval of the drawing and specifications nor inspection shall in any way relieve the owner of the responsibility of complying with the requirements of this By-law or of any relevant By-laws of the R.M. of Harrison.

20. (2) Every owner shall:

(a) Permit the Development Officer or any other duly appointed officer of the Municipality to enter any building or premises at any reasonable time for the purpose of administering or enforcing this By-law and shall not molest, obstruct or interfere with the said Officer in the discharge of his duties under this By-law;

(b) After the development application has been approved and the permit issued, obtain the written approval of the Development Officer before doing any work at variance with the approved documents filed; and

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

SUBDIVIDING LAND

21. No land shall hereafter be divided into sites, unless each site conforms to the bulk requirements of the zone in which the land is located.

FEE SCHEDULE

22. (a) Council in accordance with the Act shall by By-law establish a fee schedule for variations, zoning amendments, zoning memorandum, conditional use orders and non-conforming certificates and other appropriate documents; and

(b) The Planning District Board shall by By-law establish a fee schedule for development permits, zoning appeal hearings and other appropriate documents or services.

REPEAL OF PLANNING SCHEMES

23. All planning schemes, including the Rackham Town Planning Scheme 1928 and By-law No. 870, being a By-law adopting the Rural Municipality of Harrison Planning Scheme 1964 and any By-laws adopted from time to time amending said Planning Schemes are hereby repealed.

LANDS SUBJECT TO PERIODIC FLOODING

24. (a) Permanent buildings shall not be located within meander loops of watercourses which may be subject to cutoffs by erosion or channel improvements within fifty (50) years.

(b) Permanent buildings shall be setback from all permanent water courses a distance of at least ten (10) times the height of the bank above channel grade or 200 feet from the bank, whichever is greater.

(c) These limits above may be modified by Council in accordance with advice by a qualified engineer and/or recommendations from government agencies.

(d) Development of any structure or use such as but not limited to the following shall not be permitted in those areas described in subsection (b) and (c) of this Section which would, in the opinion of Council, be potentially hazardous and endanger life and property:

(i) structures intended for human habitation;

(ii) structures associated with high flood damage potential;

(iii) structures not connected with permitted agriculture and recreational open space uses;

(iv) structures that could materially affect flood stages; and/or

(v) structures used for storage of hazardous materials that are buoyant, flammable, explosive or may be injurious to human, animal or plant life.

(e) All permanent structures shall be located on lands which have been raised by fill to an elevation at least two (2) feet above the 100 year flood level and proposed sewerage and servicing have been approved.

PROTECTION OF WATER BODIES

25. (a) A buffer strip of natural vegetation at least one hundred (100) feet wide from the ordinary high water mark on each side shall be maintained along permanent water courses and lakes unless otherwise determined by Council.

(b) The minimum setback requirements from waterbodies and drainageways for septic fields, sewage lagoons, and waste disposal grounds shall be determined by Council upon recommendations from the Health Inspector and any other authority that Council may wish to involve except as otherwise herein stated.

(c) The Council or the Board may require a developer to submit evidence prepared by a qualified engineer to support an application for development near water bodies. Such evidence may include, but not be limited to, evaluation of erosion, bank stability, design of flood prevention works, and evaluation of effects of flood stages and velocities. The results of this evidence shall be used in determining the setback from the waterbody to the structure or the clearing of trees.

(d) The Council or the Board may require any land developer to submit evidence prepared by a soils expert to support an application for land improvement, including clearing of trees, in the Little Saskatchewan River Valley, as defined by all land sloping at over 3 percent towards the river, in order to obtain approval from the Council or Board.

PART III - ZONING

ZONES

1. In order to carry out the intent and purpose set forth in subsection (4) of Section 1 of PART II, ADMINISTRATION, the following zones are hereby established in the Area:

(1)	"A80"	General Agricultural Zone;
(2)	SR"	General Seasonal Recreation Zone;
(3)	"RR"	Rural Residential Zone;
(4)	"R"	Residential Zone;
(5)	"RA"	Suburban ResidentIal Zone;
(6)	"CC"	Central Commercial Zone;
(7)	"CH"	Highway Commercial Zone;
(8)	"ML"	Light Industrial Zone;
(9)	"MH"	Heavy Industrial Zone;
(10)	"I"	Institutional Zone;
(11)	"AL"	Limited Agricultural Zone;
(12)	"ALCHR"	Limited Agricultural-Highway Commercial Reserve Zone.

ZONING MAPS

2. (1) The location and the boundaries of the zones listed in Section 1 above are shown upon a series of Zoning Maps attached hereto: marked as APPENDIX "A" to this By-law. All notations, references and other information shown thereon, together with any amendments made by amending By-laws from time to time and shown thereon, together with any amendments to boundaries in the case of any street, lane or public utility right-of-way closing, as provided in Section 3 of this PART, shall be as much a part of this By-law as if the matters and information set forth by the said Zoning Maps were fully described herein.

2. (2) The scale and all dimensions of the Zoning Maps are as shown in the title block of each map.

2. (3) All plan references on the Zoning Maps pertain to registered plans filed in the Neepawa Land Titles Office.

2. (4) The abbreviation noted on the Zoning Maps and text maps mean the following:

(a) "SS" means Special Survey;

(b) "SP" means Special Plot;

(c) "Pcl." means Parcel;

(d) "Pt." means Part;

(e) "Rge." means Range;

(f) "Sec." means Section;

(g) "Twp." means Township;

(h) "W.P.M." or "W" means West of the Principal Meridian;

(i) "C.N.R." means Canadian National Railway; and

(j) "C.P.R." means Canadian Pacific Railway.

(k) "Sq." means Square;

(l) "Ft." means Feet;

(m) "%" means Percentage; and

(n) "R.M. of Harrison" means the Rural Municipality of Harrison.

ZONE BOUNDARIES

3. (1) In the interpretation of the boundaries of the zones as shown on the Zoning Maps, the following rules shall apply:

(a) Double heavy, broken lines represent the zoning map boundary. Single heavy broken lines represent zone boundaries. Where the zone boundary is broken by the name of a street, it shall be construed that the boundary continues through the name of the street. Where the limit of a zone boundary and the zoning map is co-terminus, the zoning map limit shall constitute the limits of the zone boundary.

(b) Notwithstanding that streets, lanes and public utility rights-of-way may be within zone boundaries, the regulations contained in this By-law shall not be deemed to be applicable to said streets, lanes and public utility rights-of-way;

(c) Boundaries indicated as following the centre lines of streets, highways or lanes shall be construed to follow such centre lines;

(d) Boundaries indicated as following lot, site or property holding lines on a registered plan shall be construed as following such lot, site and property holding lines;

(e) Boundaries indicated as following the corporate limits of Rural Municipality limits shall be construed as following the corporate limits of Rural Municipality;

(f) Boundaries indicated as following the centre line of railway lines or railway rights-of-way or public utility lines or rights-of-way shall be construed to be midway between the main tracks or the centre of the right-of-way, as the case may be; and

(h) If a street or lane or Government Road Allowance shown on the Zoning Map is lawfully closed, the land formerly comprising the street, lane or Government Road Allowance shall be included within the zone of the adjoining land. If the said street, lane, or Government Road Allowance was a zone boundary between two or more different zones, the new zone boundary shall be the former centerline of the closed street or lane or Government Road Allowance.

CROWN LAND

4. (1) If Crown land located within the municipality is lawfully sold or leased to a private individual or business, the land shall be subject to the provisions of this zoning by-law.

Federal Government owned lands are not subject to the requirements of the Zoning By-law.

PART IV - RURAL AREA ZONES

[INTENT AND PURPOSE

1. The Rural Zones established in this By-law are intended to provide sufficient land for various types of rural, non-farm residential and recreational development in The Area in keeping with the provisions of the Development Plan.

ZONES

2. In order to carry out the intent and purpose of Section 1 above, there are hereby established the following zones:

"A80" GENERAL AGRICULTURAL ZONE

2. (1) The "A80" General Agricultural Zone primarily provides for a full range of agricultural development, including livestock and some other compatible rural uses under various criteria found in the Development Plan and this document.

"SR" GENERAL SEASONAL RECREATIONAL ZONE

2. (2) The "SR" General Seasonal Recreational Zone primarily provides for a full range of recreational development which is compatible with existing development and compatible with the natural environment. It is intended that the primary recreational function of the Zone will be complemented by those commercial uses deemed essential to such development.

"RR" RURAL RESIDENTIAL ZONE

2. (3) The "RR" Rural Residential Zone primarily provides for a rural living opportunity in a non-farm residential area.

APPLICATION OF BY-LAW TO RURAL ZONES

3. The provisions applying to the RURAL AREA ZONES are contained within this PART. Also applying to this zone are the provisions of PART I - "DEFINITIONS", PART II - "ADMINISTRATION", PART III - "ZONING" and "APPENDIX -A", MAPS.

USE REGULATIONS

USES PERMITTED

4. (1) No land shall be used or occupied and no building or structure shall be erected, altered, relocated, used or occupied hereinafter for any use in any RURAL ZONE in which such land, building or structure is located other than a use listed on TABLE IV-I, "RURAL USE TABLE", with the following exception:

(a) Uses lawfully established prior to the effective date of this By-law.

RURAL USE TABLE IV – I

LEGEND: P - Permitted ***C - Conditional*** ***- - Use Not Permitted***	***ZONES***		
USES	***"A80"***	***"RR"***	***"SR"***
Accessory Uses, Buildings, and Structures [See Section 4.(2) of this PART]	***P***	***P***	***P***
Accessory Home-based Businesses (excluding vehicle sales)[See Section 6.(25)]	***C***	***C***	***-***
Agricultural Specialized Uses:			
Apiculture	***P***	***-***	***-***
Commercial Greenhouses	***P***	***-***	***-***
Market Gardening	***P***	***-***	***-***
Nurseries	***P***	***-***	***-***
Agricultural General Uses, such as but not limited to the following:			
Field Crops (e.g. grains, vegetables, oil seeds)	***P***	***-***	***-***
Livestock Operations [See Sections 6.(9) to (13) of this PART] [See Section 6.(10)] for conditional use threshold	***P***	***-***	***-***
Livestock Operations within livestock buffers adjacent to or near water bodies, rural residential zones, seasonal recreation zones and urban centres identified in the Development Plan, Zoning Maps and Sections 6.(11) and 6.(12) of this PART. [Section 6.(12) identifies "P" and "C" thresholds]	***C***	***-***	***-***
Tame and Native Forage Production, Grazing	***P***	***-***	***-***
Vacation Farms	***P***		
Aircraft Landing Strips and Related Storage Facilities [See Section 6.(18)]	***C***	***-***	***-***
Anhydrous Ammonia, Sales and Service [See Sections 6.(15) and 6.(16)]	***C***	***-***	***-***

RURAL USE TABLE IV – I

LEGEND: P - Permitted ***C - Conditional*** ***- - Use Not Permitted***	***ZONES***		
USES	***"A80"***	***"RR"***	***"SR"***
Automobile Wrecking Establishments [See Section 6.(22)]	***C***	***-***	***-***
Auction Mart	***C***	***-***	***-***
Batch Concrete Plant	***C***	***-***	***-***
Bulk fuel, Liquid and Solid Fertilizer and Chemical Stationary Storage and Sales	***C***	***-***	***-***
Campgrounds [See Section 6.(24) of this PART]	***-***	***-***	***C***
Cemeteries	***P***	***-***	***-***
Churches, Church Hall	***-***	***P***	***P***
Communication Towers	***C***	***-***	***-***
Cottage dwellings including mobile homes for seasonal use	***C***	***-***	***P***
Commercial Resorts [See Section 6.(19)]	***-***	***-***	***C***
Community Halls and Rinks	***-***	***P***	***P***
Concessions (Recreational Facilities)	***-***	***-***	***C***
Conference Centres [See Section 6. (19)]	***-***	***-***	***P***
Existing Uses legally established prior to the adoption of the By-law except Rural Non-Farm Residences	***P***	***P***	***P***
Existing legally established Rural Non-Farm Single-Family Residences (includes cottage dwellings)	***C***	***P***	***P***
Exhibition Grounds including Race Tracks	***-***	***-***	***-***
Game Farms	***C***	***-***	***-***
General Store and Post Office	***-***	***P***	***C***
Golf Course	***C***	***-***	***C***
Grain Elevators and Vegetable Storage Buildings	***P***	***-***	***-***
Group Camps (such as Church, 4H, Boy Scouts, Girl Guides, and like establishments	***C***	***-***	***P***
Historical Sites	***P***	***P***	***P***
Hunting and Fishing Lodges and Boating Clubs	***C***	***-***	***C***
Kennels and Animal Clubs	***C***	***-***	***-***
Public Picnic Areas, Parks, Playgrounds, Tot-lots, Outdoor Recreational Facilities	***C***	***P***	***P***
Public Utilities and Buildings [See PART II Section 14]	***P***	***P***	***P***
Public Reserves	***P***	***P***	***P***
Recreation Trails	***C***	***P***	***P***
Rendering and Abattoirs	***C***	***-***	***-***

RURAL USE TABLE IV – I

LEGEND: P - Permitted ***C - Conditional*** ***- - Use Not Permitted***	***ZONES***		
USES	***"A80"***	***"RR"***	***"SR"***
Research Management Areas, Forest and Wildlife Preserves	***C***	***-***	***-***
Residential Care Facilities for more than four adults	***C***	***C***	***-***
Riding Academies – up to 9 animal units	***P***	***-***	***C***
Rural Non-Farm Single-Family Dwellings including Mobile Homes	***C***	***P***	***-***
Sand, Gravel and Mineral Extraction Operations	***C***	***-***	***-***
Seed Plants	***P***	***-***	***-***
Sewage Disposal Lagoons	***C***	***-***	***-***
Signs [See Section 6.(20) of this PART]	***P***	***P***	***P***
Signs, Advertising [See Section 6. (20) of this PART]	***C***	***-***	***-***
Veterinary Clinics	***P***	***-***	***-***
Waste Disposal Grounds	***C***	***-***	***-***
Well Drilling Establishment	***C***	***-***	***-***
Wind Turbine Generator Stations (WTGS) [(See TABLE IV-II and Section 6.(30) of this Part IV]	***C***	***-***	***-***

ACCESSORY USES, BUILDINGS AND STRUCTURES

4. (2) In the Rural Zones, accessory uses, buildings or structures may include but not be limited to the following:

(a) Farm dwelling to include a single-family dwelling or a mobile home when on the same site with a permitted or conditional agricultural use;

(b) Staff dwelling to include single-family dwellings, two-family dwellings, dormitory, mobile homes and private churches and private school facilities, when on the same site with agricultural permitted or conditional uses where, in the opinion of the Council, said dwelling or private church and/or school, is essential for the maintenance, operation and care of the agricultural permitted or conditional use;

(c) Buildings and structures accessory and incidental to a permitted or conditional seasonal recreation use, excluding a guest house;

(d) Buildings or structures for the operation and maintenance of a permitted or conditional use;

(e) Storage of goods used in or produced by agricultural activities on the

same site with such activities, unless such storage is excluded by the zone or provincial regulations;

(f) A private garage, carport, covered patio, toolhouse, boathouse, shed, and other similar buildings (excluding shipping containers in "RR" and "SR" Zones) for the storage of domestic equipment and supplies, private swimming pools;

(g) Incinerators and individual sewage disposal systems, subject to the authority having jurisdiction;

(h) Home-based businesses, as accessory conditional uses, in the "A80" General Agricultural Zone and the Rural Residential Zone – [See Section 6.(25)];

(i) Accessory off-street parking areas as required and regulated in Section 6.(21) of this PART;

(j) Clubhouses and other related recreational structures on the grounds of private clubs, golf courses, and other like permitted or conditional recreational facilities;

(k) Aircraft landing strips and related storage facilities which are necessary to a farm operation – [See Section 6.(18)];

(l) In cottage subdivisions and campgrounds, the accessory uses, buildings and structures required to serve the development may also include:

(i) a storage compound;

(ii) recreation facilities and appertaining structures;

(iii) service building to house water pumps and other service facilities; and

(iv) required washroom facilities;

(m) Residential Care Facilities in the "A80" General Agricultural Zone and the "RR" Rural Residential Zone for eight or fewer children who are under the care of a child caring agency as defined by the Child Welfare Act or for four or fewer adults who may be post mentally ill, mentally retarded or otherwise developmentally delayed; and

(n) Individual guest cabins when located in an approved plan within a commercial resort.

CONDITIONAL USE

4. (3) Any use listed as a "CONDITIONAL USE" in TABLE IV-I shall comply with the regulations set forth in Section 3, PART II, ADMINISTRATION.

BULK REQUIREMENTS

5. (1) The "A80" General Agricultural Zone bulk requirements shall be as set forth in TABLE IV-II, "A80" GENERAL AGRICULTURAL BULK TABLE and following Sections.

(2) The "RR" Rural Residential Zone bulk requirements shall be as set forth in TABLE IV-III, "RR" RURAL-RESIDENTIAL BULK TABLE and following Sections.

(3) The "SR" General Seasonal Recreation Zone bulk requirements shall be as set forth in TABLE IV-IV, "SR" GENERAL SEASONAL RECREATION BULK TABLE and following Sections.

"A80" GENERAL AGRICULTURAL BULK TABLE IV - II

PERMITTED OR CONDITIONAL USES	*REQUIREMENTS MINIMUM*				
	Site Area (acres)	*Site Width (ft.)*	*(a) Front Yard (ft.)*	*(a) Side Yard (ft.)*	*(a) Rear Yard (ft.)*
Accessory Uses, Buildings and Structures (c) [See Section 6.(2)] of this PART			*125*	*25*	*25*
Aircraft Landing Strips (Licensed and private) and Related Storage Facilities [See Section 6.(18)]	*60(b)*	*1000(b)*	*300(b)*	*300(b)*	*300(b)*
Agricultural Specialized Uses (e)	*20*	*300*	*125*	*25*	*25*
Agricultural General Uses and Livestock including Riding Academies, Vacation Farm (up to 9 animal units capacity)	*80(d)(f)*	*1000*	*125*	*125*	*125*
Livestock Operations including Riding Academies and Vacation Farms with over 9 animal unit capacity confinement	*80(d) (f)*	*1000*	*328*	*328*	*328*
Anhydrous Ammonia Sales and Service	*5*	*300*	*300*	*75*	*75*
Automobile Wrecking Establishments including storage of automobiles [See Section 6.(22)]	*5*	*200*	*200*	*25*	*25*
Batch Concrete Plant	*4*	*200*	*125*	*50*	*50*
Bulk fuel, Liquid/Solid Fertilizer Sales and Stationary Storage	*3*	*300*	*125*	*50*	*50*
Campgrounds	*5*	*200*	*125*	*25*	*25*
Cemeteries	*2*	*200*	*125*	*50*	*50*
Communication Towers	*5*	*400*	*125*	*125*	*125*
Game Farm, Hunting and Fishing Reserves	*80(d)*	*660*	*125*	*50*	*50*
Golf Courses	*55*	*575*	*125*	*25*	*25*
Grain Elevators and Vegetable Storage Buildings	*3*	*200*	*125*	*25*	*25*
Group Camps	*10*	*300*	*125*	*25*	*25*
Historical Sites	*10,000 sq. ft.*	*50*	*125*	*10*	*10*
Hunting, Fishing and Boating Clubs	*10*	*300*	*125*	*50*	*50*
Kennels and Animal Clubs	*5*	*200*	*125*	*50*	*50*
Public Picnic Areas, Parks and related outdoor Recreational Activities (h)	*2*	*200*	*125*	*25*	*25*
Public Utilities and Services	*20,000*	*100*	*125*	*25*	*25*

"A80" GENERAL AGRICULTURAL BULK TABLE IV - II

PERMITTED OR CONDITIONAL USES	*REQUIREMENTS MINIMUM*				
	Site Area (acres)	*Site Width (ft.)*	*(a) Front Yard (ft.)*	*(a) Side Yard (ft.)*	*(a) Rear Yard (ft.)*
	sq. ft.				
Rendering Plants, Abattoirs	*5*	*200*	*125*	*25*	*25*
Residential Care Facility	*2*	*200*	*125*	*25*	*25*
Rural Non-Farm Single-Family Residences including mobile homes and cottages (c) (g)	*2*	*200*	*125*	*25*	*25*
Sand, Gravel and Mineral Extraction Operations	*2*	*200*	*125*	*50*	*50*
Seed Plants	*3*	*200*	*125*	*25*	*25*
Sewage Disposal Lagoons	*5*	*300*	*200*	*50*	*50*
Waste Disposal Grounds	*5*	*300*	*200*	*50*	*50*
Wind Turbine Generator Station (i)	*16*	*835*	*(h)*	*(h)*	*(h)*
Veterinary Hospitals	*3*	*150*	*125*	*50*	*50*
Other Permitted or Conditional Uses	*5*	*200*	*125*	*25*	*25*

Explanations and Exceptions to the Bulk Requirements of TABLE IV-II are as follows:

(a) (i) Setback provisions pertain to buildings, structures and shelterbelts only.

(ii) Where buildings and structures are adjacent to a Government Road Allowance, the minimum setback shall be one hundred and twenty- five (125) feet or as required in the TABLE, except for shelter belts where the minimum setback shall be seventy-five (75) feet, or for signs as provided for elsewhere herein [Section 6.(20)].

(iii) Setbacks for buildings, structures or hedges from provincial roads, provincial trunk highways and their centers of intersections shall be in accordance with the Highway Protection Act and the Highway Department Act or as varied from time to time.

(b) Notwithstanding anything in this PART, the aircraft landing strips and related storage facilities shall be subject to Transport Canada requirements and/or recommendations.

(c) The minimum dwelling unit floor area shall be six hundred (600) square feet.

(d) The minimum site area shall be eighty (80) acres or two (2) legal subdivisions which abut each other.

(e) Council may require the applicant to submit a physical site plan and business plan proposal for the agricultural specialized use.

(f) The minimum suitable land base required for livestock operations and riding academies shall be increased from the required 80 acres in TABLE IV-II, based on the size of the operation, soils and Provincial Regulations. Additional land base required must be owned by the producer or obtained through an agreement between the producer and other landowner(s).

(g) A residence shall be separated by a distance of one and one half (1.5) times the maximum height of a communication tower located in the immediate vicinity of the proposed residence's location.

(h) Outdoor recreation developments shall be directed away from prime agricultural land and viable lower class agricultural land.

(i) Each wind turbine generator station (WTGS)site shall be used for the location of the wind turbine generator tower(s) and/or the associated buildings and infrastructure. This is the principal use of the (WTGS) site and it shall be limited to a maximum site area of 160 acres. The land within the (WTGS) site that is not used for the facility may be used for compatible agricultural activities provided provisions of this by-law are maintained.

All Wind Turbine towers and accessory uses shall have the following minimum yard and separation distance requirements:

Yards:

i. All tower yards shall be (1.1) times the total height of the tower plus rotor from any other titled property, including the boundary of a railway right-of-way.

Note exception, this setback distance with respect to the title property lines shall be 400 feet for wind turbines located where the property line(s) nearest to any given wind turbine define and separate properties belonging to the same landowner with a lease of the same type and duration.

ii. ***All tower yards shall be (1.1) times the total height of the tower plus rotor from all government road allowances, any other public roads and Provincial roads. The location of these towers within greater highway control areas shall be (1.5) times the height of the tower plus rotor when adjacent to Provincial Trunk Highways and shall be subject to the approval of the Province.***

iii. ***All tower yards that do not coincide with a title property boundary or road allowance shall be equal to the height of the tower plus the rotor in depth.***

iv. ***All accessory uses yards (front, side and rear) associated with the (WTGS) shall be 135 feet in depth.***

<u>Separation Distances:</u>

a. ***The tower base shall be (1640 feet) from all dwellings or other habitable buildings (e.g. motel) located on all lands, except as provide for in (c) below.***

b. ***The tower base shall be one half mile (2640 feet) from an urban area (Newdale, Sandy Lake), a "RR" rural residential zoned area (eg. Rackham) or a "SR" seasonal recreation zoned area (eg. Sandy Lake).***

c. ***The tower base shall be a distance equivalent of one and one half (1.5) times the total height of the tower plus rotor from employee accommodation buildings built and owned by the Wind Tower Company on associated owned or leased lands.***

d. ***The tower base shall be a distance equivalent of one point one (1.1) times the total height of the tower plus rotor from non-dwelling principal structures.***

e. ***These distances are reciprocal from dwellings and structures to wind towers.***

RURAL RESIDENTIAL BULK TABLE IV – III

PERMITTED OR CONDITIONAL USES	*REQUIREMENTS MINIMUM*				
	Site Area (acres)	*Site Width (ft.)*	*(b) Front Yard (ft.)*	*(b) Side Yard (ft.)*	*(b) Rear Yard (ft.)*
Accessory Use, Buildings and Structures [See Section 6.(2) of this PART](a)			*75*	*30*	*30*
Churches and Church Halls	*2*	*200*	*75*	*50*	*50*
General Store and Post Office	*2*	*200*	*75*	*30*	*30*
Playgrounds	*1*	*100*	*75*	*30*	*30*
Residential Care Facilities	*5*	*200*	*75*	*50*	*50*
Rural Non-farm Single-Family Dwelling (c)	*2*	*200*	*75*	*30*	*30*
Historical Site	*1*	*100*	*30*	*30*	*30*
Other Permitted and Conditional Uses	*2*	*100*	*75*	*30*	*30*

Explanations and Exceptions to the Bulk Requirements of TABLE IV- III are as follows:

(a) ***An accessory building or structure for the housing of animals shall have a minimum separation from any dwelling of three hundred (300) feet excluding the owner's dwelling. The keeping of animals for purposes other than commercial production shall be permitted provided that animal waste production does not exceed 0.75 Animal Units per two (2) acres of site and that compliance is made with all Public Health Regulations. The maximum number of Animal Units produced on a Rural Residential Zoning site shall be two (2).***

(b) ***(i)*** ***Where buildings, structures are adjacent to a Government Road Allowance, the minimum setback shall be one hundred and twenty- five (125) feet, except where the Government Road Allowance forms part of a concept for a multi-lot subdivision plan, or as provided in Section 6.(20) for signs.***

(ii) ***Setbacks for buildings, structures and hedges from provincial roads, provincial trunk highways and their centers of intersections shall be in accordance with the Highway Protection Act and the Highway Department Act or as varied from time to time.***

(c) ***The minimum dwelling unit floor areas shall be six hundred (600) square feet for a rural non-farm dwelling.***

GENERAL SEASONAL RECREATION BULK TABLE IV – IV

PERMITTED OR CONDITIONAL USES	*MINIMUM REQUIREMENTS*						*MAXIMUM REQUIRE MENTS*
	Site Area (sq.ft.)	*Site Width (ft.)*	*(a) Front Yard (ft.)*	*(a) SideYard (ft.)*		*(a) Rear Yard (ft.)*	*Site Coverage %*
				interior	*corner*		
Accessory Uses, Buildings and Structures [See also Section 6.(2) of this PART]			*(b)*	*5*	*10c*	*5*	*10(c)*
Campgrounds	*5 acres*	*200*	*125*	*25*	*30*	*25*	*75*
Church and Church Halls	*2 acres*	*200*	*75*	*25*	*30*	*25*	*55*
Cottages including mobile homes (d):							
Serviced site	*6000*	*50*	*30*	*10(e)*	*20*	*25*	*30*
Un-serviced site (holding tank)	*15000*	*75*	*30*	*20*	*20*	*25*	*40*
Un-serviced site (septic field)	*2 acres*	*200*	*75*	*30*	*30*	*50*	*40*
Commercial Resort(f)	*10 acres*	*300*	*75*	*20*	*20*	*25*	*25*
Concessions	*15000*	*70*	*30*	*20*	*20*	*25*	*30*
Conference Centers(f)	*8 acres*	*200*	*75*	*20*	*20*	*25*	*60*
Community Halls and Rinks	*3 acres*	*200*	*75*	*25*	*30*	*25*	*45*
Golf Courses	*55 acres*	*575*	*125*	*25*	*25*	*25*	*N/A*
Group Camps (f)	*5 acres*	*200*	*75*	*20*	*20*	*25*	*60*

GENERAL SEASONAL RECREATION BULK TABLE IV – IV

PERMITTED OR CONDITIONAL USES	*MINIMUM REQUIREMENTS*						*MAXIMUM REQUIRE MENTS*
	Site Area (sq.ft.)	*Site Width (ft.)*	*(a) Front Yard (ft.)*	*(a) SideYard (ft.)*		*(a) Rear Yard (ft.)*	*Site Coverage %*
				interior	*corner*		
Hunting and Fishing Lodges and Boating Clubs	*5 acres*	*200*	*75*	*20*	*20*	*25*	*60*
Picnic Area, Parks, Playgrounds, Tot-Lots, Recreation Facilities	*21000*	*100*	*30*	*20*	*30*	*25*	*N/A*
Public Utilities and Buildings	*5000*	*50*	*30*	*15*	*20*	*20*	*20*
Riding Academies (g)	*40 acres*	*660*	*125*	*50*	*50*	*50*	*N/A*
Other uses listed (d)	*21500*	*65*	*30*	*5*	*15*	*25*	*50*

Explanations and Exceptions to the Bulk Requirements of TABLE IV-IV are as follows:

(a) (i) Where buildings and structures are adjacent to a Government Road Allowance, the minimum setback shall be one hundred and twenty-five (125) feet, except where the Government Road Allowance forms part of a concept for a multi-lot subdivision Plan, or as provide in Section 6.(20) for signs.

(ii) Setbacks for buildings, structures or hedges from provincial roads, major provincial highways and their centers of intersection shall be in accordance with the Highway Protection Act and the Highway Department Act or as varied from time to time.

(b) The minimum required front yard shall be the same as the main building.

(c) An accessory building or structure shall have a maximum site coverage of ten (10) percent or six hundred (600) square feet, whichever is lesser.

(d) The minimum floor area per dwelling unit shall be four hundred and fifty (450) square feet.

(e) On that side of the mobile home containing the main entrance and/or window to the living room, the required side yard minimum shall be twenty (20) feet.

(f) The minimum floor area per dwelling unit shall be four hundred (400) square feet for cottages and rental cabins and three hundred (300) square feet for each rental multi-dwelling unit in a multi-dwelling building.

(g) All riding academies located within the "SR" Zone are conditional uses. In this zone an operation shall not exceed a production capacity of 9 Animal Units and shall not be located within 300 feet of an existing cottage, campground or other form of accommodation.

GENERAL PROVISIONS

INTENT

6. (1) The following provisions shall apply to all Rural Zones except wherein otherwise provided:

ACCESSORY BUILDINGS, STRUCTURES AND USES PERMITTED

6. (2) Accessory buildings or structures shall be subject to the following regulations, except wherein otherwise provided:

(a) Where the accessory building or structure is attached to a main building or structure, it shall conform to all regulations of this By-law applicable to the main building or structure;

(b) Detached accessory buildings or structures shall not be located in any required yard of the principle building or use except a side or rear yard or as provided for elsewhere herein;

(c) No detached accessory building or structure shall be located closer than six (6) feet to any main building;

(d) In no instance shall an accessory building or structure be located within a dedicated easement right-of-way;

(e) No accessory building or structures shall be erected prior to the erection of the main building or structure except for farm dwellings and where the building is necessary for use during construction of the main building or structure;

(f) A private swimming pool shall not be located in a required front yard; and

(g) Boathouses and other recreational structures shall be set back from the shoreline as determined by Council and/or the Province and Federal Government (Oceans and Fisheries, when applicable). These structures shall occupy a maximum of 25% percent of the shoreline length located in front of each lot for structure development and clearing of vegetation.

NOXIOUS OR OFFENSIVE USES

6. (3) Notwithstanding anything herein contained, no use shall be permitted in any Rural Residential Zone and General Seasonal Recreation Zone under this PART 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.

HEIGHT OF BUILDINGS AND STRUCTURES

6. (4) The maximum height of principal buildings or structures shall be three (3) storeys and of accessory buildings and structures shall be fifteen (15) feet, except fences which shall be six (6) feet in the side and rear yards and three and one-half (3.5) feet in the front yard.

HEIGHT EXCEPTIONS

6. (5) The provisions of this PART shall not apply to limit the height of any farm buildings including grain elevators and seed plants, ornamental dome, chimney, tower, electrical or telephone transmission line, television, internet, or radio mast, steeple, water storage tank, electrical apparatus or the mechanical operation of the building provided that no roof structure or any space above the height limit shall be permitted for the purpose of providing usable floor area.

The maximum heights of all buildings and structures (including farm) may be determined and limited by Council if in Council's opinion there is a danger of the buildings or structures being struck by low flying aircraft during their landing or take-off phase of flight.

FRONT YARD EXCEPTIONS

6. (6) Where in the General Seasonal Recreation Zone, sites comprising forty (40) percent or more of the entire frontage of the block (excluding reversed corner sites) are developed with buildings, the average front yard depths established by such buildings shall establish the minimum required front yard depths for the entire frontage of the block provided such average is less than the minimum required front yard required in the Zone in which the site is located.

PROJECTIONS INTO REQUIRED YARDS

6. (7) Required yards shall be provided and maintained in accordance with the provisions of the Bulk Table and shall be unobstructed from ground level to the sky, except as follows:

(a) A projection from a building such as eaves, balconies, canopies, stairways, chimneys may project into any required yard not more than three (3) feet provided the width of a required side yard is not reduced to less than four (4) feet;

(b) Open, unenclosed porches, platforms, not covered by a roof or canopy, which do not extend above the level of the first storey of the building, may extend or project into any required side or rear yard not more than twelve (12) feet provided the width of a required side yard is not reduced to less than four (4) feet and may extend or project into any required front yard not more than ten (10) feet;

(c) Except as provided for the Bulk Regulation of the General Seasonal Recreation Zone, fences, hedges and lamp posts shall not exceed a height of six (6) feet above finished grade in the side and rear yards, except in the case of fences required under various Government Department Regulations. A fence, hedge, trellises shall be permitted in any required front yard in which case the height shall not exceed three and one-half (3-1/2) feet; and

(d) Landscape features, such as trees, shrubs, flowers or plants, shall be permitted in any required yard provided they do not produce a hedge effect contrary to the provisions of clause (c) above.

SEPARATIONS FOR DWELLING SITES FROM INCOMPATIBLE USES

6. (8) A single dwelling site, a Rural Residential Zone or a General Seasonal Recreation Zone containing dwelling sites shall not be located within:

(i) Five hundred (500) feet from any aggregate deposit identified in the Development Plan as valuable unless the deposit has been depleted to be point where no further extraction will take place and residential development is not objected to by the Provincial Government;

(ii) One thousand three hundred and twenty (1,320) feet from a waste disposal ground or one thousand five hundred (1,500) feet from a sewage lagoon or as recommended by the Provincial Government;

(iii) Five hundred (500) feet for single sites or one half (1/2) mile for Rural Residential and General Seasonal Recreation Zones from a stationary commercial anhydrous ammonia tank with a storage capacity exceeding two thousand (2,000) imperial gallons or as required by the Provincial Government;

(iv) Three hundred (300) feet from any barn or animal confinement area or concentrated waste disposal site where there is a production in excess of 1 animal unit and does not exceed 9 animal units. Dwelling sites of the owner or operator are excepted from this requirement; and

(v) The mutual minimum separation distances (defined by policy in Development Plan By-law No. 01-DP-2010) between livestock operations and single residences and designated rural residential and seasonal recreation areas are provided for in TABLE IV-VI: MINIMUM SEPARATION DISTANCES FOR SITING LIVESTOCK OPERATIONS of this PART, and Section 6. (12) LIVESTOCK OPERATIONS DEVELOPMENT IN BUFFER AREAS in this PART.

LIVESTOCK OPERATIONS

6. (9) The provisions of this subsection shall apply to livestock operations, which shall be deemed to include animal housing facilities such as 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 seasonal feeding areas;

Existing Operations:

(a) Existing livestock operations, that due to their size and/or location, would be considered as a conditional use in accordance with the provisions of this PART, shall be deemed to be legally established conditional uses, and any expansion of the operation shall be administered by the provisions of The Planning Act and this By-law pertaining to conditional uses.

(b) Existing livestock operations which exceed any maximum size requirements established by this By-law, are deemed to be non-conforming uses as of the date of adoption of this By-law, and may continue to exist and operate at the level of production at which they existed on that date, and expansion of the operation will be administered by the provisions of The Planning Act and this By-law pertaining to non-conformities. If a non-conforming livestock operation has been discontinued for more than 12 months, or with Council's approval up to a maximum of 60 months, the land must not be used after that except in conformity with this Zoning By-law.

(c) Any conditional use order for an existing livestock operation, or variation of a requirement approved under a previous Zoning By-law, will continue to be in full force and effect.

General Provisions:

(d) Where two or more existing or proposed livestock operations involving the production of the same species of livestock are either:

i) located within ½ mile (800 m) of one another and are owned by the same individual, corporate, partnership or other entity, or

ii) located within ½ mile (800m) of one another and share a common manure storage facility(regardless of ownership) they are deemed to be a single livestock operation, and the total number of existing or proposed animal units in each operation shall be added together for the purpose of interpreting the requirements of this By-law.

(e) Livestock operations including animal housing structures and manure storage facilities shall be setback three hundred twenty-eight (328) feet from property lines.

(f) ***To assist in the interpretation of this By-law, the total number of existing and proposed Animal Units (AUs) cumulative across species, of a livestock operation, shall be determined in accordance with TABLE IV-V of this PART.***

(g) ***The provisions of this By-law are dependent upon a determination of the production capacity of a livestock operation facility, which shall be based upon the intensity of use as measured by Animal Units determined in accordance with TABLE IV-V by multiplying the number of animals that can be accommodated in the facility by the animal units produced by one livestock.***

(h) ***No manure storage facility shall be constructed or located within three hundred and twenty-eight (328) feet of surface water which is standing or flows either perennially or intermittently beyond the site of the facility.***

(i) ***Requirements for setback and separation distances, as provided for in this PART, shall be measured from the closest point of the barn, feedlot or high density seasonal feeding area, including any related manure storage facility, to the property boundary, residence, zoning area boundary or water body, as the case may be.***

TABLE IV-V: ANIMAL UNIT SUMMARY TABLE

Animal	*Type*	*AU Produced by One Livestock*	*Livestock Producing One AU*
Dairy	*Milking Cows, including associated livestock*	*2.000*	*0.5*
Beef	*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*
Hogs	*Sows, farrow to finish*	*1.250*	*0.8*
	Sows, farrow to weanling	*0.250*	*4*
	Sows, farrow to nursery	*0.313*	*3.2*
	Weanlings	*0.033*	*30*
	Growers/finishers	*0.143*	*7*
	Boars (artificial insemination operations)	*0.200*	*5*
Chickens	*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*
Turkeys	*Broilers*	*0.010*	*100*
	Heavy Toms	*0.020*	*50*
	Heavy Hens	*0.010*	*100*
Horses (PMU)	*Mares, including associated livestock*	*1.333*	*0.75*
Sheep	*Ewes, including associated livestock*	*0.200*	*5*
	Feeder Lambs	*0.063*	*16*

Current conversion factors are from Manitoba Regulation 193/2005 being the Provincial Land Use Policies Regulation. The regional agricultural engineer or livestock specialist of Manitoba Agriculture, Food and Rural Initiatives may be consulted for other livestock or operation types and interpretation of this TABLE.

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 x 200 = 250 AUs.

Changes may be made in this TABLE IV-V, by the Province, without requiring an amendment to this By-law.

LIVESTOCK OPERATIONS DEEMED CONDITIONAL USES

6. (10) Livestock operations are deemed to be a conditional use when the size of the operation is three hundred (300) animal units (cumulative across species), irrespective of location, except as identified in Section 6. (12) of this PART.

LIVESTOCK OPERATIONS IN PROXIMITY TO RESIDENCES AND DESIGNATED AREAS

6. (11) The criteria outlined in TABLE IV-VI, applies to all new and expanding livestock operations in proximity to residences and designated areas as well as siting of new rural residences and designated areas in proximity to existing livestock operations. These separation distances may be varied by Council.

TABLE IV-VI: MINIMUM SEPARATION DISTANCES FOR SITING LIVESTOCK OPERATIONS

Size of livestock Operation or Animal Housing Facility in Animal Units (AUs)	*Minimum Separation Distance (feet)*			
	From Single Residences (a)		*From Designated Areas (b)*	
	To Earthen Manure Storage Facility or Feedlot	*To livestock Buildings and structures(c)*	*To Earthen Manure Storage Facility or Feedlot*	*To livestock Buildings and Structures(c)*
10-100	*984*	*492*	*2,625*	*1,739*
101-200	*1,476*	*738*	*3,937*	*2,625*
201-300	*1,968*	*984*	*5,249*	*3,511*
301-400	*2,214*	*1,107*	*5,906*	*3,937*
401-800	*2,460*	*1,230*	*6,561*	*4,364*
801-1,600	*2,952*	*1,476*	*7,874*	*5,249*
1,601-3,200	*3,446*	*1,722*	*9,186*	*6,135*
3,201-6,400	*3,938*	*1,968*	*10,499*	*6,988*
6,401-12,800	*4,430*	*2,214*	*11,811*	*7,874*
>12,800	*4,922*	*2,460*	*13,123*	*8,760*

(a) Residences, excluding the residence of the owner/operator of the livestock operation.

(b) "Designated Areas" means areas designated as a residential or seasonal recreation area and any settlement centre as designated in the Development Plan, the corporate limits of a town, village or city and the limits of an unincorporated local urban district.

(c) The distance to buildings include barns, animal housing facilities including seasonal feeding areas and non-earthen manure storage such as a molehill, tank or other facility not made out of earth for storing manure, and includes all permanent equipment or structures in or by which manure is moved to or from the storage facility.

<u>LIVESTOCK OPERATIONS DEVELOPMENT IN BUFFER AREAS</u>

6. (12) (a) Notwithstanding the requirements of TABLE IV-VI that are applicable in all cases, there are additional livestock operation requirements adjacent to the designated urban communities of Newdale and Sandy Lake, the designated rural residential and seasonal recreation areas, the Little Saskatchewan and Rolling River, Sandy Lake and other water bodies. These requirements are included in 6.(12)(b) to(f) herein.

(b) The livestock inner and outer zoning overlay areas adjacent to the urban communities of Newdale and Sandy Lake are illustrated as shaded areas on Zoning Map One. The livestock requirements are as follows:

(i) there shall be no new livestock operations located within 2640 feet of urban policy areas in Newdale and Sandy Lake. All existing livestock operations within this area (at date of adoption of this By-law) shall be deemed to be conditional uses and expansion will require conditional use approval. The maximum size for a conditional use in this situation shall be 100 animal units; and

(ii) there shall be a maximum animal unit threshold of 300 animal units between 2640 feet and 5280 feet of the urban policy areas in Newdale and Sandy Lake. New and expansion of existing livestock operations over 200 animal units are conditional uses. Existing livestock operations (at the date of adoption of this By-law) may expand over 300 animal units.

(c) Designated rural residential and seasonal recreation areas illustrated on Zoning Map One have shading located on their outer periphery indicating that there are livestock buffers adjacent to the designations. The livestock requirements are as follows:

(i) there shall be no new livestock operations located within 2000 feet of the rural residential or seasonal recreation designated policy areas. All existing livestock operations within this area (at the date of adoption of this by-law) shall be deemed to be conditional uses and expansion will require conditional approval. The maximum size for a conditional use shall be 100 animal units; and

(ii) there shall be a maximum animal unit threshold of 400 animal units between 2000 feet and 5280 feet. All new and expanding operations over 300 animal units shall be conditional uses. Existing livestock operations (at the date of adoption of this by-law) may expand over 400 animal units if the conditional use is approved.

(d) Livestock operations adjacent to or near waterbodies will not be allowed within:

(i) a distance of 330 feet of the ordinary high water mark of any surface watercourse, surface water, sinkhole, spring, well and/or property boundary, nor

(ii) within any riparian area, nor

(iii) any 100 year high water level or flood plain adjacent to a surface water course. This policy does not apply to existing livestock operations that are provided for under Manitoba Conservation Livestock Manure and Mortalities Management Regulations.

(e) No new livestock operations over 100 animal units shall be established within an 800 foot wide buffer from the high water mark and up the backshore from Sandy Lake where the land is zoned "A80" and outside the buffer areas around designated urban and "RR" and "SR" zoned areas. All existing livestock operations of any size are a conditional use in this buffer area.

(f) ***Additional buffering will be required for the Little Saskatchewan River and Rolling River as they are significant regional surface water courses with significant recreational potential and are potable water sources for downstream communities. Zoning Map One illustrates by shading that there are livestock buffer areas adjacent to these waterways. The livestock requirements are as follows:***

(i) ***a minimum separation distance of 2000 feet shall be maintained between the ordinary high water mark of these rivers and any proposed new livestock operation. Where the 2000 foot point is located above the river valley slope, the land above the slope may be treated without this restriction for new livestock operations with (d) above and conditional use applying for 300 animal unit operations or greater size; and***

(ii) ***existing livestock operation facilities that are located within these distances defined in (i) above, may be expanded subject to compliance with Manitoba Conservation Regulations, except that all expansions must be located a minimum of 330 feet from the high water mark of the rivers or greater distance.***

(g) ***Livestock operations proposed adjacent to single-family residences and designated areas, other than residences of the owner/operator of the livestock operation, shall also be subject to the requirements of TABLE IV-VI: MINIMUM SEPARATION DISTANCES FOR SITING LIVESTOCK OPERATIONS from single residences and designated areas. These separation distances shall also apply to residences located adjacent to or near existing livestock operations.***

<u>APPLICATION REQUIREMENTS</u>

6. (13) (a) ***Where conditional use approval for a new or expanding livestock operation is required, the application shall be accompanied by, in addition to the information required by Section 8 (Development Permit) of PART II herein:***

(i) ***site plans, specifications and descriptions, for***

- the livestock housing facilities;
- the manure storage facilities including storage and odour control; and
- available land for application of manure;

(ii) a site plan showing the location of animal housing, manure storage and other related facilities and their distances from property boundaries and surface water; and

(iii) type of existing and proposed livestock and number of Animal Units (AUs).

(b) Council shall refer all applications for conditional use, for livestock operations involving three hundred (300) or more animal units, together with all supporting material to the Minister of Local Government for referral to the appropriate Regional Technical Review Committee for review.

(b) Applications for livestock operation under 300 animal units shall be received by the Chief Administrative Officer (CAO) of the Municipality or the Development officer of the Planning District.

The Officer shall review the application with respect to applicable Development Plan policy and Zoning By-law requirements. Where no manure plan is required the operation shall have access to the amount of suitable land, recommended in the Farm Practices Guidelines, per animal unit produced in order to have enough land for manure application requirements.
Complying permitted use operations shall receive an approved Development permit.

Operations that require conditional use approval shall be advised to apply for same. These applications shall be processed using The Planning Act and the provisions of this By-law found in PART II – ADMINISTRATION, Section 3.

Non complying applications may mean rejection or the Development Officer may refer the application to Council and the Planning Board, depending on the issue, for a decision.

(d) Council may require that an application for a new or expanding livestock operation within a groundwater sensitivity area, as identified in Appendix "B", Map 3 of The South Riding Mountain Planning District Development Plan, be accompanied by, in addition to other information contained in this PART and Section 8 of PART II herein, the following information:

(i) an engineering and hydro-geological assessment of soils, surface and groundwater site features; and

(ii) a description of mitigative measures to be undertaken to minimize the risk of soil and groundwater pollution.

(e) Council may approve a livestock operation subject to conditions as provided for in The Planning Act, which consist of:

(i) measures to ensure conformity with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-laws;

(ii) one or both of the following measures intended to reduce odours from the livestock operation:

- requiring covers on manure storage facilities, and
- requiring shelterbelts to be established;

(iii) requiring the owner of the affected property to enter into a development agreement dealing with the affected property and any contiguous land owned or leased by the owner, on one or more of the following matters:

- *the timing of construction of any proposed building,*
- *the control of traffic,*
- *the construction or maintenance – at the owner's expense or partly at the owner's expense, of roads, traffic control devices, fencing, landscaping, shelterbelts or site drainage works required to service the livestock operation, and*
- *the payment of a sum of money to the planning district or municipality to be used to construct anything mentioned in item (iii) above pertaining to construction or maintenance; and*

(iv) measures to implement recommendations made by the Technical Review.

SMALL-SCALE AND NON-FARM RESIDENTIAL ACCESSORY LIVESTOCK FACILITIES

6. (14) (a) The animal confinement facilities, housing 9 or less animal units capacity, and any associated manure storage facilities shall be set back a distance of three hundred (300) feet from the designated urban communities of Newdale and Sandy Lake, any designated rural residential and seasonal recreation areas and three hundred (300) feet from any dwelling, other than the dwelling of the operator on the same site.

(b) The farm or non-farm residential site area, upon which the confinement facilities are found, is not less than five (5) acres in size, and require two (2) acres of land for each 0.75 animal unit capacity, as determined by TABLE IV-V, to a maximum of 9 animal units.

(c) Small amounts of livestock may be kept for only non-commercial purposes in Rural Residential Designated Areas as provided for in TABLE IV-III of this PART.

PROXIMITY OF STATIONARY ANHYDROUS AMMONIA STORAGE TANKS TO AREAS DESIGNATED FOR RESIDENTIAL DEVELOPMENT

6. (15) A stationary anhydrous ammonia storage tank with a storage capacity exceeding two thousand (2000) imperial gallons shall not be located within two thousand six hundred and forty (2640) feet of an urban zone, a Rural Residential or General Seasonal Recreation Zone or within five hundred (500) feet of a single dwelling site unless a reduced separation is recommended by the Provincial Government.

STORAGE OF ANHYDROUS AMMONIA AND OTHER HAZARDOUS CHEMICALS IN COMMERCIAL ESTABLISHMENTS

6. (16) Notwithstanding anything in this PART, there shall be no storage of Anhydrous Ammonia or other hazardous chemicals in any required front, side or rear yard unless approved by the authority having jurisdiction.

PROXIMITY OF WASTE DISPOSAL GROUNDS AND SEWAGE LAGOONS TO SINGLE DWELLING SITES AND DESIGNATED AREA ZONES

6. (17) Parcels of land containing waste disposal ground and sewage lagoons shall not be located within one thousand three hundred and twenty (1320) feet or one

thousand five hundred (1500) feet respectively of a dwelling site, an urban zone, a Rural Residential Zone or a General Seasonal Recreation Zone unless recommended by the Provincial Government.

PROXIMITY OF AIR LANDING STRIPS TO BUILDINGS AND STRUCTURES AND OTHER DESIGNATED AREA ZONES

6. (18) All approved air landing strips when being located in close proximity to buildings or structures or zoned urban, rural residential or seasonal recreational lands, whether on the same property or adjoining property, shall be governed by the recommended Federal (Transport Canada) regulations or recommended guidelines. This requirement is reciprocal when locating buildings or structures and these designated area zones with respect to air landing strips.

COMMERCIAL RESORT, AND CONFERENCE CENTRE DEVELOPMENT PROVISIONS

6. (19) (a) Where the proposed development consists of a number of single cottage dwellings on the site, each served by individual septic fields, each dwelling shall be on a minimum space area of two (2) acres. Yards must provide suitable aesthetics and privacy such as cottage dwelling sites have in the Seasonal Recreation Zone. Where Provincially approved holding tanks or low pressure piped sewage systems, or Provincially approved biological sewage systems or where a Provincially approved Municipal piped sewage system servicing the entire development is being proposed, the space area required for each dwelling location may be reduced, as permitted by the Provincial Environmental Officer, to a minimum of fifteen thousand (15000) square feet;

(b) Where the proposed development consists of one or more buildings, each served by individual septic fields, with each building containing two, three, or four dwelling units (maximum 4 dwelling units), each building with two dwelling units shall be located on a minimum space area of two (2) acres, plus twenty thousand (20,000) square feet of additional space area for each additional dwelling unit contained within the building. Yards must provide suitable aesthetics and privacy. Where Provincially approved holding tanks, or low pressure sewage systems, or Provincially approved biological sewage systems or where a Provincially approved Municipal piped sewage system servicing the entire development is being proposed, the space area required for the location of each building may be reduced, as permitted by the Provincial Environmental Officer, to a minimum of twenty thousand (20,000) square feet for a building

with two dwelling units and an additional five thousand (5000) square feet for each additional dwelling unit contained in the building; and

(c) The development shall be treated as a Planned Unit Development in order to allow flexibility in design.

In all cases, the overall site area shall be as required in the Bulk Table.

<u>SIGN REGULATIONS</u>

6. (20) The regulations of this section are intended and designed to establish a minimum control of signs. Such control is deemed essential to promote the health, safety, and general welfare by reducing hazards to pedestrian and vehicular traffic, and by preventing unsightly and detrimental development having a blighting influence upon residential, recreational, agricultural and other uses.

(a) (i) The following signs shall be allowed in the "A80" General Agricultural Zone:

identification signs;
business signs;
bulletin board signs;
advertising signs, as conditional use; and

(ii) All signs shall not exceed sixty-four (64) square feet in sign surface area.

(b) (i) The following signs shall be permitted in the Rural Residential Zone and the General Seasonal Recreation Zone: identification signs, non-illuminated; business signs, non-illuminated; bulletin board signs;

(ii) Signs shall not exceed twenty (20) square feet in sign surface area; and

(iii) Advertising signs shall not be permitted in these zones.

(c) All free standing signs shall be located fifty (50) feet or as varied from any site line fronting on a municipal road except identification signs and all signs in the General Seasonal Recreation Zone where they shall be five (5) feet from all site lines. All signs shall be set back from Provincial Roads and Highways as required by the Province.

(d) ***No sign or sign structures shall be erected at any location where it may interfere with, obstruct the view of any street, street intersection or railway grade crossing or be confused with any authorized traffic sign, signal or device.***

(e) ***No rotating beam or flashing signs shall be permitted in any zone without the approval of the Council. In any event, these signs shall not be permitted within one hundred (100) feet of any residential zone.***

(f) ***All signs and sign structures shall be kept in repair and in proper state of preservation. Signs which have become obsolete because of discontinuance of the business, service or activity shall be removed or relocated within thirty (30) days following such condition.***

(g) ***It shall be unlawful to erect or maintain any sign on, over or above any land or right-of-way belonging to the Municipality unless such right, in the case of land other than right-of-way, is established by agreement with the Municipality, and all signs shall adhere to all the setback requirements of the zone in which they are located.***

(h) ***Flags, political, civic, educational, religious, temporary, traffic signs, and real estate signs are permitted in the Rural Zones.***

PARKING

6. (21) ***The following requirements apply in the General Seasonal Recreation Zone and Rural Residential Zone only:***

(a) ***For residential use, there shall be one (1) parking space per dwelling unit or mobile home located on the same zoning site, or mobile home space; and***

(b) ***For non-residential uses, the number of parking spaces for employees, visitors and customers may be determined by the Council.***

LOCATION OF AUTOMOBILE WRECKING ESTABLISHMENTS

6. (22) ***An automobile wrecking establishment shall not be located within one-half (0.5) mile of a Provincial Trunk Highway or one (1) mile of an Urban area, General Seasonal Recreation Zone or Rural Residential Zone.***

STORAGE OF DERELICT VEHICLES

6. (23) (i) Subject to clause (ii), there shall be no storage of derelict automobiles, parts, other machinery, or products in any required front, side or rear yard within a rural zone, except in a waste disposal ground or an automobile wrecking establishment.

(ii) Where there is storage of derelict automobile parts and other machinery outside of a building, a continuous compact hedge or continuous row of evergreen trees expected to attain a height of not less than six (6) feet, or a six (6) foot high fence or berm shall be provided and maintained along the periphery of the storage area in a manner that conceals the stored materials from any public street or road or an adjacent land use.

CAMPGROUND PROVISIONS

6. (24) All site plans for campgrounds must be submitted to Council for their consideration and approval prior to the issuance of a Development Permit. As a guide, where approved piped or campground owned holding tank sewage disposal and piped water supplies are provided on individual camping spaces, the space area , yards, perimeter buffers, roads and space service and hook-ups requirements of the camping space shall be similar to those of Mobile Home Parks found in PART V and TABLE V-II. Besides this, all Provincial requirements for public washrooms and other public facilities must be met. These requirements shall apply as well in more primitive campgrounds, especially the Provincial requirements for public washroom facilities of an approved amount and size and trailer dump stations. The camping spaces may be smaller, to a recommended minimum of 3500 square feet and 40 feet of frontage if on-site sewage facilities are not provided or allowed on the camp space, other than portable built-in facilities in the recreation vehicle.

HOME-BASED BUSINESSES

6. (25) A home-based business is an accessory use which is carried on for financial gain by an occupant of a dwelling, and which shall be incidental or secondary to the principle residential use, subject to the following requirements:

(a) the business activity shall be conducted either in the dwelling, within an accessory building, or, in the case of the agricultural zone, elsewhere on the same site, subject to the provisions of this By-law;

(b) the business activity shall be conducted by a person or persons residing in the dwelling, and person(s) employed or otherwise engaged on the same site as the business, who do not reside in the dwelling, may not exceed 1 in the "RR" Rural Residential Zone and 5 in the "A80" General Agriculture Zone;

(c) there shall be no exterior processing or storage in the "RR" Zone. In the "A80" Zone the location of all exterior processing and storage facilities within 350 feet of a property boundary shall be subject to Council approval;

(d) in the "RR" Zone, a maximum of 300 square feet of floor area may be devoted to the business activity;

(e) in the "A80" Zone, a maximum of 1000 square feet of floor area may be devoted to a business or a maximum of 4000 square feet in a machinery storage building;

(f) one business sign, either free standing or affixed to the wall of the principle or accessory building, is permitted, not exceeding 20 square feet in the "RR" Zone or 32 square feet in the "A80" Zone; and

(g) the business activity shall not generate undue traffic or congestion, adversely affect existing municipal infrastructure, adversely affect the amenity and convenience of the surrounding area, or create a nuisance. In the "RR" Zone, the residential character of the property shall be maintained.

<u>CONDOMINIUM SUBDIVISION OF LAND</u>

6. (26) Notwithstanding anything herein contained and with reference to the General Seasonal Recreation Zone only, the following bulk regulations shall apply:

(i) Existing bare land unit developments as described in the Condominium Act of the Province of Manitoba, and any existing structure situated on any such unit shall be deemed to comply with the bulk requirements of the General Seasonal Recreation Zone;

(ii) For the purpose of the General Seasonal Recreation Zone, a bare land unit title is a zoning site; and

(iii) New development, any structural alteration or any replacement to any existing structure shall conform to all respects to the bulk

regulations (including site area and yards) as set out in TABLE IV-IV of this PART or as varied.

<u>ONLY ONE MAIN BUILDING OR USE ON A SITE</u>

6. (27) There shall be only one main building and one main use on a site except herein otherwise stated. For purposes of yard regulations, the following dwellings with common party walls shall be considered as one building occupying one site: semi-detached duplex, triplex, four-plex, row or town houses, apartment block and condominium.

<u>NUMBER OF SINGLE-FAMILY DWELLINGS AND COTTAGES PER PARCEL OR CONDO UNITS OF LAND</u>

6. (28) There shall be only one single-family dwelling or cottage per parcel or condo unit which meets all zoning site requirements or as varied except for the exceptions provided in this By-law, including the infill of existing leased lots (at this By-law adoption), dwellings for farmers or their staff on the farm, within or adjacent to the farm yard, mobile homes in a mobile home park, and guest cabins located within an approved commercial resort.

<u>MULTIPLE USES</u>

6. (29) Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is conflict such as in the case of site area and site frontage, the higher or more stringent requirement shall prevail.
In some cases, as determined by Council, the site area requirement may equal the sum of site area requirements for all uses.

<u>WIND TURBINE GENERATOR STATION DEVELOPMENT PROVISIONS</u>

6. (30) In addition to the other requirements in this Zoning By-law found in TABLES IV-I and IV-II, the following provisions shall apply to the development of Wind Turbine Generator Stations (WTGS) as conditional uses on sites within the "A80" Zone. Agricultural land uses may co-exist with (WTGS) on these parcels.

(a) A conditional use application to establish one or more wind turbine generator station(s) (WTGS) may include one or more turbine(s) on a parcel of land or a network of turbines and associated structures located on different parcels of land at different locations in the municipality

respectively, provided that all structures will be operated by the same corporate entity. For the purposes of this By-law, an application involving more than one parcel of land and (WTGS) shall be processed as one application, with the provision that a separate conditional approval shall be issued for each separate parcel of land and/or (WTGS).

(b) Proponents of a wind turbine generator station (WTGS) shall submit, to the Development Officer a detailed site plan showing the location of all wind turbines, electrical lines (above or below ground), on-site roads and driveways providing access to the public road system as part of the conditional use application. Proposals for additional infrastructure will require additional conditional use approval.

(c) Proponents of a (WTGS) are responsible for obtaining any required Federal and/or Provincial permits or approvals from agencies such as but not limited to Transport Canada, NAV Canada, Manitoba Hydro, Manitoba Infrastructure and Transportation and Manitoba Conservation, prior to the issuance of a development permit.

(d) When locating a proposed wind turbine in the vicinity of any registered or certified airport all Transport Canada regulations or recommendations for certified airports regarding height and location of surrounding buildings and structures shall be followed.

(e) A development permit shall be obtained prior to the commencement of construction.

(f) The colour scheme of a commercial wind turbine and associated signage affixed to the structure shall be subject to the approval of Council. Any illumination of the facility shall be arranged so that it does not create glare at any nearby property or public roadway. Both of these items must be dealt with in a manner consistent with any applicable Federal Government regulations.

(g) All private single wind turbine systems located on the same site and in direct support of either a permitted or conditionally approved single private agricultural activity or private residential activity shall be treated as an accessory structure. This structure shall be set back from the property line a minimum distance equal to its total height, measured from the ground to the extent of its rotors.

(h) The (WTGS) facility shall be separated by a distance of two thousand six hundred and forty feet (2640) from ant designated Wildlife Management Area or Provincial Park. **] [B/L05-2011]**

PART V - URBAN AREA ZONES

INTENT AND PURPOSE

1. The Urban Zones established in this By-law are intended to provide sufficient land for various types of urban development in the Area in keeping with the provisions of the Development Plan.

ZONES

2. In order to carry out the intent and purpose of section 1 above, there is hereby established the following zones:

"R" RESIDENTIAL ZONE

2. (1) The "R" Residential Zone primarily provides for the development of single-family dwellings, mobile homes and multiple-family dwellings which are serviced by the municipal piped sewerage and water system in Sandy Lake and the municipal piped sewerage system in Newdale.

"RA" SUBURBAN RESIDENTIAL ZONE

2. (2) The "RA" Suburban Residential Zone primarily for the development of single-family dwellings and mobile homes on large lots when serviced by an approved private sewerage and water system.

"CC" CENTRAL COMMERCIAL ZONE

2. (3) The "CC" Central Commercial Zone primarily provides for appropriate land in the Area's central business district for the development of intensive retail, business, service and administrative uses.

"CH" HIGHWAY COMMERCIAL ZONE

2. (4) The "CH" Highway Commercial Zone primarily provides for appropriate land for those businesses requiring large sites, serving the motoring public and requiring direct access to a highway.

"ML" LIGHT INDUSTRIAL ZONE

2. (5) The "ML" Light Industrial Zone primarily provides for a light manufacturing, processing, distribution, transportation and warehouse uses. Excluded are uses

which, in Council's opinion, may be detrimental to adjoining or nearby uses or creates a nuisance factor.

"MH" HEAVY INDUSTRIAL ZONE

2. (6) The "MH" Heavy Industrial Zone primarily provides for a wide range of industrial uses where a certain level of nuisance factors must be accepted as characteristic of the use. Wherever practical, industrial uses are located as far as possible from residential districts and in such a way as to minimize any detrimental effect on other uses of land.

"I" INSTITUTIONAL ZONE

2. (7) The "I" Institutional Zone primarily provides locations for a wide range of governmental, educational, institutional, and recreation uses.

"AL" LIMITED AGRICULTURE

2. (8) The "AL" Limited Agriculture Zone primarily provides for an appropriate amount of land, in an urban center, to be maintained as agricultural land and be readily available for future residential development.

"ALCHR" LIMITED AGRICULTURE - HIGHWAY COMMERCIAL RESERVE ZONE

2. (9) The "ALCHR" Limited Agriculture - Highway Commercial Reserve Zone primarily provides for an appropriate amount of land, in the Area, to be maintained as agricultural land and be readily available for future highway commercial development.

APPLICATION OF BY-LAW TO URBAN ZONES

3. The provisions applying to all URBAN ZONES are contained within this PART. Also applying to these zones are the provisions of PART I - "DEFINITIONS", PART II - "ADMINISTRATION", PART III - "ZONING" and "APPENDIX A".

USE REGULATIONS

USES PERMITTED

4. (1) No land shall be used or occupied and no building or structure shall be erected, altered, relocated, used or occupied hereinafter for any use in any URBAN ZONE in which such land, building or structure is located other than a use listed on TABLE V-I, "URBAN USE TABLE", with the following exception:

(a) Uses lawfully established prior to the effective date of this By-law.

URBAN USE TABLE V – I

LEGEND: P – PERMITTED C – CONDITIONAL -- USE NOT PERMITTED	ZONES`								
USES	"R"	"RA"	"CC"	"CH"	"ML"	"MH"	"I"	"AL"	"ALCHR"
Accessory Uses, Buildings and Structures (see Section 4(3) of this PART)	P	P	P	P	P	P	P	P	P
Agricultural General Uses comprising of Market Gardening, Field Crops and Tame Forage Production	-	-	-	-	-	-	-	P	P
Agricultural Implement Sales and Service	-	-	C	P	P	P	-	-	-
Agricultural Products Manufacturing and Processing: Animal Feeds	-	-	-	-	-	P	-	-	-
Farm Buildings and Structures (manufacture)	-	-	-	-	C	P	-	-	-
Farm Implements	-	-	-	-	C	P	-	-	-
Garden Implements	-	-	-	-	C	P	-	-	-
Seed Supplies	-	-	-	-	C	P	-	-	-
Amusement Enterprises, including a bowling alley, dance hall, theatre, arcade and the like, if conducted wholly within a completely enclosed building	-	-	P	P	-	-	-	-	-
Animal Feed – Sales and Storage	-	-	-	P	P	P	-	-	-
Arenas, Curling Rinks	-	-	C	C	-	-	P	-	-
Auction Mart	-	-	-	C	-	C	-	-	-
Automobile Body Shop	-	-	C	P	P	P	-	-	-
[*Automobile Washing Establishment*] [B/L 05-2011]	-	-	P	P	P	P	-	-	-
Automobile Service Stations and Automobile Trades	-	-	P	P	P	P	-	-	-
Automobile and Trailer Sales Area	-	-	P	P	P	P	-	-	-
Bakeries	-	-	P	-	-	-	-	-	-
Banks	-	-	P	-	-	-	-	-	-

URBAN USE TABLE V – I

LEGEND: P – PERMITTED C – CONDITIONAL -- USE NOT PERMITTED	ZONES`								
USES	"R"	"RA"	"CC"	"CH"	"ML"	"MH"	"I"	"AL"	"ALCHR"
Beverage Room, in conjunction with a hotel, motel or restaurant	-	-	P	P	-	-	-	-	-
Building Contractors Yards	-	-	-	C	C	P	-	-	-
Bulk Propane Sales and Service	-	-	C	P	C	P	-	-	-
Bus Terminal	-	-	P	P	P	P	-	-	-
Café, Coffee Shops	-	-	P	P	P	P	C	-	-
Carpenter Shops or Cabinet Shops if conducted wholly within a completely enclosed building, but excluding wholesale manufacture	-	-	C	-	P	P	-	-	-
Catering Establishments	-	-	P	-	-	-	-	-	-
Child Care Facilities:									
Home Day Care	P	P	P	-	-	-	P	P	-
Group Day Care	C	C	-	-	-	-	P	P	-
Churches, Church Halls	P	P	P	-	-	-	P	-	-
Clinics, Medical and Dental	-	-	P	-	-	-	P	-	-
Dairies and Creameries	-	-	C	P	P	P	-	-	-
Drive-In Establishments where persons are served in automobiles such as refreshment stands, restaurants, foods stores, and the like, but not including drive-in theatres	-	-	P	P	P	-	-	-	-
Drop-In Centres	-	-	P	-	-	-	P	-	-
Exhibition Grounds	-	-	-	-	-	-	P	-	-
Existing Uses established prior to the adoption of this By-law	P	P	P	P	P	P	P	P	P
Fertilizer (non-hazardous Solid and Liquid only) and Bulk Fuel Sales and Storage	-	-	-	C	-	P	-	-	-
Fire Stations	P	P	P	P	P	P	P	-	-
Frozen Food Lockers used exclusively for service to customers	-	-	P	-	P	P	-	-	-
Funeral Parlors	-	-	P	-	-	-	-	-	-
Golf Courses	-	-	-	-	-	-	P	-	-
Grain or Vegetable Storage Buildings	-	-	-	-	-	P	-	-	-
Halls, Institutional	C	-	P	-	-	-	P	-	-
Historical Sites	P	P	P	P	P	P	P	P	P
Hospitals, including Clinics and Personal Care Homes	-	-	-	-	-	-	P	-	-
Hotels	-	-	P	P	-	-	-	-	-
Libraries	-	-	P	-	-	-	P	-	-
Lumber Yards and Building Suppliers, when contained within an enclosed structure or fence and in conjunction with which there is a retail sales outlet	-	-	C	P	P	P	-	-	-

URBAN USE TABLE V – I

LEGEND: P – PERMITTED C – CONDITIONAL -- USE NOT PERMITTED	ZONES`								
USES	"R"	"RA"	"CC"	"CH"	"ML"	"MH"	"I"	"AL"	"ALCHR"
Maintenance Yards	-	-	-	P	P	P	-	-	-
Miniature Golf Course	-	-	-	P	-	-	-	-	-
Motels	-	-	P	P	-	-	-	-	-
Municipal Offices	-	-	P	-	-	-	P	-	-
Museums	-	-	P	P	P	-	P	-	-
Non-Profit Clubs and Lodgers	-	-	P	-	-	-	P	-	-
Offices, Business and Professional	-	-	P	-	-	-	-	-	-
Parks, Playgrounds, Lawn Bowline, Tot Lots	P	P	P	P	P	-	P	P	P
Personal Service Shops	-	-	P	-	-	-	-	-	-
Plumbing and Sheet Metal Shops	-	-	C	-	P	P	-	-	-
Public Parking Areas	-	-	P	-	P	-	P	-	-
Public, Private and Parochial Schools	-	-	-	-	-	-	P	-	-
Public Utilities and Services (see PART II, Section 14)	P	P	P	P	P	P	P	P	P
Rail Freight Terminals and Yards	-	-	-	-	P	P	-	-	-
Residences: Dwelling units within the second storey or within the rear one-half of the first storey of a Commercial Building	-	-	P	P	-	-	-	-	-
Single-Family Dwellings	P	P	-	-	-	-	-	P	-
Two-Family Dwellings	P	P	-	-	-	-	-	-	-
Multiple Family Dwellings	C	-	C	-	-	-	-	-	-
Mobile Homes	P	P	-	-	-	-	-	P	-
Mobile Home Parks (see Section 7 of this Part)	C	-	-	-	-	-	-	-	-
Residential Care Facilities provide residential services, care and supervision for nine or more children who are under the care of a child caring agency as defined by the Child Welfare Act or five or more adults who may be post mentally ill, mentally retarded or otherwise developmentally delayed	C	C	-	-	-	-	P	C	-
Boarding and Rooming Houses	C	C	C	-	-	-	-	-	-
Restaurants	-	-	P	P	-	-	-	-	-
Retail Stores, when in conjunction with another permitted or conditional use	-	-	P	P	P	P	-	-	-
Retail Stores	-	-	P	-	-	-	-	-	-
Service shops	-	-	C	P	P	P	-	-	-
Signs (see Section 6(11) of this PART)	P	P	P	P	P	P	P	P	P

URBAN ZONES

URBAN USE TABLE V – I

LEGEND: P – PERMITTED C – CONDITIONAL -- USE NOT PERMITTED	ZONES`								
USES	"R"	"RA"	"CC"	"CH"	"ML"	"MH"	"I"	"AL"	"ALCHR"
Signs, Advertising (see Section 6 (11) of this PART)	-	-	C	C	C	C	-	C	C
Swimming pools and Wading pools, Public	-	-	-	-	-	-	P	-	-
Travel Trailer Park	-	-	-	P	-	-	C	-	-
Truck Terminal	-	-	-	P	C	P	-	-	-
Veterinary Hospital	-	-	-	P	-	-	-	-	-
Warehouses	-	-	-	-	C	P	-	-	-

CONDITIONAL USES

4. (2) Any use listed as a "CONDITIONAL USE" in TABLE V-I shall comply with the regulations set forth in section 3, PART II, ADMINISTRATION.

ACCESSORY USES, BUILDINGS AND STRUCTURES

4. (3) In the Urban Zones, accessory uses, buildings and structures may include but not be limited to the following:

(a) In all Zones:

(i) incinerators;

(ii) accessory off-street parking areas as required and regulated in section 6(10) of this PART;

(i) signs as permitted and regulated in section 6(11) of this PART;

(ii) **[*home-based businesses – See Part V, Section 8. (1) for development criteria; and*] [B/L 05-2011]**

(v) private garage, carports, covered patio, toolhouse, shed and other similar buildings for the storage of equipment;

(vi) parabolic television antennae to be permitted in all yards except in residential zones where they shall be located to the rear of the rear wall of the principal building;

(vii) residential care facilities providing residential services, care and supervision for eight or fewer children.

(b) In the Residential Zones:

A children's playhouse, garden supply storage house, private greenhouse, private conservatory and private swimming pools (open or enclosed).

(c) In the Commercial Zones:

(i) the operation, production, processing, cleaning, servicing, altering, testing, repair and storage of merchandise normally incidental to a business and personal service and mercantile occupancies if conducted by the same ownership as the principal use; and

(ii) in the "CH" Highway Commercial zone, in addition to (i), a single-family dwelling unit or mobile home for the caretaker or owner whose presence on the site, in the opinion of Council, is necessary.

(d) In the Industrial Zone:

(i) storage of goods used in or produced by manufacturing activities on the same zoning site with such activities unless such storage is excluded by the zone regulations;

(ii) the production, processing, cleaning, servicing, altering, testing, repair and storage of merchandise normally incidental to a business and personal service and merchandise occupancies if conducted by the same ownership as the principal use;

(iii) in the industrial zone, a dwelling unit or sleeping accommodation for a watchman or caretaker and his family, if in Council's opinion, it is demonstrated that his presence on the same zoning site as the principal use is essential and necessary;

(iv) a retail outlet which is incidental to a permitted or conditional use.

(e) In the Institutional Zone:

(i) buildings or structures for the operation, maintenance, and administration of a permitted or conditional use;

(ii) staff dwellings, to include only a single-family dwelling, two-family dwelling, dormitory, or mobile home, when on the same site with a permitted or conditional use where, in the opinion of Council, said dwelling is essential for the maintenance, operation and care of the use.

(f) In the Limited Agriculture Zone and the Limited Agriculture - Highway Commercial Reserve Zone:

(i) buildings or structures required for the operation and maintenance of an agricultural activity;

(ii) storage of goods used in or produced by agricultural activities; and

(iii) farm dwellings and staff housing related to the agricultural activity.

BULK REGULATIONS

INTENT AND PURPOSE

5. (1) (a) The urban bulk regulations established for the permitted and conditional uses herein are intended to ensure that the site area, site width, site depth, and yards will be adequate to allow space for health and fire protection and open spaces, as well as provide for convenient access for vehicle and pedestrians, sufficient space for natural light and air to penetrate all windows, and to provide setbacks from site boundaries to afford space for maintenance and privacy.

(b) The Urban bulk regulations shall be as set forth in TABLE V-II, URBAN BULK TABLE.

URBAN BULK TABLE V- II

PERMITTED OR CONDITIONAL USES	ZONES	REQUIREMENTS						
		MINIMUM						MAXIMUM
		Site Area (sq.ft.)	Site Width (ft.)	(k) Front Yard (ft.)	(f)(k) Side Yard (ft.)		(j)(k) Rear Yard (ft.)	Site Coverage (%)
					interior	corner		
Accessory Uses, Buildings and structures (m)(See also Section 6(2) of this PART)	R, RA			(a)	2	10(b)	5(c)	10
	CC			(a)	2	(b)	5(c)	10
	CH			(a)	5	(b)	5(c)	10
	ML, MH			(a)	5	(b)	5(c)	10
	I			(a)	15	(b)	5(c)	10
	AL ALCHR			(a)	15	15	10	10
Agricultural General Uses Comprising of Market Gardening, Field Crops, and Tame Forage Production	AL ALCHR	40 acres	660	125	15	15	15	N/A
Agricultural Implement Sales and Service	CC,ML	10,000	100	25(d)	10(d)	15(d)	10(d)	45
	CH, MH	40,000	150	40(d)	10(d)	15(d)	10(d)	70
Arenas, Halls Curling Rinks	CH	20,000	100	40	20	20	30	40
	CC, I	12,000	70	40	10	10	15	45
Automobile Body Shop **[*Automobile Washing Establishment*] [B/L 05/2011]** Automobile Service Station and Automobile Trades, Automobile and Trailer Sales Areas	CC ML, MH	12,000	100	25(d)	25(d)	25(d)	25(d)	30
	CH	30,000	150	40(d)	30(d)	30(d)	30(d)	35

URBAN ZONES

URBAN BULK TABLE V- II

PERMITTED OR CONDITIONAL USES	ZONES	REQUIREMENTS						
		MINIMUM						MAXIMUM
		Site Area (sq.ft.)	Site Width (ft.)	(k) Front Yard (ft.)	(f)(k) Side Yard (ft.)		(j)(k) Rear Yard (ft.)	Site Coverage (%)
					interior	corner		
Bulk Propane Sales and Service	ML, MH CC,CH	15,000	100	30(g)	25(g)	25(g)	25(g)	30
Churches and Church Halls	I,R, CC	18,000	100	30	12	15	10	60
		18,000	100	0	10	10	10	70
Exhibition Grounds	I	87,000	300	30	25	25	25	N/A
Fertilizer (non-hazardous Solid and Liquid only), Bulk Fuel Sales and Storage	MH, CH	25,000	100	20	10	10	10	70
Golf Courses	I	50 acres	575	30	15	15	15	N/A
Hospitals, may in-clude Clinics and Personal Care Homes	I	87,000	200	30	25	25	25	65
Lumber Yards (enclosed)	CC, ML	12,000	50	0	0	0	15	85
Lumber Yards (open & enclosed)	CH, MH	18,000	100	40	10	10	15	55
Maintenance Yard	CH ML, MH	18,000	70	40(d)	10(d)	10(d)	15(d)	55
Motels	CC	12,000	100	30	10	10	20	45
	CH	43,560(1)	150	40	30	30	30	45
Parks, Playgrounds, Tot-Lots, Recreation Areas	CC, CH R, RA ML, AL ALCHR	6,000	60	30	10	15	20	30
Public, Private and Parachial Schools	I	5 acres	300	30	25	25	25	70

URBAN BULK TABLE V- II

PERMITTED OR CONDITIONAL USES	ZONES	REQUIREMENTS						
		MINIMUM						MAXIMUM
		Site Area (sq.ft.)	Site Width (ft.)	(k) Front Yard (ft.)	(f)(k) Side Yard (ft.)		(j)(k) Rear Yard (ft.)	Site Coverage (%)
					interior	corner		
Public Utilities and Services	R, RA CC,CH ML, MH I, AL ALCHR	5,000	50	30	15	15	10	25
Rail Freight Terminals & Yards	MH	80,000	200	20	5	10	15	70
Residences:								
Single-Family Dwellings	R	6,000	50	25	5(e)	12	25	35
	AL, RA	**[*21,000 for holding tank lot*** ***2 acres for septic field lot***	***125*** ***200***	***30***	***15***	***15***	***30***	***45*** ***65*]** **[B/L 05-2011]**
	RA	**[*21,000 for holding tank lots*** ***2 acres for septic field lots***	***125*** ***200***	***30***	***15***	***15***	***30***	***45*** ***65*]** **[B/L 05-2011]**
	R	9,000	60	25	5(e)	12	25	45
Multiple-Family Dwellings	R CC	12,000(h)	70	30	15	15	25	40
Mobile Home	R	6,000	50	25	5(i)	15	10	55

URBAN BULK TABLE V- II

PERMITTED OR CONDITIONAL USES	ZONES	REQUIREMENTS						
		MINIMUM						MAXIMUM
		Site Area (sq.ft.)	Site Width (ft.)	(k) Front Yard (ft.)	(f)(k) Side Yard (ft.)		(j)(k) Rear Yard (ft.)	Site Coverage (%)
					interior	corner		
Dwellings	AL, RA	***[21,000 for holding tank lots*** ***2 acres for septic field lots***	***125*** ***200***	***30***	***15***	***15***	***30***	***45*** ***65]*** **[B/L 05-2011]**
Mobile Home Parks (see Section 7 of this PART) Serviced Spaces	R	5,000	50	20	10(i)	20	10	35
Residential Care Facilities	R	12,000(h)	70	25	15	15	25	40
	I	12,000(h)	70	25	15	15	25	40
	AL, RA	15,000(h)	100	30	15	15	30	40
Boarding and Rooming Houses	R, CC	6,000	50	25	5(e)	12	25	40
	RA	15,000	100	25	15	15	30	40
Boarding and Rooming Houses	R, CC	6,000	50	25	5(e)	12	25	40
	RA	15,000	100	25	15	15	30	40
Swimming Pools (public), Wading Pools	I	10,000	100	30	15	15	25	30
Travel Trailer Park	I, CH	40,000	200	30	15	25	25	60
Truck Terminals	ML	24,000	150	40(d)	10(d)	10(d)	15(d)	55
	CH	80,000	150	40(d)	10(d)	10(d)	15(d)	70
	MH	80,000	150	25(d)	10(d)	10(d)	15(d)	70
Veterinary Hospital	CH	15,000	100	40	10	10	10	50
Requirements for Permitted or Conditional Uses Other than those	RA	15,000	100	30	15	15	30	40
	R	10,000	100	30	15	15	25	40
	CC	5,000	50	0	0	0	10	90
	CH	30,000	150	40dg	30dg	30dg	30dg	35

URBAN BULK TABLE V- II

PERMITTED OR CONDITIONAL USES	ZONES	REQUIREMENTS						
		MINIMUM						MAXIMUM
		Site Area (sq.ft.)	Site Width (ft.)	(k) Front Yard (ft.)	(f)(k) Side Yard (ft.)		(j)(k) Rear Yard (ft.)	Site Coverage (%)
					interior	corner		
specified above	ML, MH	12,000	80	25dg	15dg	15dg	15dg	45
	I	6,000	50	30	10	10	25	30
	AL ALCHR	1.5 acres	200	125	15	15	25	45

Explanations and Exceptions to the Bulk Requirements of Table V-II are as follows:

(a) The minimum front yard requirement for accessory buildings and structures shall be the same as the minimum front yard requirement for the principle use of the site.

(b) When located to the rear of the main building in which case the minimum required side yard of a corner or reverse corner site on the street side shall be the same as the main building.

(c) Where a garage has its vehicle entrance doors facing a lane, the garage must have a required rear yard of ten (10) feet.

(d) Gasoline pumps shall have a required front, side and rear yard of fifteen (15) feet.

(e) (i) Six (6) feet for a dwelling having more than one storey.

(ii) Without a lane at the rear of the site, one (1) required side yard shall be a minimum of twelve (12) feet except where an attached or semi-attached garage or carport is provided at the side of the main building; in which case, both the required side yards shall be five (5) feet or six (6) feet for a building having more than one storey.

(f) The required side yard on the street side of a reverse corner site shall be twenty (20) feet.

(g) Bulk propane tanks shall have a required setback from all buildings and site lines as regulated by the Department of Labour.

(h) First three (3) dwelling units require twelve thousand (12,000) square feet plus one thousand (1,000) square feet for each additional dwelling unit.

(i) (i) On that side of the mobile home containing the main entrance and/or window to the living room, the required side yard shall be fifteen (15) feet.

(ii) Subject to (i) above, where there is no lane to the rear of the mobile home site, one required side yard shall be twelve (12) feet.

(j) Where a dwelling unit is contained within a commercial building, the rear yard shall be twenty (20) feet, or greater if provided for in the TABLE.

(k) (i) Buildings, structures and hedges adjacent to provincial roads, provincial trunk highways and centers of intersections of same shall have a setback in accordance with the Highway Protection Act and the Highway Department Act.

(ii) Buildings, structures shall have a minimum front, side or rear yard of one hundred and twenty-five (125) feet when the yard is adjacent to a Government Road Allowance except where the Road Allowance is used as an internal street in a subdivision.

(l) First five (5) motel units require forty-three thousand and five hundred and sixty (43,560) square feet plus one thousand (1,000) square feet for each additional motel unit.

(m) Accessory dwellings when located in the "CH" or "I" zones shall have the same Bulk Requirements as similar dwelling types in the "R" zone.

(n) **[*An accessory building or structure shall have a maximum site coverage of ten (10) percent or six hundred (600) square feet, whichever is the lesser.*] [B/L 05-2011]**

GENERAL PROVISIONS

INTENT

6. (1) The following set of provisions shall apply to all the Urban Zones except wherein otherwise provided:

ACCESSORY BUILDINGS, STRUCTURES AND USES PERMITTED

6. (2) Where this By-law provides that any premises may be used or a building or structure may be erected or used for a purpose, the purpose includes any building, structure or use accessory thereof.

Accessory buildings, structures and uses shall be subject to the following regulations, except wherein otherwise provided:

(a) Where the accessory building or structure is attached to a main building or structure, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building or structure;

(b) Detached accessory buildings or structures (including swimming pools and parabolic antennae) shall not be located in any required yard, except a required rear yard or as provided for elsewhere herein;

(c) Detached accessory buildings in the residential suburban zone may be located in any rear or side yard;

(d) No detached accessory building shall be located closer than six (6) feet to any main building;

(e) In no instance shall be accessory building be located within a dedicated easement right-of-way;

(f) Where a through site has a depth of less than two hundred (200) feet, an accessory building or structure not exceeding one (1) storey nor fourteen (14) feet in height may be located in one of the required front yards, if such building is set back from the nearest street line a distance of not less than ten (10) percent of the depth of the site and at least five (5) feet from any side site line. In no case shall any accessory building or structure project beyond the front yard line of an existing main building along the entire frontage (site width) and;

(g) **[*No accessory building or structure shall be erected prior to the erection of the main building or structure, except where it is necessary for the storage of the tools and material required during construction of the main building.*] [B/L 05-2011]**

DWELLING UNIT - MINIMUM SIZE

6. (3) The minimum floor area of a single-family dwelling, two-family dwelling or mobile home shall be six hundred (600) square feet for each dwelling unit and the minimum floor area of a multiple family dwelling shall be four hundred (400) square feet per dwelling unit.

AREA AND YARD REQUIREMENTS

6. (4) (a) (i) A semi-detached two-family dwelling or a side-by-side or duplex may be subdivided into two attached single-family dwellings, through the common party wall;

(ii) The sites so created by subdividing the semi-detached or side-by-side duplex, may only be used for the purpose of single-family dwellings;

(iii) The site area resulting from the above subdivision shall be a minimum of forty-five hundred (4500) square feet in municipal sewer serviced Zones and the minimum site width shall be twenty-seven and one half (27.5) feet; and

(iv) The side yard along the common party wall shall be reduced to zero.

(b) All required yards and other open space required for any use shall be located on the same site as the use.

FRONT YARD EXCEPTIONS

6. (5) Where sites comprising forty (40) percent or more of the entire frontage of the block (excluding reversed corner sites) are developed with buildings, the average front yard depths established by such buildings shall establish the minimum required front yard depths for the entire frontage of the block provided such average is less than the minimum required front yard in the Zone in which the site is located.

PROJECTIONS INTO REQUIRED YARDS

6. (6) Required yards shall be provided and maintained in accordance with the Bulk Tables and shall be unobstructed from ground level to the sky, except as set forth in subsection 6(4), 6(5) and 6(7) of this PART and as follows:

(a) Any projections such as eaves, chimneys, stairways, unenclosed porches or patios may project into a required front, side or rear yard to a maximum of fifty percent (50%) of the required yard;

(b) Fences, hedges and lamp posts shall not exceed a height of six (6) feet above finished grade in the side and rear yards except in the case of fences required under various Government Department Regulations. A fence,

hedge, or trellises for protection ground ramps shall be permitted in any required front yard in which case the height shall not exceed three and one-half (3-1/2) feet; and

(c) Landscape features, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side or rear yard provided they do not produce a hedge effect contrary to the provisions of clause (b) above.

SPECIAL YARDS IN INDUSTRIAL DISTRICTS ALONG OTHER DISTRICT BOUNDARIES

6. (7) The following special yard requirements shall apply along zone boundaries:

(a) Where a side or rear site line in an Industrial Zone abuts a side site or rear site in an adjacent Residential Zone, the industrial side or rear yard provided shall not be used for accessory off-street loading, or storage of materials, or processing of any kind, except where a solid fence of six (6) feet high is provided and maintained along the site line abutting the Residential Zone Boundary;

(b) Where a side or rear site line in an Industrial Zone abuts a side or rear site line in an adjacent Residential Zone, a required side or rear yard of fifty (50) feet in depth shall be provided along the side or rear site line in the Industrial Zone;

(c) Where a boundary yard as described in clauses (a) or (b) above is provided, a compact hedge, row of shrubbery or a solid fence six (6) feet in height shall be provided and maintained along the site line abutting the Residential Zone Boundary.

HEIGHT OF BUILDINGS

6. (8) The maximum height of principal buildings or structures shall be three (3) storeys to a maximum of sixty (60) feet and that of accessory buildings or structures shall be twelve (12) feet.

HEIGHT EXCEPTIONS

6. (9) The provisions of this PART except where otherwise stated shall not apply to limit the height of any ornamental dome, chimney, tower, electrical or telephone transmission line, television or radio mast, steeple, water storage tank, grain elevator, seed plant, electrical apparatus or the mechanical operation of the building provided that no roof structure or any space above the height limit shall

be permitted for the purpose of providing usable floor area. The maximum heights of all buildings and structures may be reduced by Council if, in Council's opinion, there is a danger of the buildings or structures being hit by low flying aircraft on their landing or take-off phase of flight.

PARKING

6. (10) (a) For residential uses, there shall be one (1) permanent parking space per dwelling unit, mobile home or room in a boarding house, on the same site with the dwelling or mobile home, but not within the required front yard;

(b) All parking spaces in the Urban Zones shall be located on the same zoning site as the principal use;

(c) For commercial uses, parking spaces shall be permitted in the required front yard to within one (1) foot of the front site line for all uses except in the case of multiple-family dwellings where parking shall be located in the required side or rear yard; and

(d) For institutional uses, there shall be parking spaces provided for employees and visitors to the satisfaction of Council and one parking space provided for each dwelling unit, excluding personal care rooms.

SIGNS

6. (11) The regulations of this section are intended and designed to establish a minimum control of signs. Such control is deemed essential to promote the health, safety, and general welfare by reducing hazards to pedestrian and vehicular traffic, and by preventing unsightly and detrimental development having a blighting influence upon the adjacent uses.

The following shall apply in all zones in this PART, except wherein otherwise stated:

(a) Residential Zones

(i) In the case of a residential dwelling, there shall be not more than one non-illuminated identification sign for each dwelling unit and each sign shall not exceed four (4) square feet in sign surface area;

(ii) In the case of any other permitted or conditional uses, there shall not be more than one (1) illuminated or non-illuminated

identification sign or bulletin board sign, not exceeding eighteen (18) square feet in sign surface area; and

(iii) Advertising Signs are not permitted in the Residential Zones.

(2) In the "CC" Central Commercial Zone, signs shall be permitted as follows:

(i) one lighted or unlighted facia identification or business sign identifying any use contained within the building or structure, the surface area of all signs shall have an aggregate sign surface area not exceeding 20 percent of the surface of the wall to which they are attached;

(ii) one lighted or unlighted free-standing business or identification sign having a maximum height not exceeding twenty-five (25) feet; no part of such sign shall be located nearer the front or side site lines than three (3) feet, the total aggregate sign surface areas are not to exceed thirty-two (32) square feet; and

(iii) advertising signs shall be a conditional use in the "CC" Central Commercial Zone;

In the "CH" - Highway Commercial Zone, signs shall be permitted as follows:

(iv) one lighted or unlighted facia sign and one free-standing or roof business or identification sign, the sign surface area not to exceed one (1) square foot for each ten (10) feet of site width of the property on which it is located, but not exceeding a total aggregate sign surface area of one hundred (100) square feet, for any building or use permitted in this zone. An accessory building or structure shall not qualify for a separate identification sign; and

(v) advertising signs shall be conditional uses.

(c) Industrial Zones

(i) One lighted or unlighted facia, free-standing roof business or identification sign identifying any use contained within the building or structure, the sign surface area not exceeding one (1) square foot for each ten (10) feet of site width of property on which it is located, but not exceeding a total sign surface area of one hundred (100) square feet, for any building or use permitted in

this zone. An accessory building or structure shall not qualify for a separate identification sign; and

(ii) Advertising signs shall be conditional uses.

(d) Institutional Zone

(i) Not more than two (2) lighted or unlighted identification signs, each not exceeding twenty-five (25) square feet in sign surface area and having a maximum height of fifteen (15) feet shall be permitted for any building or use; and

(ii) Advertising signs shall not be permitted within this zone.

(e) Limited Agriculture Zone and Limited Agriculture Highway Commercial Reserve Zone

(i) Subject to sub-clause (ii) below, no more than (1) lighted or unlighted business or identification sign, not exceeding thirty-two (32) square feet in sign surface area and having a height of fifteen (15) feet shall be permitted for any building or use;

(ii) In the case of identifying any dwelling, there shall be not more than one (1) lighted or unlighted identification sign, not exceeding four (4) square feet in area; and

(iii) Advertising signs shall not be permitted.

(f) All Zones of this PART

In addition to the above provisions, the following shall also apply to the zones of this PART:

(i) No free-standing sign shall be located closer than three (3) feet to a site line unless otherwise stated herein;

(ii) No sign or sign structures shall be erected at any location where it may interfere with, obstruct the view of, any street, highway intersection or railway grade crossing or be confused with any authorized traffic sign, signal or device;

(iii) No rotating beam or flashing signs shall be permitted in any zone without the approval of Council. In any event, no flashing sign

shall be permitted within one hundred (100) feet of any residential zone;

(iv) All signs and sign structures shall be kept in repair and in proper state of preservation. Signs which have become obsolete because of discontinuance of the business service or activity, shall be removed or relocated within thirty (30) days following such conditions;

(v) It shall be unlawful to erect or maintain any sign on, over or above any land or right-of-way belonging to the Municipality unless such right is established by agreement with the Municipality;

(vi) The following signs shall not be subject to the provisions of this PART: flags, political, civic, educational, religious, temporary, traffic and real estate signs.

OUTSIDE STORAGE OF GOODS AND MATERIALS

6. (12) (a) There shall be no storage of merchandise or goods in the front and side yards in the "CC" Central Commercial Zone, except the following uses:

(i) Automobile and trailer sales, automobile service station, agricultural sales and services; and

(ii) Lumber yards may have storage of merchandise or goods in the rear yards.

(b) In the "ML" and "MH" Industrial Zones, storage of goods and materials shall be located to the rear of a line adjacent to and parallel with the front wall of the building.

NOXIOUS OR OFFENSIVE USES

6. (13) Notwithstanding anything herein contained, no use shall be permitted in any zone under this PART which may be noxious or offensive by reason of the emission or production of odor, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise except for those uses permitted in the "MH" Heavy Industrial Zone.

LOCATION OF COMMERCIAL PROPANE NON-HAZARDOUS SOLID AND LIQUID FERTILIZER AND BULK OIL STORAGE, BUILDINGS AND STRUCTURES

6. (14) Bulk propane, solid fertilizer and bulk oil storage, sales and service establishment buildings and structures shall locate as recommended by the Department of Labour, Fire Commissioner Office or the Canadian Transport Commission.

DWELLING UNIT AND HABITABLE BUILDING LOCATION WITH RESPECT TO SANITATION FACILITIES

6. (15) New residential dwelling units and habitable buildings shall not be located within one thousand three hundred and twenty (1,320) feet of a parcel of land containing an active or abandoned waste disposal ground or fifteen hundred (1500) feet of a parcel of land containing a sewage lagoon or as recommended by the local Health Inspector.

DWELLING UNIT AND HABITABLE BUILDING LOCATION WITH RESPECT TO STATIONARY ANHYDROUS AMMONIA STORAGE

6. (16) New sites containing residential dwellings or habitable buildings shall not locate within five hundred (500) feet and urban zones within one half (0.5) miles of stationary anhydrous ammonia storage tanks with capacity exceeding two thousand (2000) imperial gallons.

STORAGE OF ANHYDROUS AMMONIA

6. (17) Anhydrous ammonia storage tanks, whether stationary or portable, shall not be located within the boundary of the unincorporated villages.

ONLY ONE MAIN BUILDING OR USE ON A SITE

6. (18) There shall be only one main building or one main use on a site except wherein otherwise stated.

MULTIPLE USES

6. (19) Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is conflict such as site area or site width requirements, the higher or more stringent requirement shall prevail.

NUMBER OF SINGLE-FAMILY DWELLING PER PARCEL OF LAND

6. (20) There shall be only one single-family dwelling per parcel, which meets all zoning site requirements, except wherein this By-law it is otherwise stated or for the exception provided in the Planning Act.

LOCATION OF ANIMAL HOUSING ASSOCIATED WITH EXISTING AGRICULTURAL OPERATIONS

6. (21) **[*Animal housing associated with existing livestock operations within the urban designated area shall not be located within three hundred (300) feet of a Residential or Institutional Zone. This excludes barns associated with agricultural fairs."*] [B/L 05-2011]**

LOCATION OF URBAN ZONES WITH RESPECT TO LIVESTOCK PRODUCTION OPERATIONS

6. (22) **[*Urban Zones shall be subject to the mutual minimum separation distances (defined by policy in Development Plan By-law No. 01-DP-2010) between livestock operations and designated urban areas provided for in TABLE IV-VI: MINIMUM SEPARATION DISTANCES FOR SITING LIVESTOCK OPERATIONS: of PART IV."*] [B/L 05-2011]**

TRAVEL TRAILER PARK DEVELOPMENT PROVISION

6. (23) All design plans for the park must be submitted to Council for their consideration and approval prior to the issuance of a Development Permit.

MOBILE HOME PARK REGULATIONS

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

MINIMUM SIZE

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

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

7. (3) (a) The buffer area provided in subsection (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 (12) 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 of asphalt driveway 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

7. (4) A storage compound shall not be located within the buffer area and shall be located according to the site plan approve by the Council.

MOBILE HOME PARK OR SUBDIVISION INTERNAL ROADWAY SYSTEM

7. (5) Internal roadway 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

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

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

7. (8) A mobile home space shall be permitted with the following:

(a) A sewer connection;

(b) An approved portable water supply system that is satisfactory to Council;

(c) An electrical service outlet; and

(d) An adequate base support for the mobile home.

REQUIRED SERVICES FOR MOBILE HOME PARK

7. (9) A mobile home park shall be provided with:

(a) A adequate street lighting system, satisfactory to Council; and

(a) Any other services that Council considers necessary for the public health and safety.

LOCATION OF ACCESSORY BUILDINGS AND STRUCTURES

7. (10) Notwithstanding anything herein, 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 rear yard.

ACCESSORY STRUCTURES AND BUILDINGS

7. (11) 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, in the opinion of the Council, will compliment the main structure.

SITE PLANS - REQUIREMENTS

7. (12) 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

7. (13) All mobile homes must meet all structural standards as determined by The Buildings and Mobile Homes Act, Chapter B93, S.M. 1977.

DEVELOPMENT OF THE BUFFER AREA

7. (3) (a) The buffer area provided in subsection (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 (12) 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 of asphalt driveway 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

7. (4) A storage compound shall not be located within the buffer area and shall be located according to the site plan approve by the Council.

MOBILE HOME PARK OR SUBDIVISION INTERNAL ROADWAY SYSTEM

7. (5) Internal roadway 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

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

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

7. (8) A mobile home space shall be permitted with the following:

(a) A sewer connection;

(b) An approved portable water supply system that is satisfactory to Council;

(c) An electrical service outlet; and

(d) An adequate base support for the mobile home.

REQUIRED SERVICES FOR MOBILE HOME PARK

7. (9) A mobile home park shall be provided with:

(a) A adequate street lighting system, satisfactory to Council; and

(b) Any other services that Council considers necessary for the public health and safety.

LOCATION OF ACCESSORY BUILDINGS AND STRUCTURES

7. (10) Notwithstanding anything herein, 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 rear yard.

ACCESSORY STRUCTURES AND BUILDINGS

7. (11) 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, in the opinion of the Council, will compliment the main structure.

SITE PLANS - REQUIREMENTS

7. (12) 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

7. (13) All mobile homes must meet all structural standards as determined by The Buildings and Mobile Homes Act, Chapter B93, S.M. 1977.

[*HOME-BASED BUSINESSES CRITERIA*

8. (1) A home-based business is an accessory use which is carried on for financial gain by an occupant of a dwelling, and which shall be incidental or secondary to the principle residential use, subject to the following requirements:

- ***(a) the business activity shall be conducted either in the dwelling, within an accessory building, subject to the provisions of this By-law;***
- ***(b) the business activity shall be conducted by a person or persons residing in the dwelling, and persons employed or otherwise engaged on the same site as the business who do not reside in the dwelling may not exceed 2 ;***
- ***(c) There shall be no exterior processing or storage;***
- ***(d) In the Residential Zone, a maximum of 300 square feet of floor area may be devoted to the business activity;***
- ***(e) One business sign, either free standing or affixed to the wall of the principle or accessory building, is permitted, not exceeding 16 square feet; and***
- ***(f) The business activity shall not generate undue traffic or congestion, adversely affect existing municipal infrastructure, adversely affect the amenity and convenience of the surrounding area, or create a nuisance, and the residential character of the property shall be maintained.*]**
  [B/L 5-2011]

APPENDIX "A" ZONING MAP of By-law No._____

RURAL MUNICIPALITY OF HARRISON

DONE AND PASSED in Council duly assembled at the Village of Newdale, Manitoba, this _____ day of _____A.D. 198_.

_____
Reeve

_____
Secretary-Treasurer

Received First Reading on this ___ day of _____A.D. 198__.

Received Second Reading on this ___ day of _____A.D. 198__.

Received Third Reading on this 12 day of January A.D. 198 7.

I _____Secretary-Treasurer of The R.M. of Harrison DO HEREBY CERTIFY the above to be a true and correct copy of By-law No. _____.