

## Use and Development of Land

### Rural Municipality of Victoria

#### By-Law No. 1266/2005

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

**WHEREAS** Section 42(1) of the Planning Act, Chapter P80, R.S.M., 1987, provides that a Zoning By-law may be enacted by the Council of a municipality;

**AND WHEREAS** pursuant to Section 27(1) of said Planning Act, the Board of the South Central Planning District has by By-Law adopted a Development Plan;

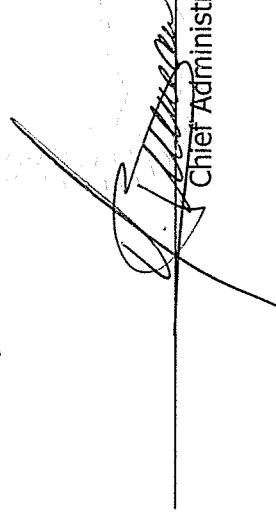
**AND WHEREAS** Pursuant to Section 32(2) of the Planning Act provides that a Zoning By-Law shall be prepared upon the adoption of a Development Plan; and,

**NOW THEREFORE**, the Council of the Rural Municipality of Victoria, in a meeting duly assembled enacts the RURAL MUNICIPALITY OF VICTORIA ZONING BY-LAW.

**DONE AND PASSED** in Council duly assembled this 14th day of September 2005.



Reeve



Chief Administrative Officer

Read a first time this 21st day of June, A.D., 2005

Read a second time this 14th day of September, A.D., 2005

Read a third time this 14th day of September, A.D., 2005

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## PART 1: SCOPE

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

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

- 2.1 Subject to 2.3, no land, building or structure shall be constructed, enlarged, placed, used or occupied except for a use which:
- (a) is listed in the Use and Bulk Tables which apply to such land, building or structure as:
    - (i) a permitted principal use;
    - (ii) a conditional use, subject to approval as such; or
  - (b) is an accessory use.
- 2.2 Where land or a building or structure is used for more than one purpose, all provisions of this by-law relating to each use shall be satisfied. If there is a conflict, the higher or more stringent requirement shall apply.
- 2.3 There shall be a maximum of one dwelling unit per site or parcel of land, except for the following:
- (a) Dwelling units which are required for employees or family members, who in the opinion of Council, will be actively involved in an agricultural operation,
  - (b) Two-family dwellings or multiple-family dwellings as provided for in this by-law, and
  - (c) Communal farm dwellings for cultural groups such as Hutterite colonies.
- 2.4 This by-law shall be interpreted so as not to interfere with the construction, erection and location of the distribution facilities of a public utility. Office buildings, warehouse, maintenance or storage compounds operated by a public utility shall be subject to the provisions of this by-law.
- (a) Oil and gas pipelines, electric transmission lines and structures are deemed to be in compliance with this by-law if they are carried out, constructed and operated in accordance with federal and provincial law; and
  - (b) Wind Energy Generating Systems (WEGS) are deemed to be in compliance with this by-law if they are carried out in accordance with the WEGS Zoning Performance Standards under this by-law.

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

- 2.5 An existing use, building or structure which is classified as a permitted use, building or structure in this by-law shall be allowed to continue to exist, and may be enlarged or expanded, may be changed to another permitted use, or may be replaced if destroyed.
- (a) All buildings and structures existing at the effective date of this by-law are deemed to conform to the bulk requirements of the zone in which the buildings or structures are situated.

- (b) The enlargement, expansion, change in use, or replacement shall be subject to the issuance of a development permit, and shall conform to all requirements of this by-law.
- 2.6 An existing use, building or structure which is classified as a conditional use in this by-law shall be deemed to be an approved conditional use, building or structure and shall be allowed to continue to exist, may be changed to a permitted use, or may be replaced if destroyed, provided that the replacement does not increase the intensity of the previously existing use.
- (a) In these circumstances, the change in use or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of this By-law; and
  - (b) Where an enlargement or expansion of such a use is proposed, it shall require the specific approval of Council, in accordance with Part 7.
- 2.7 An existing use, building or structure which is not classified as a permitted or conditional use, building or structure in this by-law shall be considered as a legal non-conforming use, building or structure, and shall be subject to the provisions of *The Planning Act* governing non-conformities.
- (a) A non-conforming use shall be allowed to continue to exist, and may be changed to a permitted use;
  - (b) A non-conforming use shall not be intensified, and shall not be changed to a different non-conforming use;
  - (c) A non-conforming use shall not be re-established if it is discontinued for a period in excess of one year. A change in ownership or tenancy of a non-conforming use shall not affect the status of the non-conforming use;
  - (d) A non-conforming building or structure shall not be re-established if it is removed or destroyed by more than 50 percent of its replacement value above the foundation; and
  - (e) Other provisions of *The Planning Act* govern non-conforming uses, buildings and structures, including a provision, which enables Council to consider variation orders in situations where non-conformities are proposed to be enlarged or expanded.

**Permitted Uses, Buildings and Structures**

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

### Conditional Uses

- 2.9 The classification of uses as conditional uses is intended to provide for a special process of review and approval for certain types of development which, due to their inherent characteristics, may have potential adverse impacts on nearby properties or resources.
- 2.10 Where a use, building or structure is provided for as a conditional use by this by-law, the establishment, enlargement or expansion of the use, building or structure shall be subject to the specific requirements of *The Planning Act* pertaining to conditional uses.

### Accessory Uses

- 2.11 No accessory use shall be established, and no accessory building or structure shall be constructed or erected, prior to the establishment of the use of land, building or structure to which it is accessory (except under Section 2.13).
- 2.12 An accessory garage or storage building may be constructed or erected for the purpose of storage of materials and equipment for use during construction of the main building, provided that a development permit has been obtained for the main building.
- 2.13 For the avoidance of doubt, an accessory use, building or structure may be accessory to an approved conditional use; however no accessory use or building shall be constructed or located on the site prior to review and approval by Council in accordance with Part 7, if the accessory building or structure contributes significantly to an intensification or expansion of the conditional use.
- \* If proposed near a provincial highway, Manitoba Transportation and Government Services should be circulated with the conditional use request to ensure the integrity of the provincial highway system is maintained.

### Zoning Designations

- 2.14 Uses of land in the municipality are regulated in accordance with the following zoning designations:
- (a) "AG" Agricultural General Zone
  - (b) "AL" Agricultural Limited Zone
  - (c) "RR", Rural Residential Zone
  - (d) "GD" General Development Zone
- and those designations are established as shown on maps comprising Schedule A of this by-law.
- 2.15 The permitted and conditional uses prescribed for sites within each designation are those set out in the Use and Bulk Tables of this by-law.

2.16 Accessory Buildings, Structures and Uses to include:

- (a) Accessory buildings, structures and uses include the following, in all zones:
  - (i) Incinerators and individual sewage disposal systems, subject to the authority having jurisdiction;
  - (ii) Private communications, such as television and radio antennas, aerials, satellite dishes and other utilities;
  
- (b) Accessory buildings, structures and uses include the following in the AG and AL Agricultural Zones, RR Rural Residential Zone and GD, General Development Zone:
  - (iii) A children's playhouse, garden house, private swimming pool (open or closed) and gazebo;
  - (iv) A private garage, carport, covered patio, tool house, shed and other similar buildings for storage of domestic equipment and supplies;
  - (v) Home daycare and group daycare;
  - (vi) Home based businesses, as regulated in Subsection 5.1 of Part Five – Rules for Specific Uses;
  
- (c) Accessory buildings, structures and uses include the following in the AG and AL Agricultural Zones:
  - (vii) A farm dwelling, including a single-family dwelling or a mobile home when on the same site with a permitted or conditional agricultural use;
  - (viii) Staff dwelling, to include a single-family dwelling, two-family dwelling, dormitory and mobile home, when on the same site with permitted or conditional agricultural use and other permitted or approved uses, where, in the opinion of the Council, said dwelling is essential for the maintenance, operation and care of the permitted or conditional use;
  - (ix) Farm buildings or structures for the operation and maintenance of an agricultural activity;
  - (x) 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 regulations;
  
- (d) Accessory buildings, structures and uses in all zones:

Accessory building, structures and uses, except as otherwise regulated in this by-law, shall be subject to the following regulations:

  - (xi) Where an 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;

- (xii) Detached accessory buildings or structures shall not be located in any front yard of the principal use, except as provided for elsewhere herein;
- (xiii) In no instance shall an accessory building or structure be located within a dedicated easement right-of-way.

### **PART 3: GENERAL BULK REQUIREMENTS**

- 3.1 No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed, except in accordance with the minimum site area, minimum site width and yard requirements prescribed for each zone and use in the Use and Bulk Tables and the other requirements of this part.

#### **Open Space along Rural Roadways**

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

- (a) No building or structure shall be constructed or located within the required yard, except for electric fences, barbed wire fences, chain link fences, wooden rail fences which are at least 75 percent open in character, signs less than 50 square feet in surface area, and small shelters for children at school bus stops;
- (b) No excavation such as a dugout or gravel pit shall be located within the required yard;
- (c) No substantial planting, such as a shelterbelt or hedge exceeding a height of 3 feet shall be located within the required yard; and

No substantial stockpiling of materials, such as soil, gravel, bales or cordwood shall be located within the required yard.

#### **Corner Vision Triangles**

- 3.3 In order to provide for a reasonable measure of traffic safety within the communities' "GD" General Development Zones, it is considered important to provide for good visibility conditions at street intersections, by establishing special open space requirements as follows:
- (a) No building, structure, vehicular parking space, shelterbelt, hedge or stockpiling of materials exceeding a height of 3 feet above grade shall be located within a triangular area of any site adjacent to an intersection of two public streets, with the sides of the triangular area being measured a distance of 10 feet along each property boundary from the point of intersection.

### Projections into Yards

- 3.4 Within all zones, the required yards are intended to provide open spaces around buildings and structures for purposes of amenity, privacy, fire protection, and maintenance operations along the walls of buildings. Required yards shall be maintained as open space areas on all sites, except as follows:
- (a) Open, unenclosed projections of a building, including eaves, awnings, stairs, landings, wing-walls, raised decks and balconies, may extend into a required yard up to 50 percent of the required yard depth to a maximum projection of 5 feet, whichever is the lesser;
  - (b) Enclosed projections of a building, including chimneys, alcoves, and bay windows may extend into a required yard up to 50 percent of the required yard depth to a maximum projection of 5 feet, whichever is the lesser, provided that no more than 10 square feet of area within any required yard is occupied by these types of projection;
  - (c) Landscaping features such as driveways, sidewalks, and patios at grade level, ornamental plantings, fences and other decorative features are permitted within any required yard, provided that the maximum height of a fence in any required front yard shall be 3 feet, and the maximum height of a fence in any required side or rear yard shall be 6 feet; and
  - (d) Portable buildings not exceeding 100 square feet in floor area for the storage of domestic equipment may be located within any required interior side yard or required rear yard, provided that a separation distance of 1 foot is maintained from the site line, and a separation distance of 3 feet is maintained from any dwelling.
- \* Permits are required from Manitoba Transportation and Government Services or the Highway Traffic Board for any structure/construction proposed within the control areas adjacent to the provincial highway system.

### Double Frontage Sites

- 3.5 Within the "GD" General Development Zone, where a site has frontage along two more or less parallel streets, the following provisions shall apply:
- (a) Where the site depth is greater than 200 feet, both site lines which abut these streets shall be considered to be front site lines, and the adjacent yards shall both be considered to be required front yards; and

- (b) Where the site depth is 200 feet or less, only one site line shall be considered to be the front site line, and this determination shall be made by the development officer, based on the arrangement of existing buildings in the immediate area.

## PART 4: USE AND BULK TABLES

### Purpose of Zones

- 4.1 The use of zones established in this by-Law are intended to provide sufficient land in suitable locations to meet the needs of the community and the provisions of the South Central Planning District Development Plan.
- 4.2 **The "AG" Agricultural General Zone is hereby established in this Zoning By-law and is intended to:**
- (a) Support and strengthen the agricultural industry in the South Central Planning District and provide flexibility and opportunity for farm operators to engage in a variety of farming practices;
  - (b) Protect the agricultural industry and its land resources in recognition of agriculture's contribution to the economy, lifestyle and character of the South Central Planning District; and
  - (c) Provide opportunities under the Conditional Use process to diversify uses within the agricultural area to include agri-related commercial or industrial enterprises serving the agriculture sector and to diversify uses guided by the South Central District Development Plan for the Spruce Woods Fringe Special Planning Area to include recreational, commercial recreational and limited non-farm residential uses.
- 4.3 **The "AL" Agricultural Limited Zone is hereby established in this Zoning By-Law and is intended to:**
- (a) Accommodate continued limited agricultural use of undeveloped land within the areas immediately adjoining the unincorporated communities of Holland and Cypress River in a manner compatible with existing development in the community.
- 4.4 **The "RR" Rural Residential Zone is hereby established in this Zoning By-law and is intended to:**
- (a) Provide for permanent and seasonal residential areas, which will generally consist of single family houses, cottages, and mobile homes used on a permanent, part time or seasonal basis. It may also include other uses such as parks and recreation facilities, which are compatible with the residential character of this zone.
  - (b) Where applicable, provide protection of the existing riparian habitat and as much of the vegetative component as possible to ensure bank stability, reduce erosion risk, minimize the risk for deleterious substances/materials from entering the water course, and protecting water quality and fish habitat.

Also, any development that is adjacent to a water body/water course should have due concern for riparian values and ensure effective riparian management practices are implemented.

**4.5 The "GD" General Development Zone is hereby established in this Zoning By-law and is intended to:**

Provide development areas within the communities of Holland and Cypress River in accordance with the provisions of the South Central Planning District Development Plan. The General Development Zone provides as permitted uses, those uses generally found in small communities that are compatible with residential uses like schools, recreation facilities and limited commercial uses. Conditional uses in this zone represent uses that may be characterized by larger building scale, traffic, operating processes and storage needs, which require site specific assessment to ensure the right locational fit within the community.

TABLE 4.1: 'AG' AGRICULTURAL GENERAL ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet) (a)
<b>PERMITTED PRINCIPAL USES</b>					
Agricultural Activities, General	80	1,000	125	25	25
Livestock Production Operations, other than those described below - <b>Subject to Performance Standards (c) (d) (f) and (j)</b>	80 (g-1)	1,000	125	25	25
Oil Batteries located more than ½ mile from existing residence(s)					
<b>Wind Energy Generating Systems WEGS</b>					
<b>Subject to Performance Standard (m)</b>					
<b>Subject to Performance Standard (k)</b>					
<b>CONDITIONAL USES</b>					
Advertising signs, exceeding 50 sq. ft. in area	-	-	As determined by Council		
Aircraft Landing Areas	10	200	125	25	25
Auction Marts/ Auction Grounds	2(f)	200	125	25	25
Campgrounds	2(f)	200	125	25	25
Cemeteries	2(f)	200	125	25	25
Community Halls	2(f)	200	125	25	25
Earth Moving Contractors - <b>Subject to Performance Standard (e)</b>	2(f)	200	125	25	25
Establishments for the storage, handling or processing of agricultural produce, in return for remuneration - <b>Subject to Performance Standard (e)</b>	2(f)	200	125	25	25
Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures - <b>Subject to Performance Standards (e) and (h)</b>	2(f)	200	125(h)	25(h)	25(h)
Exhibition Grounds	2	200	125	25	25
Kennels	2(f)	200	125	25	25
Livestock Production Operations in excess of 300 animal units, irrespective of location - <b>Subject to Performance Standards (c) (d) (g-1) (i) and (j)</b>	80(d)	1,000	125	25	25
Agricultural Activities, Specialized- <b>Subject to Performance Standard (b)</b>	2	200	125	25	25
Livestock Production Operations in proximity to a residence or community- <b>Subject to Performance Standards (c) (i) and (j)</b>	80(g-1)	1,000	125	25	25
Manufacturing, Fabricating, Machining, Processing or Repair Establishments - <b>Subject to Performance Standard (e)</b>	2(f)	200	125	25	25
Motor Vehicle or Agricultural Equipment Body Shops, Salvage or Wrecking Operations- <b>Subject to Performance Standard (e)</b>	2(f)	200	125	25	25

	MINIMUM REQUIREMENTS					
	SITE SIZE		REQUIRED YARDS			
	Site Area (Acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet) (a)	Rear Yard (feet) (a)	
Museums or Historic Sites	2(f)	200	125	25	25	25
Non-Farm Dwellings- <b>Subject to Performance Standard (g-1&amp;2)</b>	2(f)	200	125	25	25	25
Oil Batteries located more within ½ mile from existing residence(s)	Subject to Performance Standard (m)					
Public Works Compounds and Buildings- <b>Subject to Performance Standard (e)</b>	2(f)	200	125	25	25	25
Recreation Facilities	2	200	125	25	25	25
Religious Institutions	2(f)	200	125	25	25	25
Riding Academies and Stables Subject to Performance Standard (i)	2	200	125	25	25	25
Rural Convenience Stores & Restaurants	2 (f)	200	125	25	25	25
Sewage Lagoons	2	200	125	25	25	25
Surface Mining Operations, including gravel pits	2	200	125	25	25	25
Telecommunications	2(f)	200	125	25	25	25
Trucking Establishments- <b>Subject to Performance Standard (e)</b>	2(f)	200	125	25	25	25
Veterinary Clinics - <b>Subject to Performance Standard (e)</b>	2(f)	200	125	25	25	25
Waste Disposal Sites	2	200	125	25	25	25
<b>ACCESSORY BUILDINGS, STRUCTURES AND USES (See Subsection 2.16)</b>	-	-	125	25	25	25

The following Performance Standards form part of this **TABLE 4.1**:

**(a) Yards Adjacent to Roadways**

- 1) Where a side site line is adjacent to a government road allowance or other municipal road, the minimum required side yard shall be 125 feet.
  - 2) Where a rear site line is adjacent to a government road allowance or other municipal road, the minimum required rear yard shall be 125 feet.
- \* A permit is required from the Highway Traffic Board for any structure/construction within the control area adjacent to a provincial trunk highway and from Manitoba Transportation and Government Services for any structure/construction within the control area adjacent to a provincial road.
- \* A permit is also required from the Highway Traffic Board for any new, modified or relocated access, including a change in use of an existing access, proposed to PTH 2. Permits are required from Manitoba

Transportation and Government Services for any new, modified or relocated access to a provincial road.

**(b) Siting of Apiaries**

Apiaries shall be considered as a conditional use when proposed to be located within 1 mile of a rural residential or designated community area.

**(c) Livestock Production Application Information Requirements**

Applications to establish new or expand existing livestock production operations as a permitted or as a conditional use must be made on the forms prescribed by Council and provide information required under Part 5 of this By-law.

**(d) Livestock Facility Set-backs From Water Bodies & Well Locations**

Notwithstanding the minimum site area requirements specified in this by-law, there shall be sufficient set backs required for livestock confinement, manure storage facilities and manure application locations from water bodies, well locations and sufficient area shall be available for livestock production operations to properly accommodate manure disposal, all in accordance with the provisions of the Manitoba Farm Practices Guidelines and Livestock Manure and Mortalities Management Regulations.

**(e) Agri-Commercial and Industrial Uses**

These types of uses may be allowed in the 'AG' Agriculture General Zone only if Council is satisfied that no suitable site is available in a designated community, in accordance with the provisions of the South Central Planning District Development Plan, and is subject to all applicable Provincial Regulations and Acts.

**(f) Maximum Site Area**

The maximum site area shall be 10 acres, unless physical features of the site, such as natural drains, shelterbelts, etc. indicate that a slightly larger site would be appropriate.

**(g) Residential Location Standards**

- 1) Subject to provisions respecting non-farm dwellings in the South Central Planning District and the desire to maintain a "good neighbour policy" when viewing the distance between residential uses and livestock operations consideration of rural residential uses within this zone shall consider the "good neighbour separation distance identified in Performance Standard (j).

- 2) Furthermore, rural residential development located within a rural residential cluster area designated within the South Central District Development Plan will require lot sizes of sufficient area to provide for effective on-site private sewage waste disposal to the satisfaction of the provincial Environment Officer, otherwise an approved alternative waste disposal method will be required as part of the consideration of development approval within a designated rural cluster.

**(h) Anhydrous Ammonia**

Anhydrous ammonia storage facilities shall be subject to sub-section 5.14.

**(i) Agricultural Nutrient Management**

**1. Nutrient Management Soil Group Descriptions**

- 1) The District's nutrient management soil groupings were developed by Manitoba Department Of Agriculture, Food and Rural Initiatives based upon the Canada Land Inventory Soil Capability for Agriculture. These maps are based on detailed soil surveys at a scale of 1:50,000 or better.

**Group 1**

- \* Highly productive agricultural lands suited to a wide range of crops
- \* Display minimal risk of nutrient loss by leaching and /or runoff
- \* This group consists of: Class 1, 2 & 3 (with the exception of Class 3M, 3MW)  
M = moisture limitations  
W = excess water such as poor drainage, high water table, seepage/runoff from surrounding areas

**Group 2**

- \* Moderately productive agricultural lands with a range of crop options related to the nature of the soil limitation(s).
- \* Limited risk of nutrient loss by leaching and/or runoff as a result of one (or more) factor(s) of a limited nature including: depth to bedrock, soil texture, topography, permeability, salinity, drainage, stoniness and inundation.  
This group consists of Class 3M, 3MW & 4

**Group 3**

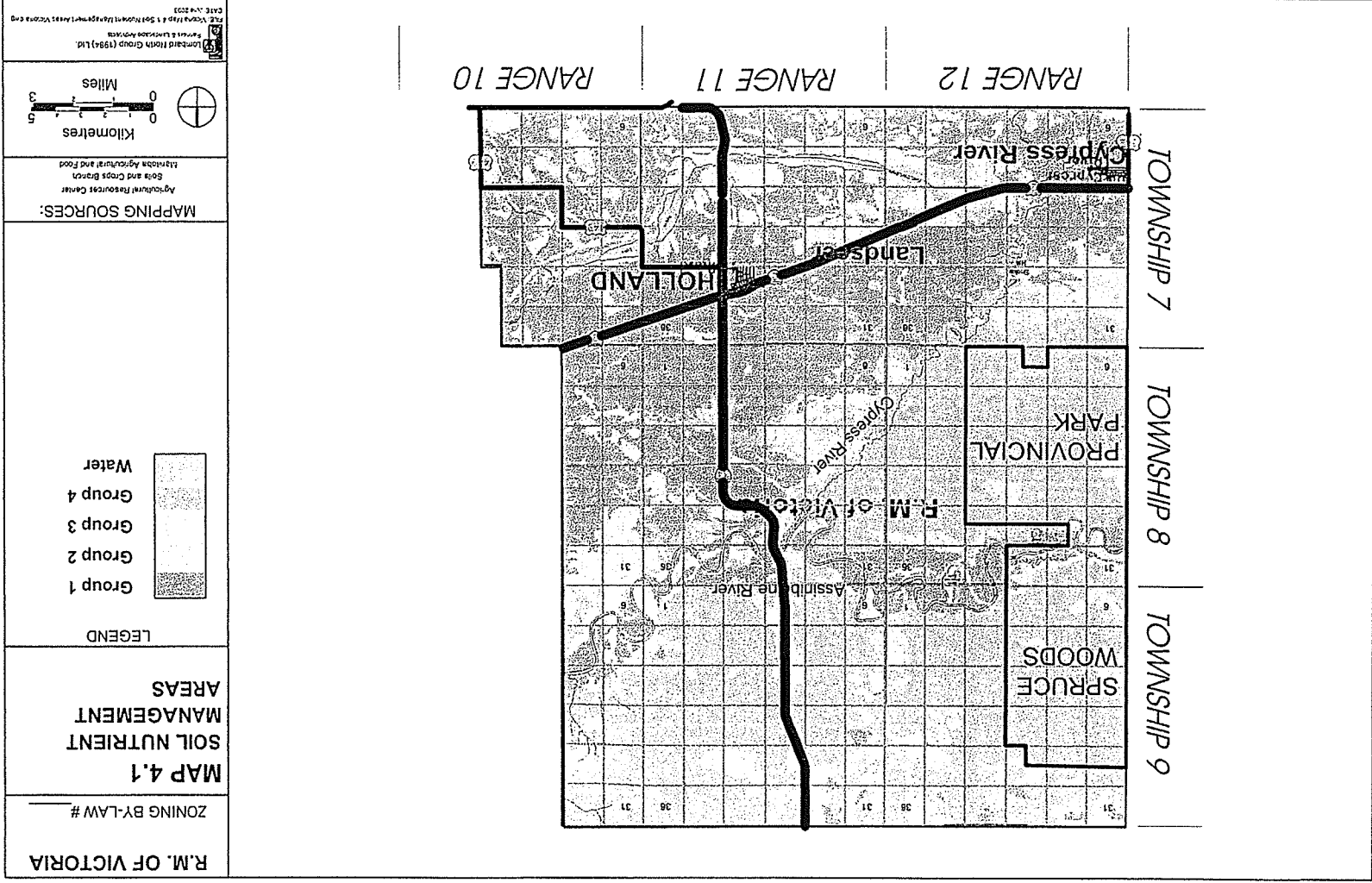
- \* Marginally productive agricultural lands with crop options limited to perennial forage crops related to the nature and extent of the soil limitation(s).
- \* Moderate risk of nutrient loss by leaching and/or runoff as a result of one (or more) limiting factor(s) considered in Group 2 but of a moderate nature.  
This group consists of Class 5

**Group 4** \* Non-productive lands with significant risk of nutrient loss by leaching and/or runoff. This group consists of Class 6, 7 & unimproved organics

- 2) The establishment of new livestock operations and the expansion of existing livestock operations as well as the application of manure to land should be prohibited on soils with a soil suitability for agriculture Class 6 and Class 7, as well as unimproved organic soils based on detailed soil survey at a scale of 1:50,000 or better. Such land however may be used for pasture and grazing.
- 3) No new confined livestock operations and associated manure storage facilities, are permitted in Nutrient Management Soil Group #4 grazing and pasturing of animals are considered a permitted use in Soil Group #4.

2. **Earthen Storage Facilities**

- 1) Earthen storage facilities may be required by Council to include a means of cover approved by Council, to minimize emission of odour within "Designated Community Livestock Management Zones and Good Neighbour Siting Standards under Performance Standards (j).



3. **Tank Storage Facilities**

- 1) Where tank storage facilities are proposed their design, size, siting and construction must be approved by the Manitoba Department of Conservation and Council will seek confirmation that the requirements and capacities approved will ensure management of nutrients by the operation can be sustained by the operation's land base in compliance with the Planning District's Nutrient Soil Management Guidelines or such interim soil application standards as may be provided; and
- 2) Tank storage facilities may be required by Council to include a means of cover approved by Council, to minimize emission of odour within "Designated Community Livestock Management Zones and Good Neighbour Siting Standards under Performance Standard (j) Siting of Livestock Production Operations.

**(j) Siting of Livestock Production Operations**

- 1) The siting of livestock production operations within the municipality will be managed through the conditional use process in accordance with the provisions of this sub-section. The intent of this sub-section is to promote compatibility between livestock production operations and non-livestock uses within the municipality. The following provisions will apply in the determination of permitted, conditional and non-permitted livestock production operations;

2) **General Threshold:**

Where the size of the operation exceeds 300 animal units (AU) and is not otherwise subject to the provisions under the Designated Communities Livestock Management Areas and Good Neighbour Siting Provisions, it shall be deemed a **conditional use** and will be subject to the information requirements contained in Clauses 1.5 to 1.7 of the "AG" Zone District Performance Standard (j) Siting of Livestock Production Operations.

3) **Designated Communities Livestock Management Areas**

For locations illustrated in **Map 4.2: Designated Communities Livestock Management Areas see Designated Communities Maps 4.3 and 4.4** the intensity of livestock production operations, as measured by animal units (AU) and their proximity to Designated Communities will be directed by **Table 4.2: Designated Communities Livestock Operations Siting Standards**.

The siting standards under **Table 4.2** define livestock production operations as either (P) permitted, (C) conditional and (NP) not permitted uses within the **Designated Communities Livestock Management Areas** illustrated on Maps 4.3 and 4.3 inclusive. Continued compatibility between communities and livestock

production operations will be maintained by balancing the size and nature of livestock production operations with proximity to Designated Communities in accordance with the siting standards in **Table 4.2.**

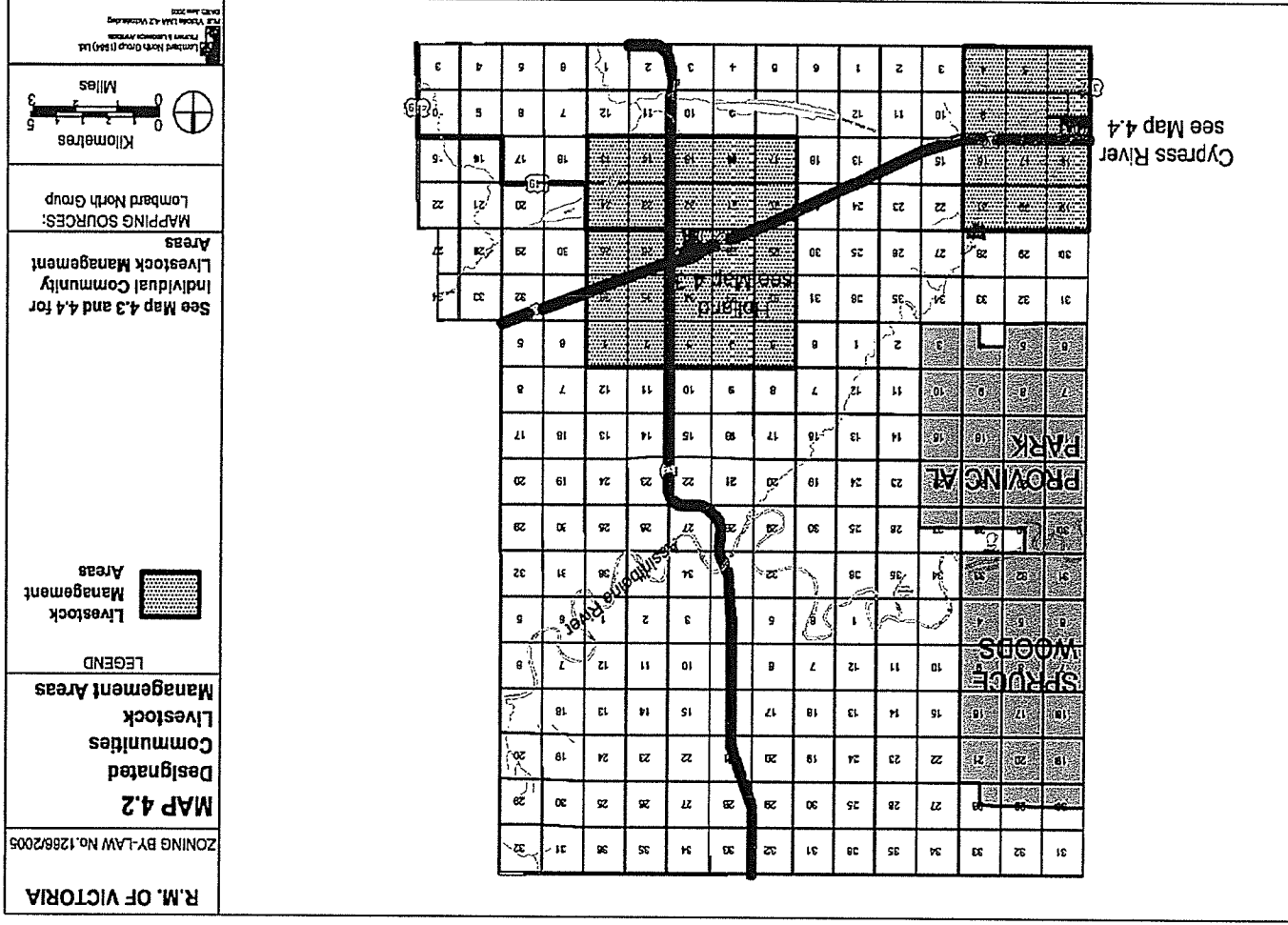
**TABLE 4.2: Designated Communities Livestock Operations Siting Standards**

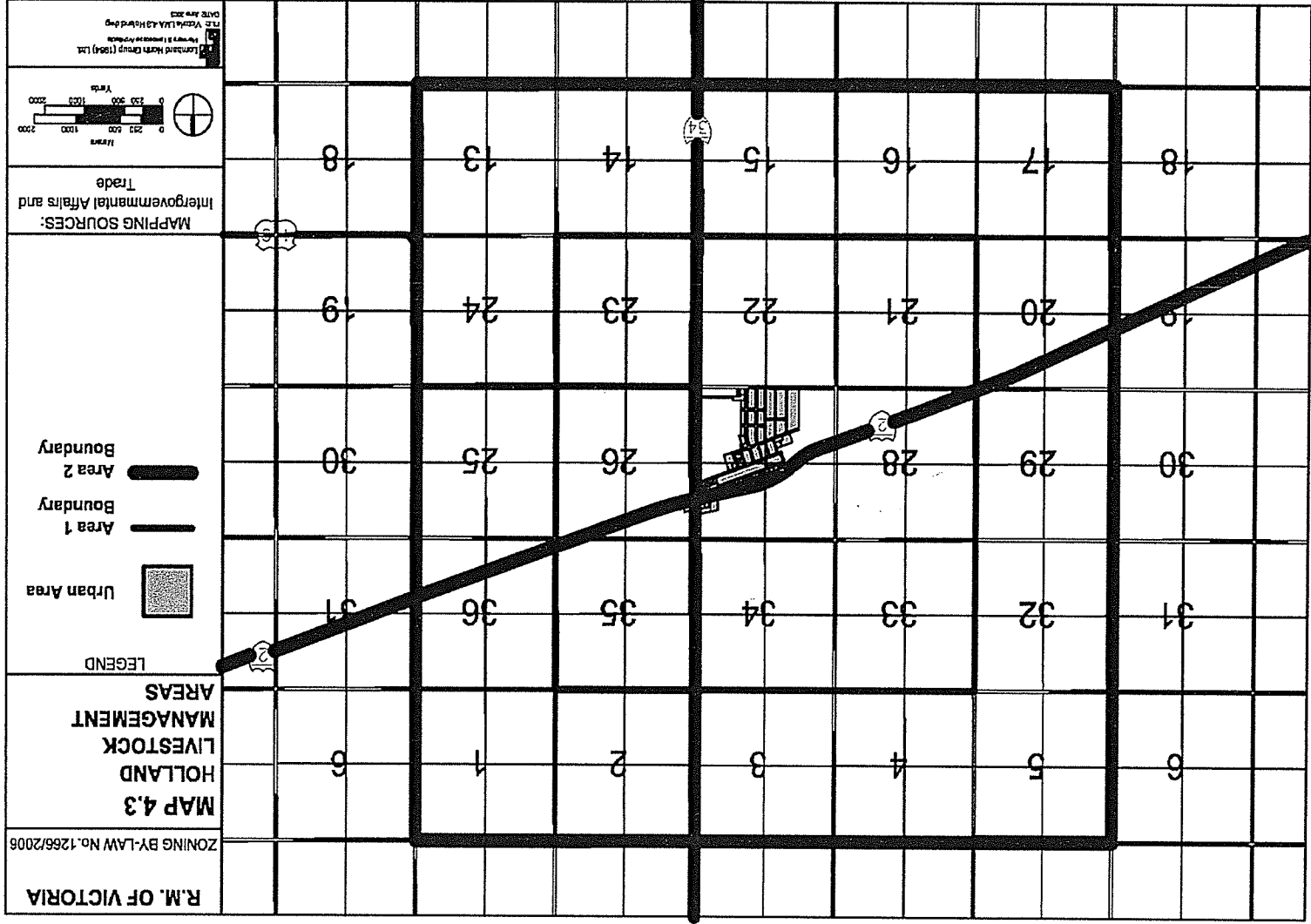
Maximum Size of Operation in Animal Units (AU) (See NOTE)	Community Management Area	Operation Type	
		CLO	NLO
100 AU	1 Mile	C	P
101-200 AU	1 Mile	NP	P
201-300 AU	1 Mile	NP	P
300+ AU	1 Mile	NP	NP
100 AU	2 Mile	P	P
101-200 AU	2 Mile	C	P
201-300 AU	2 Mile	C	P
300+ AU	2 Mile	C	C

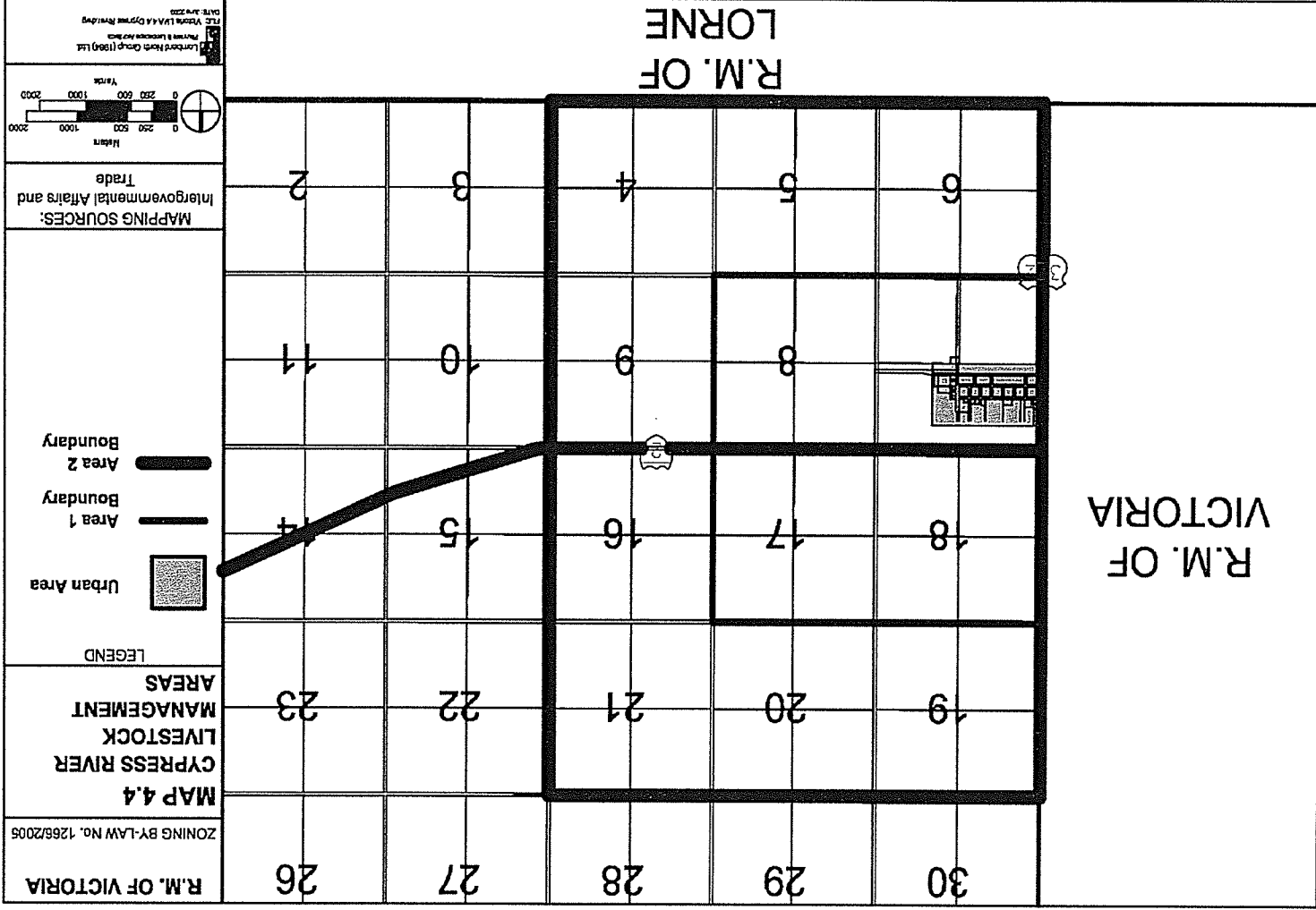
**NOTE:** Subject to “AG” Zoning District, Performance Standards for Manure Management

**LEGEND:**

- |     |             |       |                                  |
|-----|-------------|-------|----------------------------------|
| (P) | Permitted   | (NP)  | Not Permitted                    |
| (C) | Conditional | (CLO) | Confined Livestock Operation     |
|     |             | (NLO) | Non-Confined Livestock Operation |







#### 1.4 Good Neighbour Siting Standards For Livestock Confinement and Manure Storage Facilities with Non-related Residences

- (i) A mutual separation distance is provided to manage and improve the compatibility between residential development not related to livestock operations and livestock operations.
- (ii) Where the location of a proposed confined livestock operation or a proposed non-related residence may result in decreasing the mutual separation distance between a non –related dwelling and the livestock confinement and manure storage facilities to a distance less than the **good neighbour siting standards**, the use which is proposed will be considered the **conditional use** when the following minimum separation distances can not be maintained.

##### Mutual Good Neighbour Separation Distances:

1. **Operation sizes up to 100 animal units - separation distance** between the manure storage and building of a confined livestock operation and an un- related dwelling is **656 feet**;
2. **Operations from 101 to 200 animal units - separation distance** between the manure storage and building of a confined livestock operation and an un- related dwelling is **984 feet**;
3. **Operations from 201 to 400 animal units - separation distance** between the manure storage and building of a confined livestock operation and an un-related dwelling is **1,311 feet**; and
4. **Operations from 401 to 800 animal units - separation distance** between the manure storage and building of a confined livestock and an un-related dwelling is a **minimum of 1,639 feet** (the proposed use, if it is a livestock operation, shall also be treated as a conditional use irrespective of location in the municipality).
5. **Operations from 801 to 1,600 animal units - separation distance** between the manure storage and building of a confined livestock operation and an un-related dwelling is a **minimum of 1,967 feet** (the proposed use, if it is a livestock operation, shall also be treated as a conditional use irrespective of location in the municipality).
6. **Operations from 1,601 to 3,200 animal units - separation distance** between the manure storage and building of a confined livestock and an un-related dwelling is a **minimum of 2,297 feet** (the proposed use, if it is a livestock operation, shall also be treated as a conditional use irrespective of location in the municipality).

7. **Operations from 3,201 to 6,400 animal units - separation distance** between the manure storage and building of a confined livestock operation and an un-related dwelling is a **minimum of 2,625 feet** (the proposed use, if it is a livestock operation, shall also be treated as a conditional use irrespective of location in the municipality).
8. **Operations from 6,401 to 12,800 animal units - separation distance** between the manure storage and building of a confined livestock and an un-related dwelling is a **minimum of 2,953 feet** (the proposed use, if it is a livestock operation, shall also be treated as a conditional use irrespective of location in the municipality).
9. **Operations from 12,801 and greater animal units - separation distance** between the manure storage and building of a confined livestock and an un-related dwelling is a **minimum of 3,281 feet** (the proposed use, if it is a livestock operation, shall also be treated as a conditional use irrespective of location in the municipality).

The provisions in this section shall not apply to any residence, which is considered to be accessory to the livestock production operation and occupied by the owner or employees of the facility.

#### **1.5 Farm Practice Guidelines**

It is a requirement of each permitted livestock production operation and each livestock production operation approved as a conditional use for the applicant to demonstrate compliance with Farm Practices Guidelines prepared and amended from time to time by Manitoba Agriculture, Food and Rural Initiatives.

#### **1.6 Livestock Production Operation Application Forms**

An application for a development permit or an application for a conditional use approval of a livestock production operation shall be made on forms prescribed by Council and in addition to the information required by Section 7.7, accompanied by the following:

- (a) site plan showing location of all lands forming part of the proposed operation and a description of the type of operation;
- (b) plans, specifications and descriptions, for
  - (i) the housing facilities including the manure handling system,
  - (ii) the storage facilities including storage, odour control, and
  - (iii) location of land proposed for manure application;
- (c) a site plan showing the location of housing, storage and other facilities and their distances from property boundaries;

- (d) number, type of livestock and maximum animal units produced; and
- (e) documentation confirming total lands owned and/or under lease, which are to form part of the proposed livestock operation.

### **1.7 Livestock Production Operations Conditional Use Approval**

Council may impose as part of a conditional use approval of a livestock production operation, conditions as provided for in *The Planning Act*, and including but not limited to:

- (a) the method of storage of manure and specifications for storage facilities;
- (b) drainage of the site;
- (c) prevention of offensive odours;
- (d) the location and amount of land available for disposal of manure;
- (e) the method and manner of disposing of manure;
- (f) compatibility with neighbouring land uses;
- (g) effect on municipal assets and services such as roads;
- (h) disposal of mortalities;
- (i) provision of a performance bond or other suitable instrument;
- (j) requiring the operator to enter into an agreement respecting such matters.

### **(k) Wind Energy Generating Systems (WEGS)**

1. Prior to the construction of WEGS, plans illustrating the siting location of each wind energy generating system device and associated works including access driveways must be provided to the Municipality for site approval under the performance standards of this by-law.
2. WEGS shall comply with the 125 foot front yard setback related to roadways that govern the principal use in the "AG" Agricultural General District.
3. WEGS shall comply with the 125 foot front yard set back related to roadways in the "AL" Agricultural Limited Zone.
4. Where in the opinion of Council the setbacks referred in Sub-Section (k) 2 are not sufficient to reduce the impact of WEGS from a public all-weather municipal roadway Council may increase the required setback.
5. WEGS shall be located not less than twice the height of the WEGS, as measured from the ground to the highest point of the rotors arc, from a dwelling unit not belonging to the owners of the land on which the WEGS is to be situated.
6. WEGS shall be located so the horizontal distance measured at grade from the outside of the rotor arc to any property boundary, other than roadways, is at least 25

feet. Council may reduce this setback distance provided the consent to do so has been received from the adjacent landowner.

7. WEGS setbacks may be increased from the minimum setback requirements in the "AG" Zoning District depending upon the number and density of WEGS in a group and their proximity to existing residences.

8. WEGS locations adjacent to Provincial Roadways falls under the jurisdiction of the Manitoba Highway Traffic Board.

- \* Permits are required from either the Highway Traffic Board or Manitoba Transportation and Government Services for any structure proposed within the control area of a provincial highway.

**(l) Riding Academies and Stables**

Subject to Provision 5.5 of Part 5.

**(m) New Oil Battery Development** – applications to locate a new oil battery more than ½ mile from any existing residential use in the Municipality shall be considered as a permitted use. When the proposed location of a new oil battery is within ½ mile of an existing residence, the application will be considered as a conditional use under this By-law and a public hearing will be held in accordance with procedures for processing a conditional use application under the Planning Act. In keeping with requirements of provincial regulations under The Oil and Gas Act, notice of the proposed development and public hearing shall be given to all registered owners of land within 1.5 km of the proposed oil battery site. Council's decision to approve, to approve with conditions, or to reject the application shall be recorded in a Conditional Use Order. In addition, a development permit will be issued for each new oil battery approved as a permitted or conditional use in the Municipality provided that the Petroleum Branch confirms that the proposed oil battery development can meet provincial regulations. The required development permit will serve as confirmation to the proponent that the proposed oil battery location meets the requirements of this By-law.

TABLE 4.3: 'AL' AGRICULTURAL LIMITED ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS					
	SITE SIZE		REQUIRED YARDS			
	Site Area (Acres)	Site Width (feet)	Front Yard (feet) (a)	Side Yard (feet) (a)(b)	Rear Yard (feet) (a)(b)	
<b>PERMITTED PRINCIPAL USES</b>						
Agricultural Activities, Limited excluding livestock and irrigation operations	40	800	125	25	25	25
Community Halls <b>Subject to Performance Standard (d)</b>	2	200	125	25	25	25
Exhibition Grounds	2	200	125	25	25	25
Market Gardens, Nurseries or Greenhouses	2	200	125	25	25	25
Recreation Facilities	2	200	125	25	25	25
<b>CONDITIONAL USES</b>						
Advertising sign	-	-	As determined by Council			
Agricultural Activities, Specialized <b>Subject to Performance Standard (c)</b>	2	200	125	25	25	25
Auction Marts	2(e)	200	50	25	25	25
Campgrounds	2(e)	200	50	25	25	25
Earth Moving Contractors <b>Subject to Performance Standard (d)</b>	2(e)	200	50	25	25	25
Establishments for the storage, handling or processing of agricultural produce, in return for remuneration <b>Subject to Performance Standard (d)</b>	2	200	50	25	25	25
Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures <b>Subject to Performance Standards (d) and (g)</b>	2(e)	200	50	25(f)	25(f)	25(f)
Livestock Operations <b>Subject to Performance Standard (f)</b>	6.5 (c)	300	125	25	25	25
Kennels	2(e)	200	50	25	25	25
Manufacturing, Fabricating, Machining, Processing or Repair Establishments <b>Subject to Performance Standard (d)</b>	2(e)	200	50	25	25	25
Motor Vehicle or Agricultural Equipment Body Shops, Salvage or Wrecking Operations <b>Subject to Performance Standard (d)</b>	2(e)	200	50	25	25	25
Museums or Historic Sites	2(e)	200	50	25	25	25
Non-Farm Dwellings	2(e)	200	50	25	25	25
Public Works Compounds and Maintenance Buildings <b>Subject to Performance Standard (d)</b>	2(e)	200	50	25	25	25
Religious Institutions <b>Subject to Performance Standard (d)</b>	2(e)	200	50	25	25	25
Riding Academies and Stables <b>Subject to Performance Standard (c)</b>	2	200	50	25	25	25
Sewage Lagoons - Private	2	200	50	25	25	25

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Acres)	Site Width (feet)	Front Yard (feet) (a)	Side Yard (feet) (a)(b)	Rear Yard (feet) (a)(b)
Trucking Establishments Subject to Performance Standard (d)	2(e)	200	50	25	25
Veterinary Clinics Subject to Performance Standard (d)	2(e)	200	50	25	25
Wind Energy Generating Systems WEGS	Subject to Performance Standard (K) of Table 4.2				
<b>ACCESSORY BUILDINGS, STRUCTURES AND USES (See Subsection 2.16)</b>	-	-	50	25	25

**The following Performance Standards form part of this TABLE 4.3:**

- (a) In the case of sites which abut roads under the jurisdiction of Manitoba Transportation and Government Services, the front, side and rear yard requirements shall be as established by the highway authority.
  - \* Permits are required from the Highway Traffic Board for any structure/construction proposed within the control area of PTH 2 and from Manitoba Transportation and Government Services for any structure/construction proposed within the control area of a provincial road.
  - \* A permit is also required from the Highway Traffic Board for any new, modified or relocated access, including a change in use of an existing access, proposed to PTH 2. Permits are required from Manitoba Transportation and Government Services for any new, modified or relocated access to a provincial road.
- (b) Where a side site line or rear site line is adjacent to a government road allowance or other municipal road, the minimum required side yard or rear yard shall be 50 feet.
- (c) Site area associated with the keeping of livestock shall be subject to the provision of Part 5 5.5 of this by-law.
- (d) These types of uses may be allowed in the "AL" Agricultural Limited Zone only if no suitable site is available in the "GD" General Development Zone or in the Communities of Cypress River and Holland, in accordance with the provisions of the South Central Planning District Development Plan.
- (e) The maximum site area shall be 10 acres, unless physical features of the site, such as natural drains, shelterbelts, etc. indicate that a slightly larger site would be appropriate.

(f) **Keeping of Livestock and Manure Management**

Within areas which are zoned as "AL" Agricultural Limited Zone, livestock may be kept and manure applied to fields on a limited basis, subject to conditional use approval and the following requirements:

1. Confined livestock production operations are not permitted, livestock production operations may be allowed on a grazing or pasture basis and the number of animals subject to (f)2 below;
2. The minimum acreage required for a livestock production operation shall be determined by the total number of animal units, as defined under Section 5.5, calculated on the basis of 6.0 acres for each 1.00 animal units produced by the animal type.
3. The application of manure to lands zoned "AL" Agricultural Limited will be confined to the quantity of manure generated by the number of livestock defined in Performance Standard (f) 2 above.

(g) **Anhydrous Ammonia**

Anhydrous ammonia storage facilities shall be subject to sub-section 5.14.

TABLE 4.4: "RR" RURAL RESIDENTIAL ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (acres)	Site Width (feet)	Front Yard (feet) (a)	Side Yard (feet) (b)	Rear Yard (feet) (a)
<b>PERMITTED PRINCIPAL USES</b>					
Bed & Breakfast Establishments	2	200	50	25	25
Dwellings: Single	2	200	50	25	25
Dwellings: Seasonal	2	200	50	25	25
Public Utilities	2	200	50	25	25
<b>CONDITIONAL USES</b>					
<b>Advertising signs in excess of 50 sq ft – As determined by Council</b>					
Camp grounds	2	200	50	25	25
Dwellings: two-family	2	200	50	25	25
Dwellings: multiple-family	2	200	50	25	25
Dwellings: mobile home	2	200	50	25	25
Food/Beverage Service Establishments	2	200	50	25	25
Parks, Picnic Areas and Playgrounds	2	200	50	25	25
Planned Unit Development as defined by The Planning Act	As determined by Council				
Riding Academies and Stables (c) Subject to Performance Standard (c)	2	200	50	25	25
<b>ACCESSORY BUILDINGS, STRUCTURES AND USES (See Subsection 2.16)</b>	-	-	50	25	25

The following Performance Standards from part of this Table 4.4:

- a. In the case of sites which abut roads under the jurisdiction of Manitoba Transportation and Government Services, the front, side and rear yard requirements shall be as established by the highway authority.
  - \* Permits are required from the Highway Traffic Board for any structure/construction proposed within the control area of PTH 2 and from Manitoba Transportation and Government Services for any structure/construction proposed within the control area of a provincial road.
  - \* A permit is also required from the Highway Traffic Board for any new, modified or relocated access, including a change in use of an existing access, proposed to PTH 2. Permits are required from Manitoba Transportation and Government Services for any new, modified or relocated access to a provincial road.
- b. Where a side site line or rear site line is adjacent to a government road allowance or other municipal road, the minimum required side yard or rear yard shall be 50 feet.
- c. Subject to Part 5.5.6

TABLE 4.5: "GD" GENERAL DEVELOPMENT ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS (a)					
	SITE SIZE		REQUIRED YARDS			
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet) (b)	Rear Yard (feet)	
<b>PERMITTED PRINCIPAL USES (a)</b>						
Accommodation Facilities, including Hotels and Motels	15,000	100	25	5	25	
Bakeries <b>Subject to Performance Standard (c)</b>	5,000	50	25	5	25	
Bed and Breakfast Establishments, with a maximum of 4 suites <b>Subject to Performance Standard (c)</b>	5,000	50	25	5	25	
Boarding or Rooming Houses, with a maximum of 4 suites <b>Subject to Performance Standard (c)</b>	7,500	75	25	5	25	
Campgrounds	20,000	100	25	15	25	
Clubs, Private or Public	15,000	100	25	5	25	
Cultural Facilities, including auditoriums, community clubs, golf courses and halls, libraries, museums, theatres, and historic sites	15,000	100	25	15	25	
Day care Facilities, accommodating up to 8 children <b>Subject to Performance Standard (c)</b>	7,500	75	25	5	25	
Dwellings, single-family <b>Subject to Performance Standard (c)</b>	5,000	50	25	5	25	
Dwellings, mobile home <b>Subject to Performance Standards (c) (d)</b>	5,000	50	25	5	25	
Dwellings, two-family	7,500	75	25	5	25	
Dwellings, multiple-family	(e)	100	25	5	25	
Emergency Services, including police and fire stations <b>Subject to Performance Standard (c)</b>	10,000	100	25	15	25	
Establishments for the provision of personal services, including offices, financial institutions, clinics, salons, and funeral homes <b>Subject to Performance Standard (c)</b>	7,500	75	25	5	25	
Establishments for the sale of goods or services, provided that all storage is within a fully enclosed building <b>Subject to Performance Standard (c)</b>	6,000	60	25	5	25	
Exhibition Grounds	20,000	100	25	15	25	
Food/Beverage Service Establishments <b>Subject to Performance Standard (c)</b>	7,500	75	25	5	25	
Institutional Buildings, including hospitals, schools, personal care homes and senior citizen homes	20,000	100	25	15	25	

	MINIMUM REQUIREMENTS (a)						
	SITE SIZE			REQUIRED YARDS			
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet) (b)	Rear Yard (feet)		
Nurseries or Greenhouses	15,000	100	25	15	25		
Parks or Playgrounds	1,000	20	-	-	-		
Public Parking Areas	5,000	50	(f)	(f)	(f)		
Public Utilities	15,000(f)	100(f)	2f	15(f,g)	25(f,g)		
Recreation Facilities	15,000	100	25	15	25		
Religious Institutions <b>Subject to Performance Standard (b)</b>	10,000	100	25	15	25		
Residential care facilities, providing service to up to 4 persons <b>Subject to Performance Standard (c)</b>	10,000	100	25	5	25		
<b>CONDITIONAL USES Subject to Performance Standard (a)</b>							
Advertising Signs in excess of 50 sq. ft.	-	-	-	As determined by Council			
Boarding or Rooming Houses, with more than 4 suites	15,000	100	25	5	25		
Day Care Facilities, accommodating 9 children or more	15,000	100	25	5	25		
Earth Moving Contractors and Ready-Mix Concrete Suppliers	15,000	100	25	5	25		
Establishments for the storage, handling or processing of agricultural produce, in return for remuneration	15,000	100	25	5(g)	25(g)		
Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures, including bulk fuel establishments	15,000	100	25	5(g)	25(g)		
Establishments for the sale of goods and services, where there is exterior storage of products	15,000	100	25	5	25		
Manufacturing, Fabricating, Machining, Processing or Repair Establishments	15,000	100	25	5	25		
Public Works Compounds and Maintenance Buildings	15,000	100	25	15	25		
Residential care facilities, providing service to 5 persons or more	15,000	100	25	5	25		
Storage Facilities and Compounds, Exterior, non-hazardous materials	15,000	100	25	5	25		
Sewage Lagoons	15,000	100	25	15	25		
Trucking Establishments	15,000	100	25	15	25		
Storage Buildings, lumber yards and ware - houses, for non-hazardous materials	10,000	100	25	15(c)	25		
<b>Subject to Performance Standard (c)</b>							
<b>ACCESSORY BUILDINGS, STRUCTURES AND USES (See Subsection 2.16)</b>	-	-	(h)	5 (i)(i)	5 (i)(i)	5 (i)(i)	

**The following Performance Standards form part of this TABLE 4.5:**

- (a) In addition to the minimum requirements of this TABLE, the following requirements shall also apply:
- (i) Maximum allowable height for all principal buildings and structures shall be 30 feet, except for grain storage structures, fuel and fertilizer storage tanks and church steeples.
  - (ii) Maximum allowable height for all accessory buildings and structures shall be 12 feet, if accessory to a residence, and 18 feet if accessory to a non-residential use, except for grain storage structures, fuel and fertilizer storage tanks, church steeples and telecommunications towers; and
  - (iii) Minimum dwelling unit area shall be 600 square feet for a residential building, and 400 square feet for an accessory residential suite within a commercial building.
- (b) Where back lane access is not available, the minimum bulk requirement for one side yard shall be 15 feet.
- (c) Where the site is not serviced by a municipal sewer system or a private holding tank approved by Manitoba Conservation, the minimum bulk requirements shall be as follows:
- (i) Minimum required site area - 15,000 square feet
  - (ii) Minimum required site width - 100 feet
  - (iii) Minimum required side yard - 10 feet, except for the street side of a corner site, in which case the minimum required side yard shall be 15 feet, or where the side wall contains a window with an area in excess of 20 square feet, or where the height of the building exceeds 20 feet, in which case the minimum required side yard shall be 15 feet.
- (d) For mobile home sites, there shall be an open space of at least 20 ft. by 50 ft. adjacent to the side of the mobile home containing either the entrance or the main living room window, to be utilized for household exterior recreational use.
- (e) The minimum required site area for the first 3 dwelling units shall be 9,000 square feet, and the minimum required site area shall increase by an additional 1,000 square feet for each additional dwelling unit above 3 units.
- (f) Where the proposed development consists of a building or structure less than 100 square feet in floor area, a smaller site may be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of 7 feet is maintained from all site lines.
- (g) Where the side or rear site line of a site coincides with the boundary of a railway right-of-way, the required yard shall be 0 ft. for those structures which require railway service for loading or unloading.

- (h) The minimum required front yard for accessory buildings and structures shall be the same, as the minimum required front yard for the principal building on the same site.
- (i) In the case of buildings or structures, which are accessory to residential uses, when located entirely to the rear of the principal building, the minimum required side yard and rear yard for accessory buildings and structures shall be 3 feet.
- (j) Where an accessory building is used for the storage of a motor vehicle, the wall which contains the vehicular access door shall be set back a minimum distance of 10 feet from a public lane.

\* Yards sizes may be affected by the statutory requirements of Manitoba Transportation and Government Services that affect structures/construction within the control areas adjacent to the provincial highway system.

## PART 5: RULES FOR SPECIFIC USES

### Home-Based Businesses

- 5.1 Home-based businesses are governed by the following rules:
- (a) they shall be conducted by a person or persons residing in the dwelling;
  - (b) persons employed or otherwise engaged in the business who do not reside in the dwelling may not exceed:
    - (i) 5 persons in the "AG" Agricultural General Zone, and
    - (ii) 2 persons in any other zone;
  - (c) in all zones except the "AG" Agricultural General Zone, there can be no processing or outside storage of goods or materials, and in the "AG" Agricultural General Zone, the location of all exterior processing and storage shall be subject to Council approval;
  - (d) not more than 1,000 square feet of floor area may be devoted to the business;
  - (e) one business sign, either freestanding or affixed to the wall of a principal or accessory building, is permitted, not exceeding:
    - (i) in the rural zones, 32 square feet;
    - (ii) in the urban zones, 12 square feet in any location other than the required front yard, and 8 square feet in the required front yard;
  - (f) they shall not generate undue traffic or congestion, adversely affect the amenity and convenience of the neighbourhood, or create a nuisance; and
  - (g) in the urban zones, the residential character of the property shall be maintained.

### Confined Livestock Production Operations

- 5.2 The provisions of this Section shall apply to confined livestock production operations, which shall be deemed to mean an agricultural operation where animals are fed in **buildings** or pens, or in outdoor non-grazing areas confined by fences, other **structures** or topography and manure storage is continuously confined to a single location and or facility year round, but does not include:
- (a) a livestock auction mart,
  - (b) an agricultural fair, or
  - (c) a livestock sales yard where livestock are kept no longer than 3 days.
- 5.3 An application to create a new or expand an existing livestock production operation, shall be accompanied by an application on a form prescribed by Council including information describing the operation such as:
- (a) a site plan showing the location of buildings, manure storage, manure application fields, other facilities and their distance to property lines; and
  - (b) number, type of livestock and total animal units produced.

- 5.4 Where a livestock production operation is located within one half mile of one or more other livestock production operation(s), and where these operations are under affiliated ownership, management or control, or where they share common infrastructure such as water supply or manure storage facilities, they shall be deemed to be one combined larger livestock production operation, rather than two or more separate operations, for the purposes of this By-law.
- 5.5 The provisions of this By-law are dependent upon a determination of the production capacity of a livestock production operation, which shall be based upon the intensity of use as measured by Animal Units determined in accordance with Table 5-1 by multiplying the number of animals by the animal unit produced by one livestock.
- 5.6 The minimum acreage for hobby horse farms, riding academies and stables shall be 2.0 acres for one horse and 1.0 additional acre for each additional horse. The acreage is to be fenced in an appropriate manner to contain the animals.

Table 5.1: Animal Unit Summary Table

	Milking Cows, including associated livestock	A.U. Produced By One Livestock	Livestock Producing One A.U.
<b>Dairy</b>		2.0	0.5
<b>Beef</b>	Beef Cows, including associated livestock	1.25	0.8
	Backgrounder	0.5	2.0
	Summer pasture/replacement heifers	0.625	1.6
	Feeder cattle	0.769	1.3
<b>Hogs</b>	Sows, farrows to finish	1.25	0.8
	Sows, farrows to weanling	0.313	3.2
	Sows, farrows to nursery	0.25	4.0
	Weanlings	0.033	30
	Growers/Finishers/Biotechs/Feeders	0.143	7.0
	Boars (artificial insemination operations)	0.2	5.0
<b>Chickens</b>	Broilers	0.005	200
	Roasters	0.01	100
	Layers	0.0083	120
	Pullets	0.0033	300
	Broiler Breeder Pullets	0.0033	300
	Broiler Breeder Hens	0.01	100
<b>Turkeys</b>	Broilers	0.01	100
	Heavy Toms	0.02	50
	Heavy Hens	0.01	100
<b>Horses (PMU)</b>	Mares, including associated livestock	1.333	0.75
	Feedlot	1.00	1
<b>Sheep</b>	Ewes, including associated livestock	0.2	5
	Feeder lambs	0.063	16
<b>Goats</b>	All	0.14	7.14
<b>Elk</b>	Calves	0.05	20
	Cows	0.53	1.89
	Bulls	0.77	1.29
<b>Bison</b>	Calves	0.25	4
	Adults	1.00	1

- 5.7 For livestock production operations, which pasture livestock from spring to fall or include facilities which are used only on a seasonal basis, including winter or seasonal feeding in pens or buildings, the intensity of the operation as measured by **Animal Units**, shall be reduced by a factor of 50 percent, as half of the annual manure production will not be confined to the production facility.
- 5.8 No livestock confinement structure, including building, seasonal shelter or fenced enclosure, excluding an open pasture shall be constructed or located within 350 feet of a surface watercourse, which flows either perennially or intermittently beyond the site of the facility.

**Special Limitations governing Development of Rural Buildings and Structures, including Farm Dwellings and Farm Buildings**

- 5.9 No dwelling or mobile home or other habitable building shall be constructed or located within 1,500 feet of the site of any municipal sewage lagoon or solid waste disposal site.
- 5.10 No dwelling or mobile home or other habitable building shall be constructed or located within 1,000 feet of the site of an anhydrous ammonia storage tank or a farm bulk chemical supply facility.
- 5.11 No building, dwelling, mobile home or farm building or structure shall be located within 100 feet of the edge of the right-of-way of any pipeline regulated by The National Energy Board, unless specific approval has been granted by the National Energy Board.
- 5.12 No building, dwelling, mobile home or farm building or structure shall be located within 100 feet of the edge of the right-of-way of any railway, unless the structure is required for railway operations, or requires railway service.
- 5.13 No building, dwelling, mobile home or farm building or structure shall be constructed or located within an area which has been designated as a high or medium quality aggregate area by the Mines Branch, unless the site has been further reviewed by that Branch and a recommendation provided which would allow development to proceed. Where the proposed building is a dwelling or mobile home, a separation distance of 500 feet shall be provided between the building location and any active mining area.
- 5.14 Any proposal to establish any building, structure, mobile home or farm building or structure which exceeds a building height of 10 feet, or to establish a shelterbelt or similar obstruction within the flight approaches of any aircraft landing area for a distance of 1 mile, shall be deemed to be a conditional use, and shall be subject to the approval of Council.

**Hazardous Materials Storage**

5.15 No bulk farm chemical supply warehouse, inland grain terminal, bulk fuel or fertilizer storage or anhydrous ammonia storage container shall be located within:

- (a) 1,320 feet of a building used for human occupation;
- (b) 1/2 mile of a "GD" General Development Zone or incorporated community;
- (c) 328 feet of a municipal road or provincial highway.

## PART 6: MISCELLANEOUS REGULATIONS

### Land Subject to Flooding

- 6.1 No habitable buildings or structures, shall be built in areas in the vicinity of creeks or streams which, in the opinion of Council, are subject to flooding by a one hundred year flood, unless the owner provides sufficient information prepared by a qualified consultant, to demonstrate compliance with the provisions of the South Central Planning District Development Plan.
- 6.2 Where development is proposed in an area which in the opinion of the development officer, may be subject to ponding due to snowmelt or heavy rainfall events, the owner may be required to provide additional measures, including the provision of sufficient fill around the building, to provide an additional measure of protection from flood damage.
- 6.3 No permanent building shall be constructed or placed on *riparian areas* or on land(s) which is subject to subsidence or erosion by water or is marshy or unstable, or is otherwise unsuitable or hazardous by virtue of its soil or topography, unless it is demonstrated to the satisfaction of Council that *effective riparian management will be carried out or proper measures or will be taken to deal with the unsuitability or hazard.*"

### High Water Table Areas

- 6.4 Groundwater conditions are highly variable throughout the municipality, and in some areas, the groundwater table may be very close to the surface. It is the owner's responsibility to provide sufficient measures in the design of the building to adequately protect basements from groundwater infiltration and in the design of on-site wastewater treatment to protect the groundwater quality.

### Site Reduced by Road Widening

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

### Building Removal

- 6.6 Upon completion of removal or demolition of a building from a site, the old foundation shall be removed, any excavation shall be filled, the ground shall be

levelled and the site shall be put in a safe condition to the satisfaction of the development officer.

### **Road Access**

- 6.7 No permanent building may be constructed or placed on a site, which does not have legal access to an improved public road.

### **Service Connections**

- 6.8 Where a site is serviced by municipal piped sewer or water in a designated community, no permanent principal building shall be constructed or placed unless it is connected to such services.

### **Public Monuments and Cairns**

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

### **Signs**

- 6.10 No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign or obstruct the view of any highway or street intersection or railroad crossing.
- 6.11 All signs and their support structures shall be kept in good repair. Signs, which have become obsolete because of the discontinuance of the business service and have not been removed or relocated within 30 days following such condition may be removed by the Municipality at the owner's expense.

- \* A permit is required from Manitoba Transportation and Government Services for any structure, including signs, proposed within the control area adjacent to the provincial highway system.

### **Temporary Buildings & Uses**

- 6.12 Temporary buildings, structures and uses of land are permitted on a site in connection with construction and development on that or a nearby site, subject to the issuance of a development permit and only for the following purposes:
- (a) offices for the contractor or developer or project supervisor;
  - (b) accommodation for a caretaker
  - (c) storage of materials and equipment, and
  - (d) concrete batch and asphalt plants
- 6.13 A development permit for a temporary building or structure or use shall be valid for 6 months and may not be renewed for more than 2 successive 6-month periods.

6.14 Despite Part 3: General Bulk Requirements 3.4, a wheelchair ramp may extend into the required yard of a residence for as long as is required by an occupant of the residence, subject to the issuance of a development permit.

- \* A permit is required from the Highway Traffic Board or from Manitoba Transportation and Government Services for any structure/construction, including those considered temporary, within the control areas adjacent to a provincial trunk highway or provincial road respectively.

## PART 7: ADMINISTRATION

### Administration and Enforcement

7.1 In the administration and enforcement of this by-law the municipality authorizes and directs the Board of the South Central Planning District to proceed under Part 8.

### Development Permits

7.2 A development permit is required for any the following:

- (a) subject to 7.3, the erection, construction, enlargement, structural alteration or placing of a building or structure;
- (b) the establishment of a use of land or a building or structure;
- (c) the change of a use of land or a building or structure from the existing use to a use, which is not, a permitted use; and
- (d) the alteration or enlargement of an approved conditional use.

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

7.4 A development permit is not required for the following:

- (a) the erection, construction, enlargement, structural alteration or placing of the following as accessory structures:
  - (i) fences,
  - (ii) signs (not including advertising signs where they are conditional uses),
  - (iii) lighting,
  - (iv) flagpoles,
  - (v) sheds and buildings for the storage of domestic equipment and supplies, except those with a floor area of 100 square feet or less,
  - (vi) communications aerials or antennas,
  - (vii) garden houses or children's playhouses,
  - (viii) water supply wells and private sewage disposal systems,
  - (ix) unenclosed patios, and
  - (x) temporary signs and notices, including real estate signs.

\* A permit may still be required from the Highway Traffic Board for any structure/construction proposed within the control area of PTH 23 or PTH 34 and from Manitoba Transportation and Government Services for any structure/construction within the control area adjacent to a provincial road.

- (b) The maintenance, replacement or restoration of building components and finishes, provided that the size of the building or structure is not materially increased, or the structural load carrying capacity of any component is not reduced.
- 7.5 Despite not requiring a development permit, all things listed in 7.4 shall be subject to the requirements of this by-law.
- 7.6 An application for a development permit shall be made by the owner or owners of the site in question, or by a person authorized in writing by them.
- 7.7 An application for a development permit shall be accompanied by plans drawn to scale showing the following:
- (a) the shape and dimensions of the site to be used or built on;
  - (b) the location and dimensions of existing buildings and structures;
  - (c) the location and dimensions of the proposed building, structure, enlargement or alteration, including separation distances from site boundaries;
  - (d) the use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;
  - (e) vehicular access and utility connections;
- and shall include any other information required by the development officer to determine compliance with, and to provide for enforcement of, this by-law.
- 7.8 An application for a development permit shall be accompanied by the fee prescribed by the Board of the South Central Planning District.
- 7.9 Despite apparent compliance with this by-law, the development officer may refuse to issue a development permit where the proposed building, structure or use does not, to the development officer's knowledge, comply with the building by-law or with any other law, subject to 8.6 and 8.7.
- 7.10 No person shall use or occupy any land, building or structure, or erect, construct, enlarge, alter or place any building or structure, except in accordance with an approved development permit (where required), and with this by-law.
- 7.11 All proposed development shall be in accordance with the application and drawings submitted to and approved by the development officer. No work shall vary from the approved application and drawings without the prior written authorization of the development officer, and the owner shall ensure that all development is completed in accordance with the approved development permit.
- 7.12 The development officer may revoke a development permit:

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

#### **Development Officer**

- 7.13 The development officer shall be the person appointed as such by the Board of the South Central Planning District.
- 7.14 The development officer, on behalf of the municipality, shall issue development permits and otherwise administer and enforce the provisions of this by-law and *The Planning Act*, where applicable.
- 7.15 The development officer shall exercise the powers of remedy and enforcement set out in Part 8.
- 7.16 The development officer is authorized to grant or refuse, in his or her discretion, a minor variation not to exceed 10 percent of the required yard provisions.

#### **Application for Amendment**

- 7.17 An application for an amendment to this by-law, including a change to the maps, shall be made to the development officer by the owner or owners of the land in question, or by a person authorized in writing by them.
- 7.18 An application for amendment shall be accompanied by plans drawn to scale showing the following:
  - (a) the shape and dimensions of the land affected;
  - (b) the location and dimensions of existing buildings and structures;
  - (c) the location and dimensions of any proposed building, structure, enlargement or alteration;
  - (d) the use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;

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

- 7.19 An application for an amendment shall be accompanied by the fee prescribed by Council.
- 7.20 Following such consultation, review and report (if any) as the Council deems necessary, the application shall be submitted to Council, which shall decide whether or not to start the procedures for enactment of an amendment.

### Applications for Variances & Conditional Uses

- 7.21 An application for a variation or approval of a conditional use shall be made to the development officer by the owner or owners of the site, or by a person authorized in writing by them.
- 7.22 An application for a variation or approval of a conditional use shall be accompanied by the plans and information described in 7.7, and in the case of a livestock production operation or an agricultural irrigation operation, by the information described in Part 5.
- 7.23 An application for a variation or a conditional use shall be accompanied by the fee prescribed by the Planning District Board.
- 7.24 Where an application for a variation or conditional use has been submitted, a public hearing shall be held by the Council, to receive representations from any person with respect to the proposal, and notice of the public hearing shall be given as required by *The Planning Act*.
- 7.25 On receipt of an application for a variation or approval of a conditional use in proper form, the municipality may, prior to the hearing date prescribed under *The Planning Act*, refer the application to Manitoba Intergovernmental Affairs and Trade or any other department or authority for its review and comment.
- 7.26 Council shall either approve or deny the variation or conditional use, and may establish conditions of approval appropriate to the circumstances, in accordance with the provisions of *The Planning Act*.
- 7.27 Council may subsequently revoke any approved conditional use as a consequence of any violation of conditions specified at the time of approval.
- \* If proposed near a provincial highway, Manitoba Transportation and Government Services should be circulated with the conditional use request to ensure the integrity of the provincial highway system is maintained.

## PART 8: ENFORCEMENT

### Entry for Inspection and Other Purposes

- 8.1 The development officer may, after giving reasonable notice to the owner or occupier of land or a building or other structure to be entered:
- (a) enter the land, building or structure at any reasonable time for the purpose of inspection, enforcement and or action authorized by this by-law or *The Planning Act*;
  - (b) request that anything be produced to assist in inspection, remedy, enforcement or authorized action;
  - (c) make copies of anything related to the inspection, remedy, enforcement or authorized action.
- 8.2 The development officer must display or produce on request identification showing his or her official capacity.
- 8.3 In an emergency or in extraordinary circumstances, the development officer need not give reasonable notice or enter at a reasonable time and may do the things referred to in 8.1(a) and (c) without the consent of the owner or occupant.

### Order to Remedy Contravention

- 8.4 If the development officer finds that a person is contravening this by-law or *The Planning Act*, the development officer may by written order require the person responsible for the contravention to remedy it if, in the opinion of the development officer, the circumstances so require.
- 8.5 The order may:
- (a) direct a person to stop doing something, or to change the way in which the person is doing it;
  - (b) direct a person to take any action necessary to remedy the contravention, including the removal or demolition of a building or structure (or part of one) that has been constructed, erected or placed in contravention and, if necessary to prevent a reoccurrence of the contravention;
  - (c) state a time within which the person must comply with the directions; and
  - (d) state that if the person does not comply with the directions within the time stated, the municipality will take the action or measure at the expense of the person.

### Review by the Board

- 8.6 A person who receives an order under 8.4 or who is refused a permit under 7.9 may request the Board of the South Central Planning District to review the matter, by written notice given within 14 days after the date the order under 8.4 or decision under 7.9 is made.

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

## PART 9: INTERPRETATION

### Permitted Uses

- 9.1 Where a use appears in the Use and Bulk Tables as a permitted use, it shall not be construed to include any use, which appears as a conditional use for the same zoning designation. Uses similar in nature to a listed permitted or a conditional use may be deemed as like uses for the purposes of this by-law by variation order of Council upon the review of a report by the development officer requesting a determination for a use not listed in the bulk table of the applicable zone.

### Definitions

- 9.2 Terms not defined in this by-law which are defined in *The Planning Act*, have the meaning provided in that *Act*.
- 9.3 Where the following terms appear in bold in this by-law they have the meaning provided as follows:
- accessory** - where used to describe a use, building or structure, means that the use, building or structure is naturally and normally incidental, subordinate in purpose or area, or both, and exclusively devoted to the use, building or structure to which it is accessory, but a use shown as a conditional use in the Use and Bulk Tables cannot be accessory to a use shown as a permitted use for the same zone. Where an accessory building or structure is attached to a principal building or structure by means of a foundation, wall or roof, it shall be deemed to be part of the principal building or structure.
- advertising sign** - means a sign directing attention to a business, commodity, service, entertainment or other matter, not conducted, sold, offered or carried out on the same site (or on an adjacent site under the same ownership) where the sign is maintained.
- aircraft landing area** - includes all open spaces, buildings and structures used in connection with the landing or take-off of aircraft.
- building** - has the meaning provided in *The Planning Act*, except that it does not include a well, pipeline, excavation, cut, fill or transmission line.
- building, height of** - means the vertical distance measured from grade to the highest point of the roof surface of a flat roof, to the deck of a mansard roof, and to the average height level between eaves and ridge for a gable, hip or gambrel roof.
- bulk** - means the size of buildings or structures (based on floor area and height), the site area and site width upon which a use, building or structure is located, the location of exterior walls of a building in relation to site lines, and all open spaces required along site lines;

**club** - refers to a building owned or leased by a non-profit corporation or association, the use of which is restricted to members and their guests.

**communal farm dwelling** - means a residence in connection with a farm operation carried out on the same or an adjacent site by a religious colony or other association by or on behalf of the occupants of the residence, and includes all associated cooking, eating, living, sleeping and sanitary facilities.

**confined livestock production operation** - means an agricultural operation where animals are fed in buildings or pens, or in outdoor non-grazing areas confined by fences, other structures or topography and manure storage is continuously confined to a single location and or facility year round, but does not include:

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

**drive-through facility** - means a facility designed to provide goods or services to the persons in standing (as opposed to parked) motor vehicles, including but not limited to a drive-through restaurant or bank.

**dwelling unit** - means one or more rooms used or intended to be used as a single housekeeping unit with cooking, sleeping and sanitary facilities.

**dwelling, single-family** - means a detached building designed for and used by only one family.

**dwelling, two-family** - means a detached or semi-detached building designed for and used by 2 families, with each family having exclusive occupancy of a dwelling unit.

**dwelling, multiple-family** - means a building containing three or more dwelling units, with each unit designed for and used by one family, with each family having exclusive occupancy of a dwelling unit.

**dwelling, seasonal** - means a single family dwelling intended for casual or seasonal use only and as a secondary place of residence.

**family** - means one or more persons related by blood, adoption, marriage or common-law marriage, or a group of no more than ( 7 ) persons which includes unrelated persons, living together as a single housekeeping unit.

**farm building** - means any building or structure used primarily for agricultural activities, but does not include a dwelling.

**farmstead** means that portion of the land of an agricultural operation on which is located the residence of the operator.

**general agricultural activities** - means a use of land for agricultural purposes, including farming, dairying, pasture, agriculture, apiculture, floriculture, horticulture and animal and poultry husbandry and the necessary accessory uses for packing, storing or treating the produce, but does not include the following:

- (a) livestock production operations,
- (b) storage, handling or processing of agricultural products for the general public in return for remuneration, or
- (c) sales or servicing (in return for remuneration) of agricultural equipment or agricultural buildings.

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

**kennel** - means premises upon which more than 5 dogs or 10 cats, not including animals less than 4 months of age, are boarded, bred, trained or cared for in return for remuneration or are kept for the purpose of sale.

**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, whether or not such structure actually has at any time such wheels attached, or is jacked up or skirted and which conforms to the Buildings and Mobile Homes Act.

**prime agricultural land** means land composed of mineral soil determined by Manitoba Agriculture, Food and Rural Initiatives to be dryland Agricultural Capability Class 1, 2 or 3 and includes a land unit of one quarter section or more of a river lot, 60% or more of which is comprised of land of dryland Agricultural Capability Class 1, 2, or 3. In certain circumstances, land composed of organic soil determined by Manitoba Agriculture, Food and Rural Initiatives to be of dryland Agricultural Capability Class 01, 2, or 03 or land determined by Manitoba Agriculture, Food and Rural Initiatives to be of Irrigation Suitability Class 1A, 1B, 2A or 2B may also be considered prime agricultural land

**public utility** - means a system furnishing water, sewage collection, electricity, telecommunication services, gas or similar services to properties by means of pipes, lines and other equipment located on or under public roads and other rights-of-way.

**residential care facility** - means a building in which residential accommodation, plus supervision, care or treatment, is provided by a person or persons employed for that purpose.

**riparian area** – means an area of land on the banks or in the vicinity of a water body, which due to the presence of water supports, or in the absence of human intervention support, an ecosystem that is distinctly different from that

of adjacent upland areas. (For the purposes of this by-law, this area does not extend beyond 50 to 100 feet beyond the water's edge).

**site** - means an area of land which:

- (a) is occupied or intended to be occupied by a principal use or by a use of a building or group of buildings, together with accessory buildings and structures as are provided for herein, along with required yards;
- (b) has frontage on a street which has a minimum right-of-way width of 50 feet, or has any lawful means of access satisfactory to Council, or as otherwise provided for herein; and
- (c) is of sufficient size to provide for the minimum requirements of this By-law for a permitted or conditional use in a zone where the use is located.

**site area** - means the computed area contained within the site lines.

**site, corner** - means a site situated at the intersection of 2 streets.

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

**site, interior** - means a site other than a corner site.

**Site Lines:**

**front site line** - means:

- (a) the boundary of a site along a street or highway;
- (b) for a corner site, the continuation of the front site line of the abutting interior site.

**rear site line** - means:

- (a) that boundary of a site, which is most nearly parallel to the front site line;
- (b) where the side site lines intersect, a line 10 feet in length within the site, parallel to and at the maximum distance from the front site line.

**side site line** - means any boundary of a site, which is not a front or rear site line.

Where it is not possible to determine site lines according to these definitions, the development officer shall determine them.

**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 at 40 feet from the front site lines, whichever is less.

**specialized agricultural activities** - means agricultural activities such as apiculture, floriculture, horticulture and activities of a like nature which do not require

large acreages of land, and which in the opinion of Council, provide a major component of household income.

**structure** - means a thing constructed or erected with a fixed location on or below the ground or attached to something with such a fixed location, and includes but is not limited to buildings, walls, fences, signs, billboards, light standards and antennas.

**use** - means any purpose for which a building, structure or site may be designed, arranged, intended, maintained or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building, structure or on a site.

**yard** - means an open area between the exterior wall of a building and the boundaries of the site on which it is located.

**yard, required** - means the yard measured from a front, rear or side site line towards the interior of the site within which no building or any part of a building may be located, except as provided in this by-law.

### Zoning Boundaries

9.4 The following rules of interpretation shall apply to the boundaries of the zoning designations shown on the maps comprising Schedule A:

- (a) boundaries indicated as approximately following the centre-lines of streets, lanes, highways, rivers, or railway or public utility lines or rights-of-way shall be construed to follow such centre-lines;
- (b) boundaries indicated as approximately following site limits as shown on a registered plan or by reference to the Dominion Government Survey shall be construed to follow such site limits.

9.5 If a street, lane or government road allowance is lawfully closed, then the land formerly comprising the street, lane or government road allowance shall be included within the zone of the land, which surrounds it. If the said street lane or government road allowance was a zone boundary between two or more different zones, then the new zone boundary shall be the former centreline of the closed street, lane or government road allowance.

# SCHEDULE A

# ZONING MAPS



