RURAL MUNICIPALITY OF ELLICE-ARCHIE

ZONING BY-LAW

By-law No. 05-2019

UNOFFICIAL OFFICE CONSOLIDATION OF THE

RURUAL MUNICIPALITY OF ELLICE-ARCHIE
ZONING BY-LAW NO. 05-2019

AMENDING BY-LAWS INCLUDED IN THIS OFFICE CONSOLIDATION

By-Law No.	Date Approved	Amendment Description

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Note: This page is intended to be a helpful guide for landowners, development officers / building officials, and members of the general public to assist them in understanding how to use and interpret a municipality's zoning by-law regulations.

HOW TO USE THIS ZONING BY-LAW

This zoning by-law regulates the use, size, height and location of buildings on properties within the Rural Municipality of Ellice-Archie. The following is a simple four-step process that may be employed to determine the uses and structures that may be allowed on a specific piece of property in a given zoning district.

Step One

What zoning district is your property located in?

- Use the Zoning Maps in **Schedule "A"** at the back of this By-law to determine the zoning for your property.
- Reference **PART 3: Zoning Districts** for a description of the intent of that particular zone.
- Look in the Development Plan and any Secondary Plan that applies to your property to confirm your proposal is supported by the applicable policies in those documents.

Step Two

What uses are "permitted uses" and "conditional uses" in your zoning district?

- Find the column with the zone of your property in the applicable **Use and Bulk Table** in **PART 3 - Zoning Districts**
- Uses marked with the letter **"P"** are **permitted uses** and may be developed once you have received a development permit and building permit.
- Uses marked with the letter **"C"** are **conditional uses** that may or may not be acceptable in a particular zoning district depending on the particular circumstances of a proposed development. Conditional uses require a public hearing process and may have extra conditions imposed on the use to make it acceptable for the location.
- Certain permitted uses and conditional uses in select zoning districts have additional use-specific requirements, check **PART 4 - Additional Requirements for Specific Uses in Different Zoning Districts** of this By-law to determine whether any additional requirements apply to the land use in question.

Step Three

How and where can you develop properties in your zone?

- Find the column with the zone of your property in the applicable **Use and Bulk Table** in **PART 3: Zoning Districts**
- The Use and Bulk Table provides information on allowable height of buildings and structures, required setbacks for yards, and other spatial requirements for a property.
- To understand the specific details of these requirements, you may need to reference the **PART 2 - General Rules and Regulations Applicable in All Zoning Districts, PART 4 - Additional Requirements for Specific Uses in Different Zoning Districts** and **PART 6 - Definitions** of this By-law.

Step Four

What kind of permits do you need?

- In most cases, you will need a **Development Permit** before you start any change in land use or any development (including construction of a building) on a property.
- Check **PART 5 Administration and Enforcement - PART 5** of this by-law to see if your planned development is exempt from needing a Development Permit. If so, you may proceed with development, as long as it meets the other requirements in this zoning bylaw and other applicable by-laws.
- If you need a **Development Permit**, fill out a Development Permit application.
- You are responsible for finding out if any other provincial or federal regulations apply to your development, as well as any other required local permits, including a **Building Permit,** plumbing, electrical, demolition permits etc.

RURAL MUNICIPALITY OF ELLICE-ARCHIE BY-LAW NO. 05-2019

BEING A BY-LAW of the Rural Municipality of Ellice-Archie to regulate the use and development of land.

WHEREAS, Section 68 of *The Planning Act* requires a municipality to adopt a zoning bylaw that is generally consistent with the development plan bylaw in effect in the municipality;

AND WHEREAS, under PART 4 Division 1 of *The Planning Act*, the Mid-West Planning District Board has, by by-law, adopted the Mid-West Planning District Development Plan By-law No. 2-2018;

NOW THEREFORE, the Council of Rural Municipality of Ellice-Archie in meeting duly assembled, enacts as follows:

1. By-law No. 05-2019 attached hereto is hereby adopted;
2. The By-law shall be known as the Rural Municipality of Ellice-Archie Zoning By-law;
3. The following Zoning By-laws, as amended are hereby repealed:
   - Rural Municipality of Ellice Zoning By-law No. 02-2010;
   - Rural Municipality of Archie Zoning By-law No. 1335;
   - Village of St. Lazare Zoning By-law No. 3-2007.
4. This Bylaw shall come into force on April 12, 2019

DONE AND PASSED in Council duly assembled at the community of McAuley, Manitoba, this 12th DAY of APRIL, 2019.

Signature of Reeve

Signature of Chief Administrative Officer

READ A FIRST TIME this 8th of MARCH, 2019

READ A SECOND TIME this 12th of APRIL, 2019

READ A THIRD TIME this 12th of APRIL, 2019

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PART 1: Scope and Applicability

1.1 Title

This by-law shall be known as the Rural Municipality of Ellice-Archie Zoning By-law.

1.2 Scope

This by-law applies to all lands in the Rural Municipality of Ellice-Archie as indicated on the zoning maps **of Schedule "A"** of this by-law.

1.3 Application

This by-law regulates: a) the construction, erection, alteration, enlargement or placing of buildings and structures b) the establishment, alteration, or enlargement of uses of land, buildings and structures c) all other forms of development not included above.

1.4 Use and Development of Land and Buildings Must Comply

Within the Rural Municipality of Ellice-Archie, 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.

1.5 Compliance with Other Municipal By-laws, Federal and Provincial Laws and Regulations

Whenever a provision of another by-law or a law or regulation of the provincial or federal government contains a restriction governing the same subject matter contained in this bylaw, or imposes inconsistent regulations with respect to uses, buildings, or structures, the most restrictive or highest standard shall prevail. The onus will be on the applicant to provide sufficient documentation attesting that the applicable by-law, or regulation is of a higher standard, and where the activity/development is regulated by a higher authority under licence or permit, the submittal, review and approval of the submitted documentation will at the discretion of the Development Officer wave the requirement of the planning district to issue the required Development Permit.

1.6 Use and Development of Land Will Not Promote Nuisance or Create a Hazzard

In this by-law or in a development permit, approval of a conditional use, variance order or other approval issued under this by-law shall not be construed as authorization for the carrying out of any activity which is a nuisance due to noise, odour, emission, vibration or other cause or create a hazard or a hazardous condition.

PART 2: General Rules and Regulations Applicable in All Zoning Districts

2.1 Regulation of Uses

No land, building or structure shall be used or occupied except for a use which:

a) Is listed in the applicable Use and Bulk Table one of the following:
   i) a Permitted Principal Use;
   ii) a Conditional Principal Use, subject to Council approval;

b) a permitted accessory use, building or structure;

c) a conditional accessory use, building or structure;

d) Where a proposed use is not listed, and by interpretation of the by-law no equivalency can be found, the proposed use will be deemed to be prohibited and a zoning by-law amendment will be required to allow for the proposed development in the zoning district in which it is located.

2.2 Existing Uses, Buildings and Structures

a) A lawfully established existing use, building or structure which is classified as a **permitted use**, building or structure in the 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. In these circumstances, the enlargement, expansion, change in use, or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of the by-law.

b) A lawfully established 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, or may be replaced if destroyed, provided that the replacement does not increase the intensity of the previously existing use.

   i) 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

   ii) Where an enlargement or expansion of such use is proposed, it shall require the specific approval of Council, in accordance with the requirements of **PART 5** of this By-law.

c) Where a lawfully established use is established on a site and a site area or site width or required yard in accordance with the minimum requirements of this by-law and is thereafter reduced below the minimum requirements of this By-law by virtue of the development of a **public work, street or public utility**, the affected site area, site width and required yard shall be **deemed to conform** to the minimum requirements of this By-law

d) 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.

   i) A legal non-conforming use shall be allowed to continue to exist, and may be changed to a permitted use;

ii) A legal non-conforming use shall not be intensified and shall not be changed to a different non-conforming use;

iii) A legal 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;

iv) A legal 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

v) Other provisions of The Planning Act governing 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, shall apply.

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

(a) dwelling units which are required for family members or employees, who in, are actively involved in the agricultural operation and deriving income from it;

(b) multiple family dwellings as provided for in this by-law

(c) secondary suites as provided for in this by-law

2.3 Existing Residential Dwellings

Notwithstanding the provisions PART 2, Section 2.2 (above) all lawfully established residential dwellings and their accessory structures existing at the effective date of this By-law are **deemed to be permitted uses** conforming to the minimum bulk requirements of the zone in which the buildings and/or structures are situated. Any enlargement, intensification, expansion or change of use of said existing residential dwellings and their related accessory structures shall conform with all of the requirements of this By-law.

2.4 Multiple Uses or Provisions

Where land, a building, or a structure is used for more than one purpose, all provisions of this by-law relating to each use must be satisfied. Where more than one provision in this by-law is applicable, the higher or more stringent requirement shall apply unless specified otherwise.

2.5 Accessory Uses Buildings and Structures

No accessory use, building or structure shall be established except for those in compliance with the following regulations:

a) In this Municipality, an accessory use, building or structure may be accessory to a permitted or approved conditional use and may itself be treated as a permitted or conditionally approved accessory use, building or structure.

b) No accessory use, building or structure shall be established, constructed or erected prior to the establishment of the principal use of land, building or structure to which it is accessory, except for the following:

i) A “Dwelling, Farm” shall be permitted as an accessory use to a permitted or conditional agricultural operation in all agricultural zoning districts when located on same site as the agricultural activity, provided that prior to the commencement of construction a Development Permit and Building Permit has first been obtained for the dwelling.

ii) 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 and Building Permit has first been obtained for the principal building on same the zoning site as the accessory use, building or structure.

iii) A meteorological tower, used for wind and/or climatic research shall be allowed to be erected, subject to Council's approval, for a term not exceeding three (3) years and shall be subject to all other provisions of this By-law pertaining to the siting of Wind Turbine Generator Stations (WTGS). If the meteorological tower is to remain in place after the maximum three (3) year period, it shall become a part of a (WTGS) and be subject to the conditional use approval process required for a Wind Turbine Generation Station (WTGS) as provided for **PART 3** of this By-law.

c) The area of land or buildings used or occupied for accessory uses on a site shall not exceed the area of land or buildings respectively used or occupied by the principal use on the same site.

d) No land, building, or structure shall be used or occupied for any accessory use after the use or uses to which it is accessory have been discontinued.

e) Where the accessory building or structure is attached to a principal building or structure, it shall be subject to, and shall conform to, all regulations of this by-law applicable to the principal building or structure.

f) Where the accessory building or structure is detached from the principal building or structure, it shall be subject to, and shall conform to, all regulations of this by-law applicable to accessory buildings or structures.

g) An accessory building or structure shall not be used as a dwelling unit, except where otherwise allowed in this by-law.

2.6 Required Yards

a) Shall be free of buildings, except accessory buildings and structures, which must conform to the other requirements of this By-law.

b) Open, unenclosed projections, whether vertical or horizontal, such as stairs, landings, porches, and unenclosed balconies, may extend into the required yards for not more than [50] per cent of the required yard depth, up to a maximum of [three] metres (10 feet), except for wheelchair ramps (or similar accessibility structures), which are not subject to the restrictions for required yards.

2.7 Temporary Buildings, Structures, or Uses

a) Temporary buildings, structures or uses may be allowed on a non-permanent basis subject to the issuance of a development permit under the following conditions:

i. When required at the discretion of the Development Officer, a Development Permit for a temporary building, structure or use shall be subject to such terms and conditions as specified by council.

ii. Each Development Permit issued for a temporary building, structure or use shall be valid for a period of not more than [12] months and may not be renewed for more than [two] successive periods on the same parcel of land. When required, a new permit may be issued.

2.8 Buildings to be Moved or Removed

a) No building or structure shall be moved in whole or in part to any other location unless every portion of the building or structure is made to conform to or where a variation order is granted pertaining to the regulations of this By-law applying to the zone in which it is located.

b) Notwithstanding any other by-law or policy of a member municipality regarding demolitions or removals, upon completion of the removal or demolition of a building from a site, the old foundation shall be removed, any excavation shall be filled, the ground shall be leveled and the site shall be put in a safe condition to the satisfaction of the Mid-West Planning District Development Officer/Building Official with whom Council shall rely on for advice that the site owner has undertaken appropriate action to ensure public safety on the affected site. Unless otherwise specified, a minimum of 6 inches of topsoil is to be added to complete the filling of the excavation.

2.9 Road Access

a) No permanent building may be constructed or placed on a parcel which does not have legal access to an improved public road.

2.10 Landlocked Sites

a) In unique circumstances, Council may permit development on a site which only has frontage on a private lane or road, provided that the said lane or road is at least twenty feet in width and intersects with an improved street, and is secured by means of a registered easement/declaration of right-of-way. Such accesses shall be developed and/or improved to a standard that ensures all weather access by emergency services vehicles.

b) For the purpose of establishing the position of the required yards, the Development Officer shall determine the front, side and rear site lines of a landlocked site.

2.11 Site Reduced by Road Widening

Where the site area or site width of an existing parcel of land have 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 resulting site area and width of the parcel shall be deemed to be incompliance with the minimum site area and width requirements for the existing lawfully established use of the parcel as specified by this by-law.

2.12 Unconventional Sites

Where a site is of such a unique configuration that the required yards cannot be ascertained in accordance with the definitions of **PART 6** herein, the Mid-West Planning District Development Officer may designate the location of the required yards. The location and required dimensions of such yards shall be consistent with the intent of the yards specified for the zone within which the site is located.

2.13 Service Connections

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

2.14 Open Space Along Rural Roads

Areas adjacent to 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 all agricultural zone(s), 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 seventy-five (75) percent open in character and small shelters for children at school bus stops;

(b) No excavation such as a dugout or gravel pit shall be located within the required yard;

(c) No substantial planting (such as a shelterbelt or hedge) exceeding a height of three (3) feet shall be located within the required front yard; and

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

2.15 Corner Vision Triangles

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

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

2.16 Projections into Yards

Within all zoning districts in the Municipality, 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 stairs and landings may extend into any required front or rear yard to a maximum distance of 10 feet, and there shall be no limitation on the construction of unenclosed wheelchair ramps;

(b) Other 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;

(c) Enclosed projections of a building, including chimneys, alcoves, eaves 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;

(d) Air conditioning units, pool equipment and/or compressors shall be accessory structures in all zones and shall be subject to the following regulations:
   1) Shall be a minimum distance of 15.0 feet (4.57m) to an openable window of a habitable room on an adjoining lot.
   2) If located in a front yard, it must be screened with compact hedges or shrubs or other landscaping.
   3) Should be no closer than 5.0 feet (1.52m) to a side site line in all Residential Zones. In all other zones, it should be no closer than 10.0 feet (3.05m) to a side site line.

(e) 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;

(f) A garage may be located in the required rear yard providing it is setback a minimum of 10 feet from the rear property line except in instances where the garage doors do not face a rear lane or street in which case the minimum required setback to the rear property line shall be reduced to no less than three feet.

(g) Portable buildings not exceeding 108 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 the property lines are identified by legal survey, a separation distance of 2 feet is maintained from the site line, and a separation distance of 3 feet is maintained from any dwelling.

(h) The minimum distance between the principal building and any other building shall be 10 feet.

(i) Cairns, with a maximum size (footprint) of 25 square feet within a required yard.

2.17 Double Frontage Sites

Within all zones, where a site has frontage along two more or less parallel streets, the following provisions shall apply:

(a) Where the site depth is greater than two-hundred (200) feet, both site lines which abut these streets shall be considered to be front site lines, and the adjacent yards shall both be considered to be required front yards; and

(b) Where the site depth is two-hundred (200) feet or less, only one (1) 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.

2.18 Hazard Lands

(a) No permanent building shall be constructed or placed in the vicinity of a lake, river, watercourse or body of water on land that would be inundated by the <u>one in two hundred year flood</u> or by a recorded flood exceeding the two hundred year flood, unless the owner provides sufficient information prepared by a qualified engineering consultant licensed to practice in Manitoba, to demonstrate to the satisfaction of council that the land is not subject to flooding; or proper measures will be taken to protect the building from flooding.

(b) No permanent building shall be constructed or placed on land which is subject to subsidence or erosion by water or is marshy or unstable, or is otherwise unsuitable or hazardous by virtue of its soil or topography, unless the owner provides sufficient information prepared by a qualified engineering consultant licensed to practice in Manitoba, to demonstrate to the satisfaction of council that proper measures will be taken to deal with the unsuitability or hazard. Only erosion control or bank stabilization measures designed by a qualified engineer licensed by the Association of Professional Engineers and Geoscientists of the Province of Manitoba will be accepted.

2.19 Public Reserve Land

Public reserve land shall only be used for:

(a) A public park or recreation area;
(b) A natural area;
(c) A planted buffer strip or part thereof separating incompatible land uses; or
(d) Public works.

2.20 Development Near Waste Disposal Grounds and Sewage Lagoons

Parcels of land containing active or abandoned waste disposal grounds and sewage lagoons shall not be located within one thousand three hundred and twenty (1,320) feet and one thousand five hundred (1,500) feet respectively of a dwelling or other habitable building, an urban zone, a "GD" - General Development Zone, all "RR -"Rural Residential Zone(s) and "SR" - Seasonal Recreation Zone(s), unless a reduced separation distance is recommended by the provincial authority having jurisdiction and Council approves a variation order.

2.21 Development Near Areas with Potential for Aggregate Extraction

No building, dwelling, mobile or modular home or farm building or structure shall be constructed or located within an area which has been designated as a high or medium quality aggregate area by the Province of Manitoba, unless the site has been first been reviewed by the Mines Branch and a recommendation provided which would allow development to proceed. Where the proposed building is a dwelling, mobile or modular home, a separation distance of 500 feet shall be provided between the building location and the limits of the deposit.

2.22 Development Near Railways

a) Nothing in this By-law shall be interpreted so as to interfere with normal railway operations and maintenance of railway trackage.

b) Railway office buildings, warehouse facilities, maintenance buildings, and storage areas shall be subject to the requirements of this By-law.

c) No new dwelling unit shall be located within one hundred and fifty (150) feet of the edge of a railway right-of-way.

d) <u>All</u> non-railway works and development including surface mining and quarries within 50 metres of a railway right-of-way are subject to the provisions of the Federal *Railway Safety Act* and its regulations including the <u>Mining Near Lines of Railways Regulations SOR/91-104</u>, as amended).

2.23 Development Near the Provincial Highway System

With the exception of fences built for agricultural purposes, any structure or construction proposed within the controlled areas adjacent to the provincial highway system, provincial permits are required from the authority having jurisdiction. Permits from the provincial authority having jurisdiction are also required for any new, modified (including intensification of use), or relocated driveway proposed to a provincial road or provincial trunk highway.

2.24 Onsite Water Supply and Sewage Disposal Systems

a) In situations where piped municipal sewage collection and disposal services are not available, land owners may be allowed to construct private sewage disposal systems on their development site in accordance with all applicable provincial regulatory requirements. All onsite wastewater disposal systems must be registered with the provincial authority having jurisdiction prior to installation by a licensed installer. It is the responsibility of the land owner to apply for provincial permits and/or approvals for all private sewage disposal system.

b) The provincial authority having jurisdiction should be consulted about permitting or licensing requirements for private water supplies. In the case of proposed development that involves the construction or expansion of a public or semi-public water supply system, the proponent shall be required to contact the Office of Drinking Water - Manitoba Sustainable Development and/or the provincial authority having jurisdiction for information concerning licensing and approvals that <u>must</u> be obtained prior to the commencement of construction.

2.25 Public Utilities

a) This by-law shall be interpreted so as not to interfere with the construction, erection and location of a public utility's works, plant, pipes, cables, or equipment as defined in this by-law provided that the requirements of such public utility are of a standard compatible with the adjacent area, and that any building or structure erected in any zone complies with the required yard and area requirements applicable to the zone.

b) Where a public utility (as defined in this By-law) of another municipality is proposed to be located within the Rural Municipality of Ellice-Archie, it shall first apply to the Mid-West Planning District for approval prior to the commencement of development.

c) The use and bulk requirements of this by-law do not apply to the transmission facilities (wires, pipes, poles and associated equipment such as transformers and sub-stations) of a public utility as defined herein as equipment such as this may require only very small parcels or none at all (where easements are used).

d) All office buildings, warehouse facilities and storage compounds owned or used by any public utility or public works shall be subject to all of the provisions of this By-law.

e) Where any site requirement, including site area, site width, required yard or parking, is reduced below the requirements of this By-law as a result of land acquired for any street, lane, public utility, public works, public park area or public monument, it shall be deemed to conform to the requirements of this By-law.

2.26 Oil and Gas Exploration and Extraction, Electric Transmission Lines and Structures, and Pipelines

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, **except for oil battery facilities** which shall be subject to the requirements of **PART 3** of this By-law.

2.27 Off Street Parking Requirements

a) All accessory parking and loading areas and spaces shall be located on the same site as the use served unless a variation order is approved by Council for any required parking and/or loading areas or spaces located on a different site than the use being served.

b) The surface of all accessory off-street parking and loading areas and spaces and the access driveways thereto shall be surfaced with gravel, asphalt or concrete and shall be designed in such a manner that there will be no free flow of water onto either adjacent properties or public sidewalks.

c) In all zones, when any new development is proposed, including a change of use of existing development, or when any existing development is enlarged or increased in capacity, then provision shall be made for accessory off-street parking in accordance with the regulations and standards contained in this section of the By-law as set out below.

TABLE 2.1: MINIMUM ONSITE PARKING SPACE REQUIREMENTS		
	Use	Number of Parking Spaces Required
Residential Uses	Single-Dwelling Dwelling Two-Dwelling or Multi-Dwelling Dwelling Mobile Home Dwelling Bed and Breakfast Home Residential Care Facility	1.0 / Dwelling Unit 1.2 / Dwelling Unit 1.0 / Dwelling Unit 1.0 / Sleeping Accommodation 1.0 / each 2 dwelling or sleeping units
Commercial Uses	Hotel and Motel Eating and Drinking Establishment Convenience and Retail Sales Stores All other Commercial Establishments	1.0 / Guest Room or Sleeping Unit 1.0 / 4 seats or 1.0 per 100 sq.ft. (9.29 sq.m.) of floor area, whichever is greater 1.0 per 200 sq.ft. (18.6 sq.m.) of floor area 1.0 per 250 sq.ft. (23.2 sq.m.) of floor area
Industrial Uses	Industrial Uses	1.0 per 1,000 sq.ft. (92.9 sq.m.) of floor area or 1.0 per 5 employees, whichever is greater
Other Uses	Indoor Participant Recreation Service, Religious Assembly, Outdoor Participant Recreation Service, Private Club, Public Library and Cultural Exhibit, and Community Centre Extended Medical Treatment Service Education Service Government Service Child Care Service Funeral Service	1.0 per 5 seating spaces or 10 ft (3.05 m) of bench space. Where there are no fixed seats, 1.0 for each 100 sq.ft. (9.29 sq.m.) of floor area devoted to the assembly room floor area 2.0 per bed 1.5 per classroom, plus 1 for each 100 sq.ft. (9.29 sq.m.) of floor area devoted to public use 1.0 per 550 sq.ft. (51.1 sq.m.) of floor area 1.0 for every 2 employees 1.0 for every 5 seating places
***Where a proposed use is not listed above, the parking requirement shall be determined by the Development Officer* who shall base said accessory off-street parking required based on the accessory off-street parking required for a similar use which is listed in this table.**		

Footnotes Forming Part of Table 2.1

1) The following regulations shall apply to all parking areas as required by this By-law:

a) In the case of a multiple use site, the Development Officer shall calculate the parking required for each individual use and the total shall be deemed to be the required parking for the site, unless the applicant can demonstrate to the satisfaction of Council that the complementary use of the parking facilities would warrant a reduction in the parking requirements;

b) Parking areas shall be provided with at least one entrance and one exit for vehicles, and driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle;

c) The area shall be drained and maintained with a stable surface which is treated so as to prevent the rising of dust or loose particles; it may be constructed of crushed stone, slag, gravel, concrete, asphalt or other approved material;

d) Where parking areas are provided in any commercial, industrial or institutional zone and lighting facilities are provided, such lights shall be so shielded and directed as to reflect away from any adjoining residential area. Where parking areas are provided in any residential zone and lighting facilities are provided, such lights shall be so shielded and directed as to reflect away from any adjoining residential property;

e) Where a parking area is situated along a site line which coincides with the boundary of a residential zone and is not separated there from by any street, lane or water course, a buffer of a design acceptable to the Council shall be provided;

f) No sign shall be erected except:

(i) signs for the direction of traffic within the parking area, and

(ii) directional signs of not more than five (5) square feet in area at each point of entrance and exit.

Such signs may bear the name of the business if the parking area is connected thereto.

2) The layout and design of parking areas shall be as follows:

a) The layout and design of the parking area shall be in accordance with **Table 2.1 "Minimum Onsite Parking Space Requirements"** and **Table 2.2 "Parking Area Layout Requirements"**;

b) The length of each parking space shall be exclusive of access driveways, aisles, ramps and columns, and office or work areas;

c) Where access to a parking space is directly from a lane, the width of the lane adjacent to said parking space may be computed as part of the aisle width required for said parking space;

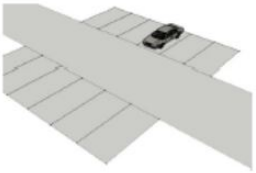
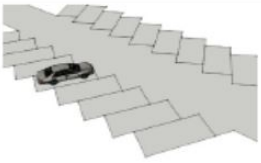
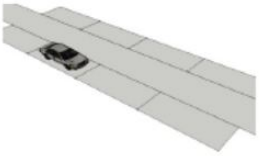
d) The angle of parking shall be measured between the centerline of the parking space and the centerline of the aisle;

e) The off-street parking area shall be provided with an access drive with a minimum width of ten (10) feet, to a street or lane;

f) Except as provided for in paragraph (d), an aisle or driveway shall not mean a street or lane; and

g) Design of parking areas and access drives need to address safe pedestrian circulation routes, efficiency in the parking layout, accessibility, lighting, aesthetic appearance, service vehicle access, and snow removal.

TABLE 2-2: PARKING AREA LAYOUT REQUIREMENTS

Configuration	Angle	Minimum Stall Dimensions		Minimum Aisle Width	
		Width	Length	Two Way	One Way
	75° - 90°	2.75 m (9 ft)	5.5 m (18 ft)	7.3 m (24 ft)	7.3 m (24 ft)
	60° - 75°	2.75 m (9 ft)	5.5 m (18 ft)	7.3 m (24 ft)	5.5 m (18 ft)
	45° - 60°	2.75 m (9 ft)	5.5 m (18 ft)	7.3 m (24 ft)	4.0 m (13 ft)
	30° - 45°	2.75 m (9 ft)	5.5 m (18 ft)	7.3 m (24 ft)	3.7 m (12 ft)
	Parallel	2.75 m (9 ft)	6.7 m (22 ft)	7.3 m (24 ft)	3.7 m (12 ft)

2.28 Accessible Parking Spaces

Out of the total number of required off-street parking spaces, the owner must provide a portion of those spaces so as to be accessible to persons with disabilities, in accordance with the following requirements:

1. Each accessible parking space:

   (i) must be at least 11.5 ft. (3.5 m) wide;

   (ii) must be located within 200.0 ft (60.96 m) of major building entrances used by residents, employees, or the public; and

   (iii) must include signage reserving the space for use by persons with disabilities.

   a) At least one curb ramp must be located within 100.0 ft (30.48 m) of the auto parking space closest to each entrance to a principal or accessory building that is not a service entrance; and

   b) The accessible parking space requirements are as follows:

TABLE 2.3: ACCESSIBLE PARKING SPACE REQUIREMENTS	
Total Number of Parking Spaces Required	**Minimum Number of Accessible Parking Spaces Required**
1-25	1
25-50	2
51-75	3
75-100	4
101+	4 plus 1 for every 50 additional spaces, to a maximum of 10 spaces

2.29 Loading Space Requirements

For all building and uses involving regular and frequent receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials, the owner or operator of the buildings or uses shall provide and maintain on the site adequate loading and unloading spaces as follows:

a) Each loading or unloading space shall be at least thirty (30) feet long, twelve (12) feet wide and have a vertical clearance of at least fourteen (14) feet;

b) Access to loading or unloading areas shall be by means of a driveway at least 20 feet wide contained on the site in which the spaces are located and leading to a street or lane located within the zone in which the use is located;

c) Loading and unloading areas shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles;

d) Off-street loading spaces shall not be permitted in a required corner side yard; and

e) The number of loading spaces shall be provided in accordance with the following:

TABLE 2.4: MINIMUM LOADING SPACES	
Area of Building	**Minimum Loading Space**
Less than **5,000** square feet	One (**1**) space
Exceeding **5,000** square feet but not more than **15,000** square feet	Two (**2**) spaces
Exceeding **15,000** square feet	Three (**3**) spaces

2.30 Parking Area Entrances / Exits for Automobile Service Stations, Public Parking Areas, Drive-Through Facilities, and Vehicle Sales

Automobile service stations, public parking areas, drive-through facilities, and all vehicle/equipment sales shall require at least one entrance and one exit for vehicles, driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle. Access to sites for the titled uses for vehicles shall be only by way of entrances and exits provided in accordance with the following:

TABLE 2.5: PARKING AREA ENTRANCE AND EXIT REQUIREMENTS	
Minimum width of an entrance or exit	20 ft.
Minimum width of a combined entrance and exit	25 ft.
Maximum width of an entrance or exit	40 ft.
Maximum width of a combined entrance and exit	60 ft.
Minimum distance between any part of an entrance, exit and the intersection of street site lines or the intersection of a street site line and a side site line on a public lane	30 ft.
Minimum distance between entrances and exits	30 ft.

2.31 Fences – Residential Uses

A fence on a residential property:

a) shall not include electric fences or barbed wire fences;

b) shall not be higher than:

(i) 3.0 feet (0.91m) in a required front yard, and

(ii) 6.0 feet (1.82m) in a required side or rear yard measured from the highest part of the fence to the point where the fence post enters grade;

c) are permitted in all required yards and can be placed up to the property line; and

d) outdoor storage of materials shall only be in side and/or rear yards and shall not project above the height of side or rear yard fences (where they exist or are proposed) except for recreation vehicles.

2.32 Fences – Non Residential Uses

A fence on all properties other than residential properties:

a) in all agricultural zones, electric, barbed wire and wooden rail fences of a type not obstructing views of road traffic shall be permitted within the limits of the parcel on which they are located and should not exceed a height of 8 feet (see also section 2.23 of this Part).

b) in the case of the **"CC", "CH" and "MG"** zones, chained wire fences are allowed where the top 2.0 feet (0.6 m) of the fence can be barbed wire for security purposes;

c) shall not be higher than:

(i) all other non-residential fencing shall not exceed 4.0 feet (1.22m) in a required front yard; and

(ii) 8.0 feet (2.44m) in a required side or rear yard measured from the highest part of the fence to the point where the fence post enters grade;

d) are permitted in all required yards and can be placed up to the property line.

e) outdoor storage shall be allowed to project above the height of front, side and rear yard fencing but only in the following zones: "MG", "CH", "CC" Zones.

2.33 Advertising Signs and Billboards

Billboards and other advertising signs directing attention to a business, commodity or message offered elsewhere than upon the same zoning site on which that sign is located may allowed subject to satisfying the zoning district specific use and bulk requirements set out in that zone's Use and Site Requirements Table in **PART 3** of this By-law. These signs will require the proponent to obtain a **Development Permit** and **may require conditional use approval** subject to the total size of the advertising sign being proposed.

2.34 Accessory Signs – General Provisions

The following provisions shall apply to all accessory signs erected or maintained within the Municipality, except wherein otherwise stated:

a) Accessory signs and sign structures may be allowed as accessory uses in accordance with **PART 2, Table 2.6** (below), and may require the issuance of a Development Permit;

b) All accessory signs shall comply with the minimum yard requirements for accessory structures in the zone in which they are to be located or erected and as may be provided in this section;

c) No accessory sign or sign structure shall be erected at any location where it may interfere with or obstruct the view of any street, intersection or railroad grade crossing, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign display;

d) No accessory sign may contain flashing lights or digital images unless specifically allowed in **PART 2, Table 2.6** (below). All accessory signs with flashing lights or digital images are prohibited within 100 feet (30 metres) of residential zones;

e) No accessory sign or structure shall be erected or maintained on, over or above any land or right-of-way belonging to the Municipality without a Development Permit and an encroachment agreement registered on title of the subject property/building which abuts the municipally owned right-of-way;

f) The placing of accessory signs within the controlled areas of a Provincial Road or Provincial Trunk Highway shall require a permit/approval from the provincial authority having jurisdiction;

g) All accessory signs shall be setback a minimum of 5 feet from the limits of the parcel on which it is located and to which it is accessory. In the case of a corner lot, the corner side yard setback shall be increased to minimum of twelve (12) feet.

h) All accessory signs and structures shall be kept in good repair and in a proper state of preservation. Signs which have become obsolete because of discontinuance of the operation or activity or are not maintained in good condition or repair shall be repaired, removed or relocated within 30 days following notice by the Development Officer; and

i) The following accessory signs **shall not** require a **Development Permit**. However, they must still comply with any applicable siting and setback requirements in this By-law:

   a) Signs posted by duly constituted public authorities in the performance of their public duties;
   b) Flags or emblems of a political, civic, educational or religious organization;
   c) Commemorative or memorial signs or tablets;
   d) Temporary signs including real estate signs, construction signs, election signs, garage sale signs and similar;
   e) Residential on-site identification signs or warning signs (such as "Private Property" signs and similar) not exceeding four (4) square feet in surface area; and

f) Signs required for direction and convenience of the public, including signs identifying restrooms or parking entrances, not exceeding five (5) square feet in sign surface area.

TABLE 2.6: ZONING DISTRICT SPECIFIC ACCESSORY SIGN REGULATIONS BY SIGN TYPE

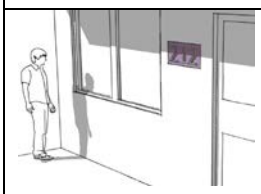
Sign Type	Siting Specifications		Allowed in Zones	Development Permit Required
 **Address/Name**	Quantity Area Depth	1 per address maximum 4.0 square feet for single detached dwellings, 32 square feet for multi-dwelling dwellings, Place of Worship and other non-residential buildings max 3.0 inches	AG GD RS CC, CH MG, OR	No
 Awning	Quantity Area Width Depth Dist. from Curb	1 per window n/a maximum equal to building facade minimum 4.0 feet min 2.0 feet	GD CC, CH MG OR	Yes
 Fascia/Wall	Quantity Area facade Width Depth	1 per business 1.5 square foot per linear foot of max 90% width of facade max 7.0 in	GD CC, CH MG OR	No
 Freestanding/Ground	Quantity Area feet. feet. Height Width Depth	1 per site single occupancy = max 100 square multiple occupancy = max 300 square maximum 8.0 feet maximum 4.0 feet max 12.0 inches	AG GD CC, CH MG OR	Yes

TABLE 2.6: ZONING DISTRICT SPECIFIC ACCESSORY SIGN REGULATIONS BY SIGN TYPE

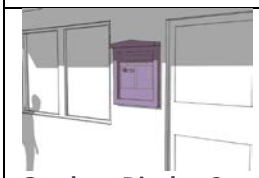
Sign Type	Siting Specifications		Allowed in Zones	Development Permit Required
Marquee	Quantity Area Width Depth Dist. from Curb	1 per business n/a entrance plus 2 feet per side minimum 4.0 feet; maximum 10 feet minimum 3.0 feet	GD CC, CH MG OR	Yes
 **Outdoor Display Case**	Quantity Area Width Height Depth	1 per business max 6.0 square feet. max 3.5 feet max 3.5 feet max 6.0 inches	GD CC, CH MG OR	No
Portable/Mobile	Quantity Area Width Height Setback	1 per site maximum 48.0 square feet. n/a maximum 10.0 feet. a minimum of 12 feet from the corner site lines of intersecting streets	AG GD CC, CH MG OR	Yes
Projecting	Quantity Area Width Depth	1 per business max 4.0 square feet. maximum 4.0 feet maximum 4.0 feet	GD CC, CH MG OR	Yes
Sidewalk/Sandwich	Quantity Area Width Height	1 per business maximum 8.0 square feet. maximum 26 inches maximum 42 inches	GD CC, CH MG OR	No

TABLE 2.6: ZONING DISTRICT SPECIFIC ACCESSORY SIGN REGULATIONS BY SIGN TYPE			
Sign Type	**Siting Specifications**	**Allowed in Zones**	**Development Permit Required**
Window	Quantity: 1 per window Area: maximum 25% of glass area	CC, CH MG	No
Yard/Identification	Quantity: 1 per site Area: maximum 6 square feet. Width: maximum 3.0 feet Height: maximum 2.0 feet (not incl. post) Clearance: min 3.0 feet to sign edge Apex: max 6.0 feet to top of post	AG RS CC, CH MG OR	No

PART 3: Zoning Districts

3.1 Zoning Districts in the Rural Municipality of Ellice-Archie

The following zoning districts are hereby established in this By-law and are intended to provide sufficient land in suitable locations to meet the needs of the municipality while also being generally consistent with the provisions of the Mid-West Planning District Development Plan.

TABLE 3.1: ZONING DISTRICTS ESTABLISHED

Abbreviations	Zoning District Name	Refer to Section
"AG"	Agriculture General Zone	3.6
"GD"	General Development Zone	3.7
"RS"	Residential Serviced Zone	3.8
"CC"	Commercial Central Zone	3.9
"CH"	Commercial Highway Zone	3.10
"MG"	Industrial General Zone	3.11
"OR"	Open Space / Recreation Zone	3.12

3.2 Zoning District Boundaries

The zoning districts established **in TABLE 3.1** (above) shall apply within the boundaries of the zones shown on the maps in **Schedule "A"** of this by-law and the following rules of interpretation shall apply in all zoning districts:

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 parcel limits as shown on a registered plan or by reference to the Dominion Government Survey shall be construed to follow such parcel limits.

3.3 Permitted and Conditional Uses

The permitted, conditional and accessory uses prescribed for parcels within each zoning district are those set out in the Use Tables of **PART 3** of this By-law as follows:

a) Permitted uses are indicated with the letter **[P].**
b) Conditional uses are indicated with the letter **[C].**

3.4 Use and Bulk Regulations

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 use and bulk requirements described in the Use and Bulk Regulations Tables of this **PART** or elsewhere in this by-law.

3.5 Additional Requirements for Specific Uses in Different Zones

Regardless of whether a use is allowed as a permitted use or a conditional use, and regardless of the zoning district in which the use is located, additional standards for specific uses may apply and are set out in **PART 4** of this By-law and must be met, except as may otherwise be provided for in this By-law through a Conditional Use or Variance Order.

3.6 "AG" Agriculture General Zoning District Purpose and Intent

The **"AG" Agriculture General Zoning District** is hereby established in this zoning by-law and is intended to:

(a) Support and strengthen the agricultural industry in the municipality and to provide flexibility and opportunity for farm operators to engage in a variety and range of farming practices; and

(b) Protect the agricultural industry and its land resources in recognition of the contribution of agriculture to the economy, lifestyle and character of the municipality.

(c) Protect the environmental carrying capacity of the land base to sustain the range of uses associated with this zoning district.

(d) Allow for a limited amount of non-agricultural uses, provided the primary use of the land is agriculture.

3.6.1 "AG" Agriculture General Zone – Accessory Uses, Buildings and Structures

a) **Permitted Accessory Uses, Buildings and Structures**

i) Accessory Animal Housing Facilities located on conditionally approved small rural land holdings such as a "riding academy and stables" or a "non-farm dwelling" site shall be allowed as a permitted accessory use. In such circumstances, each site shall be allowed to accommodate a maximum of up to nine (9) animal units (cumulative across species) as calculated from **PART 4, Table 4.1** of this by-law and shall not exceed one animal unit per acre of site area and shall be subject to the following additional requirements:

i. The animal housing facility and any manure stored onsite shall be separated a minimum distance of five hundred (500) feet from the limits of all General Development Zones, Rural Residential Zones and and three hundred and twenty-eight (328) feet away from all residences other than the owner's residence located on the same site as the animal housing facility and any manure stored onsite, adjacent motels, restaurants and community buildings. In addition, all animal housing facilities and any manure stored onsite shall be setback a minimum of 125 feet from all public roads, and seventy-five (75) feet from the side and rear limits of limits of the property on which they are sited.

ii. Notwithstanding the nine (9) animal unit cap (cumulative across species) referred to in this section, where a conditionally approved riding academy and stables or non-farm dwelling site proposes to keep ten (10) or more animal units (cumulative across species), they shall be deemed to be a "livestock operation" as defined in **PART 6** of this by-law and shall be required to satisfy the use and bulk requirements for a "livestock operation" in the **"AG" Agricultural General Zone** as set out in **PART 4** this by-law as well as having to satisfy other provisions of **PART 5** of this by-law.

ii) Accessory Domestic Structures
Accessory structures such as but not limited to decks, patios, statuary, flagpoles, private garages, garden sheds, gazebos, swimming pools and other similar features.

iii) Accessory Religious Institution
In the "AG" zone, an "accessory religious institution" which is located on the same site and in direct support of either a permitted or conditionally approved agricultural activity or livestock operation may be developed and shall be treated as a permitted accessory structure.

iv) Accessory Shipping Containers
In the "AG" Zone, an "accessory shipping container" as defined in **PART 6** of this by-law may be developed as a permitted accessory building only when it is located on the same site as a permitted or conditionally approved general or specialized agricultural activity, livestock operation, farm or non-farm dwelling site and in all cases it shall be located to the rear of the principal dwelling on the site. All accessory shipping containers as provided for herein shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law, Manitoba Building Code and Manitoba Fire Code (where applicable).

v) Accessory Signs as provided for in **PART 2** of this By-law.

vi) Accessory Tent Like Structures
In the "AG" Zone, an "accessory tent-like structure" as defined in **PART 6** of this by-law may be developed as a permitted accessory building only when it is located on the same site as a permitted or conditionally approved general or specialized agricultural activity, livestock operation, farm or non-farm dwelling site. All accessory tent-like structures greater than one-hundred and eight (108) square feet shall be subject to the issuance of a Development Permit.

vii) Farm dwellings, Mobile and/or Modular Homes when located on the same parcel of land as the agricultural operation to which they are accessory.

viii) Home based business activities shall be developed in accordance with the requirements of **PART 4** of this by-law.

ix) Personal Telecommunications Tower used to support ancillary devices such as but not limited to citizens' band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved single private agricultural activity or private residential activity shall be treated as a permitted accessory structure. All such personal telecommunications tower structures shall be set back from all property lines a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.

b) **Conditional Accessory Uses Buildings and Structures**

i) Accessory Farm Based Air Landing Strips and Related Storage Facilities

a) In the "AG" Zone, all newly siting accessory farm-based air landing strips and their related storage facilities may be developed as a conditionally approved accessory use only when they are located on and forming part of a permitted or conditionally approved agricultural operation subject to the following additional requirements:

1) The minimum parcel size required for a permitted or conditionally approved agricultural operation wanting to develop an accessory farm-based air land strip and its associated storage facilities shall be 80 acres and the site shall have a minimum width of one-thousand (1,000) feet;

2) The accessory farm-based air landing strip and any related storage facilities shall be setback a minimum of 300 feet from all property lines of the site on which it is located;

3) No newly siting accessory farm-based air landing strip and any related storage facilities shall be developed within 1 mile of the limits of a "GD" General Development zone, all rural residential zone(s) and all seasonal recreation zones.

4) Existing farm-based air landing strips and their related storage facilities which do not comply with the minimum use and bulk and siting and setback requirements as set out in this section shall be deemed to be an approved accessory use as they existed on the date of the adoption of this by-law.

b) Notwithstanding anything in this By-law, all accessory farm-based air landing strips and their related storage facilities shall be subject to Transport Canada requirements and/or recommended guidelines (where applicable) and it shall be the responsibility of the proponent to investigate the need for any required permits, approval or licenses as may be required from Transport Canada.

ii) Secondary Suite

Not more than one "secondary suite" as defined in **PART 6** of this by-law may be developed as a conditionally approved accessory use and only when it is located on the same zoning site and is located within and/or forming part of either an existing or newly proposed permitted "farm dwelling" or conditionally approved "non-farm dwelling". Notwithstanding the siting and setback requirements for "accessory uses" as provided for in **Table 3.2 of this PART**, all secondary suites shall satisfy all of the siting and setback requirements of **PART 3, Table 3.2** herein applicable to the principal dwelling within which the secondary suite is to be developed and all secondary suites shall not exceed 49% of the total habitable floor space of the principal dwelling in which it is developed. In all cases, where a secondary suite is being proposed, the principal dwelling in which the secondary suite is being proposed shall be occupied by the owner of the property. It shall be the responsibility of the proponent to consult with the provincial authority having jurisdiction prior to construction to determine the suitability of the site for the secondary suite and determine the need for any provincial permits, approvals or licenses as may be required associated with new or expanded or modified on-site wastewater collection and drinking water systems and/or the provision of hydro services.

c) **Prohibited Accessory Uses Buildings and Structures**

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

TABLE 3.2: USE & SITE REQUIREMENTS: "AG" AGRICULTURE GENERAL ZONE	MINIMUM REQUIREMENTS (q)				
	SITE SIZE		REQUIRED YARDS		
	Area (Acres)	Width (feet)	Front (feet) (a)	Side (feet) (a) (b)	Rear (feet) (a) (b)
PERMITTED USES					
Advertising Signs (with a sign surface area up to 54 sq./ft. in size)	-	-	25 (h)	15 (h)	15 (h)
Agricultural Activities, General	80	1,000	125	25	25
Livestock Operations with a capacity between 10 to 299 Animal units (AUs) (cumulative across species) (e) **(See also PARTS 4 and 6 herein)**	80 (d)	1,000	125(i)	25 (i)	25 (i)
Market Gardens, Nurseries or Greenhouses	2	200	125	25	25
CONDITIONAL USES					
Advertising Signs (with a sign surface area greater than 54 sq./ft.. in size)	-	-	25 (h)	15 (h)	15 (h)
Agricultural Activities, Specialized (c) (n)	2	200	125	25	25
Agro-Commercial/Industrial Manufacturing Establishments	2 (f)	200	125	25	25
Agricultural produce handling or processing	2	200	125	25	25
Agricultural sales or service	2 (f)	200	125 (g)	25 (g)	25 (g)
Auction Marts	2 (f)	200	125	25	25
Body Shops, Salvage Yards and Automobile Wrecking Operations	2 (f)	200	125	25	25
Campgrounds	2 (f)	200	125	25	25
Cemeteries	2 (f)	200	0	0	0
Community Halls (p)	2 (f)	200	125	25	25
Contracting Establishments	2	200	125	25	25
Exhibition Grounds	2	200	125	25	25
Golf Courses and Buildings	40	1,000	125	25	25
Kennels and Fur Farms	2 (f)	200	125	25	25
Livestock Operations with a capacity of 300 animal units (AU's) or more (cumulative across species) (e) (See also **PARTS 4 and 6** of this By-law)	80 (d)	1,000	125(i)	25 (i)	25 (i)
Manufacturing, Indoor provincially licensed cannabis cultivation, processing and packaging facilities and their related activities).	2 (f)	200	125	25	25
Motor Vehicle or Agriculture Equipment Service	2 (f)	200	125	25	25
Museums or Historic Sites	2 (f)	200	125	25	25
Natural Resource Extraction, Surface Mining and Gravel Pits	2	200	125	50	50
Non-Farm and Farm Dwellings (m)	2 (f)	200	125	25	25
Oil Field Battery Facilities (l)	2	200	125	25	25
Outdoor Recreation Facilities	2	200	125	25	25
Place of Worship (p)	2 (f)	200	125	25	25
Public Works Compounds and Buildings	2 (f)	200	125	25	25
Riding Academies and Stables (m)	2	200	125	25	25

TABLE 3.2: USE & SITE REQUIREMENTS: "AG" AGRICULTURE GENERAL ZONE	MINIMUM REQUIREMENTS (q)				
	SITE SIZE		REQUIRED YARDS		
	Area (Acres)	Width (feet)	Front (feet) (a)	Side (feet) (a) (b)	Rear (feet) (a) (b)
Sewage Lagoons	2	200	125	50	50
Trucking Establishments	2 (f)	200	125	25	25
Veterinary Clinics	2 (f)	200	125	25	25
Waste Disposal Sites	2	200	125	50	50
Wildlife Management Areas	2	200	125	25	25
Wind Energy Generation Stations (WEGS) (j)	7	550	125(k)	125(k)	125(k)
ACCESSORY USES, BUILDINGS, STRUCTURES					
Accessory uses, buildings and structures (See also **PARTS 2 and 4** of this by-law	-	-	125	25	25

NOTES:

[1] For information concerning the treatment of lawfully established existing uses, buildings and structures in existence prior to the adoption of this by-law, please refer to **PART 2: Uses** of this by-law.

[2] Provisions of **PART 2 General Rules and Regulations Applicable in All Zoning Districts and PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones** of this by-law shall also apply in this zone. In the event of a conflict between the provisions of **PART 2 or PART 4** and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.

Footnotes Forming Part of Table 3.2: "AG" Agriculture General Zone:

(a) Under authority of applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from provincial authority having jurisdiction.

(b) Except for cemeteries where a site or rear site line is adjacent to a government road allowance or other municipal road, the minimum required yard shall be 125 feet.

(c) Apiaries or bee colonies shall be considered as a conditional use when proposed to be located within 1 mile of a designated residential area, seasonal recreation area and/or urban settlement center.

(d) Notwithstanding the minimum site area requirement specified in **TABLE 3.2 herein**, all newly siting or expanding livestock operations shall have access to (either by direct ownership or lease) and use of sufficient lands to accept the application of all of the livestock manure generated by the operation in a sustainable manner on an annual basis in accordance with the provisions of the Livestock, Manure & Mortalities Management Regulation 42/98, as amended and the Nutrient Management Regulation 62/2008, as amended.

(e) New or expanding livestock operations are deemed to be a conditional use regardless of their location when the total number of animal units (AUs) being produced, inclusive of all animal species, is equal to or greater than three hundred (300) animal units (AUs) cumulative across species. All livestock operations located in the **"AG" Agriculture General Zone** producing 10 or more animal units (cumulative across species) shall also be subject to the requirements of **PART 4** of this by-law.

(f) 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) Anhydrous ammonia storage facilities shall be set back 350 feet from any public roadway, and shall be separated by a distance of 1,000 feet from any individual residence or building of human occupation except for the residence or building of human occupation of the operator or caretaker and shall be separated by a distance of 2,640 feet from any residential area and public buildings.

(h) Where two municipal roads intersect the minimum required yard shall be 200 feet measured from the centre line of the intersection.

(i) Notwithstanding the requirements of **Table 3.2 herein**, all animal housing facilities shall be setback a minimum of 50 metres (164 feet) from the property boundaries of the livestock operation and all feedlots and manure storage facilities shall be setback a minimum of 100 metres (328 feet) from the property boundaries of the livestock operation.

(j) Additional Requirements for Siting Wind Energy Generation Stations:
In addition to satisfying the minimum requirements of **Table 3.2 of PART 3 herein**, the following additional requirements shall also apply to the development of wind energy generation stations (WEGS).

i. Each wind energy generation station (WEGS) facility shall be dedicated only to the location of the wind energy generation station tower and/or the associated accessory buildings and infrastructure. The wind turbine tower is the principal use of the (WEGS) site but the land within the (WEGS) site that is not used for the facility may be used for compatible agricultural activities provided all other provisions of this by-law are satisfied.

ii. No portion of a (WEGS) tower, including its blade assembly shall extend beyond the limits of the site on which it is located unless the affected property owner has provided written authorization to the WEGS developer and Development Officer.

iii. All accessory buildings and structures associated with and located on the same site as a Wind Energy Generation Station (WEGS) tower shall be set back a minimum of 125 feet from all property lines of the site on which the (WEGS) is located. Where the site is located within the controlled areas of the provincial highway system, the proponent shall be responsible for obtaining required permits from provincial authority having jurisdiction.

iv. A (WESG) project involving more than one site and/or parcel of land may be processed at the same time. However, separate conditional use applications and any resulting conditional use orders shall be issued for each separate site containing one or more wind energy generation station tower.

v. Proponents of a wind energy generation station (WEGS) development shall submit to the Development Officer a detailed site plan showing the location of all wind turbine towers, electrical lines (above or below ground), on-site roads and driveways providing access to the public road system and setback information to adjacent development as part of the conditional use application.

vi. Proponents of a (WEGS) development are responsible for obtaining any required Federal and/or Provincial permits or approvals from agencies such as but not limited to Transport Canada, NAV Canada, Manitoba Hydro and all provincial authorities having jurisdiction, prior to the issuance of a development permit and any required building permits.

vii. When locating a proposed wind energy generation station tower in the vicinity of an airport all Transport Canada regulations regarding lighting, height and location of buildings and structures shall be satisfied.

viii. A development permit and building permit (if required) shall be obtained prior to the commencement of construction.

ix. All signage and/or lighting affixed to a commercial Wind Energy Generation Station (WEGS) towers shall be subject to the approval of Council. Any illumination of the facility shall be arranged so that it does not create glare at any nearby property or public roadway.

x. A private wind energy generation station (WEGS) located on the same site and in direct support of either a permitted or conditionally approved single private agricultural activity or private residential activity shall be treated as an accessory structure. This structure shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from the ground to the uppermost point of extension of its rotors.

xi. The total height of all (WEGS) towers shall be the distance measured from the ground to the uppermost point of the extension of any rotor blade.

(k) Minimum Separation Distances Between Wind Energy Generation Stations and Adjacent Development:

In addition to satisfying the minimum requirements of **Table 3.2 of PART 3** herein, the following additional **mutual** separation distances set out below shall also apply to both land uses cited in each clause).

i. All (WEGS) tower bases shall be separated a minimum distance of one thousand six hundred and forty feet from all dwellings and other habitable buildings (e.g. motel) located on all lands except as provided in clause ii (below).

ii. All (WEGS) tower bases shall be separated a minimum distance of one and one half (1.5) times the total height of the tower plus rotor from employee accommodation buildings built and owned by the WEGS company/operator which are located on leased or owned lands which are part of the wind farm development.

iii. All (WEGS) towers shall be separated a minimum of 1.5 times their total height from any other titled property including the boundary of a railway right-of-way, government road allowance or provincial road or provincial trunk highway. Where a (WEGS) is proposed within the controlled areas of a provincial road or provincial trunk highway, they shall be subject to the approval of the provincial authority having jurisdiction.

iv. All (WEGS) tower bases shall be setback a minimum two hundred (200 feet) from the ordinary high water level of a lake or water course.

v. All WEGS) tower bases shall be setback a minimum of one half mile (2640 feet) from all zoned urban areas, rural residential areas and/or seasonal recreation areas.

(l) Oil field battery facilities shall be considered a conditional use only when they are proposed to be located or expanded within one half mile of any dwelling or habitable structure, otherwise they shall be deemed a permitted use.

(m) Animal housing facilities located on small rural land holdings such as a “riding academy and stable” or a single “farm dwelling” site or “non-farm dwelling” site shall be allowed as a permitted accessory use in all agricultural zones. In such circumstances, each site shall be allowed to accommodate a maximum of up to nine (9) animal units (cumulative across species) as calculated from **Table 4-1 of PART 4** of this by-law and shall be subject to the following additional requirements:

1) a) The animal housing facility and any manure stored onsite shall be separated a minimum distance of five hundred (500) feet (152.4 meters) from the limits of all "GD" General Development zones, "RR" Rural Residential zones herein and three hundred and twenty-eight (328) feet (100m) away from all residences other than the owner's residence located on the same site as the animal housing facility and any manure stored onsite, adjacent motels, restaurants and community buildings. In addition, all animal housing facilities and any manure stored onsite shall be setback a minimum of 125 feet from all public roads and seventy-five (75) feet from the side and rear limits of the property on which they are sited.

b) The maximum amount of livestock which may be kept within a small rural land holding such as a riding academy and stables or single farm or non-farm dwelling site shall not exceed 0.75 Animal Units (AU) per two (2) acres of site area, to a maximum of nine (9) Animal Units (cumulative across species).

2) Notwithstanding subsection 1) b) (above), where a conditionally approved riding academy and stables proposes to keep ten (10) or more animal units (cumulative across species), they shall be deemed to be a "livestock operation" as defined in **PART 6** of this by-law and shall be subject to the use and site requirements for a "livestock operation" as set out in **TABLE 3.2 of this PART** as well as the requirements of **PART 4** of this by-law.

(n) Council or the Mid-West Planning District may require the proponent to provide it with a physical site plan and/or a business plan as part of the conditional use application to assist in determining support for this type of land use.

(o) Where a proposed development involves the construction of "water control works" or "drainage works" as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.

(p) Newly siting facilities of this type shall generally be directed to existing urban settlement centers but may be allowed in the **'AG' AGRICULTURE GENERAL ZONE** if Council is satisfied that no suitable site is available in an existing urban community.

(q) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space except as provided elsewhere in this By-law.

3.7 GD General Development Zoning District Purpose and Intent

The **"GD" General Development Zoning District** is hereby established in this by-law and is intended to provide for residential and related community development within the rural settlement centres of Manson. The keeping of any livestock is **prohibited** in this zoning district.

The General Development Zone provides as permitted uses, those uses generally found in small communities that are compatible with residential uses as well as schools, recreation facilities and limited commercial and light industrial uses. Conditional uses in this zone represent uses that may be characterized by larger building scale, may generate increased traffic, have operating processes and/or storage needs, which require site specific assessment to ensure the right locational fit within the community.

3.7.1 "GD" General Development Zone – Accessory Uses, Buildings and Structures

a) **Permitted Accessory Uses, Buildings and Structures**

i) Accessory Domestic Structures
Accessory structures such as but not limited to decks, patios, statuary, flagpoles, private garages, garden sheds, gazebos, swimming pools and other similar features.

ii) Accessory Signs as provided for in **PART 2** of this By-law.

iii) Accessory Tent Like Structures
In the **"GD" Zone**, an "accessory tent-like structure" as defined in **PART 6** of this by-law may be developed as a permitted accessory building only when it is located on the same site as a single-unit dwelling, modular, mobile home or two-unit dwelling and in all cases it shall be located to the rear of the principal dwelling on the site. All accessory tent-like structures between one hundred and eight (108) square feet and two-fifty (250) square feet shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law. Accessory tent-like structures exceeding two-hundred and fifty (250) square feet shall be subject to the issuance of a Development Permit and Building Permit and must meet all other requirements of the zoning by-law.

iv) Accessory Telecommunications Towers
An accessory telecommunication tower used to support ancillary devices such as but not limited to citizens' band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved use shall be treated as a permitted accessory structure. Notwithstanding the siting and setback requirements of **PART 3, TABLE 3.2 of this PART**, all accessory telecommunication tower structures shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.

v) Home Based Business Activities
Shall be developed in accordance with the requirements of **PART 4** of this by-law.

b) **Conditional Accessory Uses Buildings and Structures**

i) Secondary Suite
Not more than one "secondary suite" as defined in **PART 6** of this by-law may be developed as a conditionally approved accessory use and only when it is located on the same zoning site and is located within and/or forming part of either an existing or newly proposed permitted "single-unit dwelling". Notwithstanding the siting and setback requirements for "accessory uses" as provided for in **TABLE 3.3 of this PART**, all secondary suites shall satisfy all of the siting and setback

requirements of **PART 3, TABLE 3.3** herein applicable to the principal dwelling within which the secondary suite is to be developed and all secondary suites shall not exceed 49% of the total habitable floor space of the principal dwelling in which it is developed. In all cases, where a secondary suite is being proposed, the principal dwelling in which the secondary suite is being proposed shall be occupied by the owner of the property. It shall be the responsibility of the proponent to consult with the provincial authority having jurisdiction prior to construction to determine the suitability of the site for the secondary suite and determine the need for any provincial permits, approvals or licenses as may be required associated with new or expanded or modified on-site wastewater collection and drinking water systems and/or the provision of hydro services.

ii) Pole Type Structures / Buildings as defined in **PART 6** of this by-law may be allowed as a conditionally approved accessory structure / building only when it is located on the same site as the principal building or use of land to which it is accessory.

c) Prohibited Accessory Uses Buildings and Structures

i) Accessory Shipping Containers
An "accessory shipping container" as defined in **PART 6** of this By-law are prohibited within the **"GD" General Development Zone**.

ii) The Keeping of Livestock
The keeping of any livestock and/or the construction of buildings or other structures or enclosures for the purposes of any keeping livestock **shall not be allowed** within the **"GD" General Development Zone**.

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

TABLE 3.3: USE & SITE REQUIREMENTS: "GD" GENERAL DEVELOPMENT ZONE	MINIMUM REQUIREMENTS (a) (b) (n) (o) (l)				
	SITE SIZE		REQUIRED YARDS		
	SITE AREA (sq./ft.)	SITE WIDTH (feet)	FRONT YARD (feet) (c)	SIDE YARD (feet)	REAR YARD (feet)
PERMITTED USES					
Advertising Signs (with a sign surface area up to 54 sq./ft. in size)	-	-	25 (k)	15 (k)	15 (k)
Bakeries	5,000	50	25	5	25
Clubs, Private or Public	15,000	100	25	15	25
Cultural Facilities, including auditoriums, community clubs and halls, libraries, museums and theatres.	15,000	100	25	15	25
Dwellings, single-dwelling	5,000	50	25	6	25
Dwellings, mobile home	5,000	50	25	6 (d)	25
Dwellings, modular home	5,000	50	25	6	25
Dwellings, two-dwelling	7,500	75	25	15	25
Dwellings, multiple-dwelling	(e)	100	25	15	25
Emergency Services, including police and fire stations	15,000	100	25	15	25
Establishments for the provision of personal services, such as offices, financial institutions, clinics, salons, day care facilities and funeral homes.	15,000	100	25	15	25
Establishments for the sale of goods or services, provided that all storage is within a fully enclosed building.	15,000	50	25	15	25
Exhibition Grounds	20,000	100	25	15	25
Food or Beverage Service Establishments	5,000	50	25	5	25
Institutional uses such as hospitals, schools, personal care homes and senior citizen homes	20,000	100	25	15	25
Nurseries or Greenhouses	15,000	100	25	15	25
Parks or Playgrounds	1,000	20	-	-	-
Place of Worship	15,000	100	25	15	25
Public Utilities (m)	5,000	50	25(f)	5 (f)	25(f)
Recreation Facilities	15,000	100	25	15	25
Residential care facilities, providing service to up to a maximum of (4) persons	10,000	100	25	15	25
Storage Buildings and Warehouses for non-hazardous materials	15,000	100	25	15	25
CONDITIONAL USES					
Accommodation Facilities such as Hotels and Motels	15,000	100	25	15	25
Advertising Signs (with a sign surface area greater than 54 sq./ft. in size)	-	-	25 (k)	15 (k)	15 (k)
Campgrounds	20,000	100	25	15	25
Earth Moving Contractors and Concrete Suppliers	15,000	100	25	15	25
Establishments for the commercial storage, handling or processing of agricultural produce	15,000	100	25	15(g)	25(g)

TABLE 3.3: USE & SITE REQUIREMENTS: "GD" GENERAL DEVELOPMENT ZONE	MINIMUM REQUIREMENTS (a) (b) (n) (o) (l)				
	SITE SIZE		REQUIRED YARDS		
	SITE AREA (sq./ft.)	SITE WIDTH (feet)	FRONT YARD (feet) (c)	SIDE YARD (feet)	REAR YARD (feet)
Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures, including bulk fuel establishments	15,000	100	25	15(g)	25(g)
Establishments for the sale of goods and services, where there is exterior storage of products	15,000	100	25	15	25
Manufacturing, Fabricating, Machining, Processing or Repair Establishments	15,000	100	25	15	25
Outside storage facilities and compounds for non-hazardous materials	15,000	100	25	15	25
Public Parking Areas	5,000	50	5	3	5
Public Works Compounds and Buildings	15,000	100	25	15	25
Residential care facilities, providing service to (5) persons or more	15,000	100	25	15	25
Trucking Establishments	15,000	100	25	15	25
Veterinary Clinics	15,000	100	25	15	25
ACCESSORY USES, BUILDINGS, STRUCTURES					
Accessory uses, buildings, structures (l)(m) (See also **PARTS 2 and 4** of this by-law for additional information)	-	-	(h)	5(g)(i)	5 (g)(i)(j)

NOTES:

[1] For information concerning the treatment of lawfully established existing uses, buildings and structures in existence prior to the adoption of this by-law, please refer to **PART 2: Uses** of this by-law.

[2] Provisions of **PART 2 General Rules and Regulations Applicable in All Zoning Districts and PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones** of this by-law shall also apply in this zone. In the event of a conflict between the provisions of **PART 2 or PART 4** and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.

Footnotes Forming Part of Table 3.3: "GD" - General Development Zone:

(a) In addition to the minimum requirements for **TABLE 3.3**, the following requirements shall apply:

(i) Maximum allowable height for all buildings and structures shall be 30 feet, excepting grain storage structures, fuel and fertilizer storage tanks, church steeples and telecommunication towers.

(ii) Minimum dwelling unit area shall be 1,000 square feet for a residential building, and 400 square feet for an accessory residential suite within a commercial building.

(b) (1) Where a proposed use requires wastewater disposal facilities and the site is **NOT** serviced by a piped municipal sewer system or a private holding tank approved by the provincial department having jurisdiction, the minimum bulk requirements shall be adjusted as follows:

(i) Minimum required site area shall be two (2) acres

(ii) Minimum required site width shall be two hundred (200) feet

(iii) Minimum required side yard shall be thirty (30) feet.

(2) Regardless of the whether the site is serviced by a piped municipal sewer system, holding tank or individual onsite sewage disposal system (e.g. tile field), the minimum required side yard shall be twelve (12) feet in the case of the street side of a corner site.

(3) Where a two (2) unit dwelling or a multi-unit dwelling serviced by a municipal sewer system or private holding tank is to be subdivided in a manner to create separate zoning sites for each dwelling unit, the minimum required side yard for interior side yards sharing a common party wall shall be reduced to zero (o) feet. For two-unit dwellings sharing a common party wall, the minimum site area required for each dwelling unit shall be reduced to 5,000 square feet and the minimum required site width shall be reduced to 50 feet.

(c) The minimum front yard requirement for a site where there are existing buildings on either side of the site shall be the average of the front yards of the adjacent buildings provided the average is not greater than the minimum site requirements.

(d) For mobile home sites, there shall be an open space at least 20 feet by 50 feet adjacent to the side of the mobile home containing either the entrance or the main living room window.

(e) Where the site **IS** serviced by a municipal piped wastewater system or a private holding tank approved by the provincial authority having jurisdiction, the minimum bulk requirements for sites with three (3) or more dwelling units or suites shall be as follows:

(i) Minimum required site area - 10,000 square feet for the first three dwelling units or suites with an additional 1,000 square feet for each additional dwelling unit or suite above the first three units/suites.
(ii) Minimum required site width - 100 feet
(iii) Minimum required side yard - 6 feet excepting the street side of a corner site which shall be (12 feet).

(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 by Council, 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 is adjacent to a railway right-of-way, the required yard shall be 0 feet for structures which require railway loading service.

(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 vehicle access door shall be set back a minimum distance of 10 feet from a public lane.

(k) Under authority of applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from the provincial authority having jurisdiction.

(l) The keeping of any livestock and/or the construction of buildings or other structures or enclosures for the purposes of any keeping livestock **shall not** be allowed within the **"GD" General Development Zone**.

(m) Bulk requirements do not apply to transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and similar infrastructure since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are permitted or approved.

(n) Where a proposed development involves the construction of “water control works” or “drainage works” as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.

(o) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space except as provided elsewhere in this By-law.

3.8 RS – Residential Serviced Zoning District

The "RS" Residential General Zoning District is hereby established in this by-law and is intended to provide areas in urban settlement centres to accommodate fully serviced (i.e. municipal piped water and wastewater) single dwelling unit and two dwelling unit residential and related development in urban settlements the municipality. This zone provides for a variety of housing types and affordability levels to accommodate a range of income levels, the ability to age in place and serve diverse market demands. The keeping of any livestock in the **"RS" zone** is prohibited.

3.8.1 "RS" Residential Serviced Zoning District Accessory Uses, Buildings and Structures

a) **Permitted Accessory Uses, Buildings and Structures**

i) Accessory Domestic Structures
Accessory structures such as but not limited to decks, patios, statuary, flagpoles, private garages, garden sheds, gazebos, swimming pools and other similar features.

ii) Accessory Signs as provided for in **PART 2** of this By-law.

iii) Accessory Telecommunications Towers
An accessory telecommunication tower used to support ancillary devices such as but not limited to citizens' band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved use shall be treated as a permitted accessory structure. Notwithstanding the siting and setback requirements of **Table 3.4 of this PART**, all accessory telecommunication tower structures shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.

iv) Home Based Businesses
Shall be developed in accordance with the requirements of **PART 4** of this by-law.

b) **Conditional Accessory Uses, Buildings and Structures**

i) Secondary Suite
Not more than one "secondary suite" as defined in **PART 6** of this by-law may be developed as a conditionally approved accessory use and only when it is located on the same zoning site and is located within and/or forming part of either an existing or newly proposed permitted "single-unit dwelling". Notwithstanding the siting and setback requirements for "accessory uses" as provided for in **Table 3.4 of this PART**, all secondary suites shall satisfy all of the siting and setback requirements of **PART 3, Table 3.4** herein applicable to the principal dwelling within which the secondary suite is to be developed and all secondary suites shall not exceed 49% of the total habitable floor space of the principal dwelling in which it is developed. In all cases, where a secondary suite is being proposed, the principal dwelling in which the secondary suite is being proposed shall be occupied by the owner of the property. It shall be the responsibility of the proponent to consult with the provincial authority having jurisdiction prior to construction to determine the suitability of the site for the secondary suite and determine the need for any provincial permits, approvals or licenses as may be required associated with new or expanded or modified on-site wastewater collection and drinking water systems and/or the provision of hydro services.

ii) Pole type structures / buildings
As defined in **PART 6** of this by-law are a Conditional Use in the "RS" – Residential Zone.

c) **Prohibited Accessory Uses Buildings and Structures**

i) Accessory Shipping Containers
Accessory shipping containers as defined in **PART 6** of this by-law are prohibited in the "RS" – Residential Serviced Zone.

ii) Pole type structures / buildings
As defined in **PART 6** of this by-law are prohibited in the "RS" – Residential Zone.

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

TABLE 3.4: USE & SITE REQUIREMENTS: "RS" RESIDENTIAL SERVICED ZONE	MINIMUM REQUIREMENTS (a) (b) (h) (l) (m)				
	SITE SIZE		REQUIRED YARDS		
	SITE AREA (Acres)	SITE WIDTH (feet)	FRONT YARD (feet) (b)	SIDE YARD (feet) (b)	REAR YARD (feet) (b)
PERMITTED USES					
Child Care Services	15,000	75	25	8 (c)	25
Dwellings (e): Single-Unit Dwellings	5,000	50	25	6(c)(d)	25
- Two-Unit Dwellings	8, 000 (f)	80	25	8 (c) (d)	25
- Multi-Unit Dwellings	10,000 (g)	100	15	15	25
Parks and Playgrounds	5,000	50	15	8 (c)	25
Place of Worship	15,000	100	25	8 (c)	25
Public Utilities	5,000	50	15	8 (c)	25
Schools	1 acre	200	25	15	25
CONDITIONAL USES					
Boarding, Rooming and Lodging Houses	15,000	100	25	8 (c)	25
Community Centers and Clubs	15,000	100	25	8 (c)	25
Dwellings: - Mobile and Modular Homes	6,000	50	25	6 (c) (d)	25
Emergency Services Including Fire, Police and Ambulance Stations	15,000	100	25	8 (c)	25
Libraries and Museums	15,000	100	25	8 (c)	25
Residential Care Facilities	15,000	100	25	8 (c)	25
ACCESSORY USES, BUILDINGS, STRUCTURES					
Accessory uses, Buildings and Structures (i) (See also **PARTS 2 and 4** of this By-law).	-	-	(j)	3	2 (i)

NOTES:

[1] For information concerning the treatment of lawfully established existing uses, buildings and structures in existence prior to the adoption of this by-law, please refer to **PART 2: Uses** of this by-law.

[2] Provisions of **PART 2 General Rules and Regulations Applicable in All Zoning Districts and PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones** of this by-law shall also apply in this zone. In the event of a conflict between the provisions of **PART 2 or PART 4** and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.

Footnotes for Table 3.4: "RS" Residential Serviced Zone:

In addition to the minimum requirements for **TABLE 3.4** (above), the following requirements shall apply:

(a) (i) The maximum allowable height for all buildings and structures shall be 30 feet (two stories) except for church steeples and similar architectural components of permitted or conditionally approved public buildings and private tele-communication towers which are accessory to a residential use.

(b) Where a proposed use requires wastewater disposal facilities and the site is **NOT** serviced by a piped municipal sewer system or a private holding tank approved by the provincial authority having jurisdiction, the minimum bulk requirements shall be adjusted as follows:
- (i) Minimum required site area shall be two (2) acres;
- (ii) Minimum required site width shall be two hundred (200) feet;
- (iii) Minimum required side yard shall be thirty (30) feet.

(c) (i) In the case of a corner lot, the minimum required side yard setback shall be increased to 12 feet free of all projections other than eaves and gutters.

(d) (i) Where an interior lot used for residential purposes is not adjacent to a lane, one of the side yards shall be a minimum of 10 feet free of all projections other than eaves and gutters in order to accommodate the required parking space or to provide for vehicular access to the rear of the site. This requirement shall not apply where a garage or carport is attached to the principal building.

(e) (i) The minimum dwelling unit floor area for a single-unit dwelling shall be one-thousand (1,000) sq./ft. (92.9sq/m) with an additional four hundred (400) sq./ft. (37.16 sq/m) for the second and each additional dwelling unit therein.

(f) (i) For the purpose of interpreting the requirements of **Table 3.4** herein, a semi-detached two-unit dwelling, a row house or a multi-unit dwelling having common party walls shall be considered as being one (1) building occupying one (1) site.

(ii) Notwithstanding clause (i) of this footnote (above), in the case of semi-detached two-unit dwellings, each dwelling unit may occupy a separate site, provided each site is a minimum of 4,000 sq./ft. in area and has a minimum site width of fifty (50) feet. In such circumstances, the side yard required along the shared common party wall shall be reduced zero (0) feet and all other provisions of **Table 3.4 of this PART** shall also apply.

(g) The minimum site area required for multi-unit dwellings shall be 10,000 sq./ft.. for the first three (3) units and shall increase by a minimum of 1,000 sq./ft.. for each additional dwelling unit thereafter.

(h) Under authority of applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from the provincial authority having jurisdiction.

(i) Where an accessory building is used for storage of a motor vehicle, the wall which contains the vehicle access door shall be set back a minimum distance of ten (10) feet from a public lane.

(j) 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.

(k) Bulk requirements do not apply to transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and similar infrastructure since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are permitted or approved.

(l) Where a proposed development involves the construction of “water control works” or “drainage works” as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.

(m) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space except as provided elsewhere in this By-law.

3.9 "CC" Commercial Central Zoning District

The "CC" – Commercial Central Zoning District is hereby established in this by-law and is intended to provide areas in urban settlement centres for street-level commercial retail and other compatible uses such as, office, personal service, dining and entrainment, large scale indoor recreation facilities in the centralized part of urban settlement centres. This zoning district also supports the rehabilitation and re-use of existing buildings, along with the preservation of heritage resources and significant structures. The keeping of any livestock in the **"CC" zone** is prohibited.

3.9.1 "CC" Commercial Central Zoning District Accessory Uses, Buildings and Structures

a) **Permitted Accessory Uses, Buildings and Structures**

i) Accessory Dwelling Unit

In the **"CC" Commercial Central Zoning District**, one or more accessory dwelling units developed within the principal building shall be allowed as a permitted accessory use but in all cases said accessory dwelling units must be located above or behind the principal commercial enterprise occurring in the principal building and meet all other requirements of this by-law, the Manitoba Building Code and Manitoba Fire Code (where applicable).

ii) Accessory Signs as provided for in **PART 2** of this By-law.

iii) Accessory Telecommunications Towers

An accessory telecommunication tower used to support ancillary devices such as but not limited to citizens' band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved use shall be treated as a permitted accessory structure. Notwithstanding the siting and setback requirements of **Table 3.5 of this PART**, all accessory telecommunication tower structures shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.

iv) Home Based Business Activities shall be developed in accordance with the requirements of **PART 4** of this by-law.

b) **Conditional Accessory Uses, Buildings and Structures**

v) Accessory Shipping Containers

In the **"CC" Zone**, an "accessory shipping container" as defined in **PART 6** of this by-law may be developed as a conditionally approved accessory building only when it is located on the same site as the use to which it is accessory. All accessory shipping containers as provided for herein shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law, Manitoba Building Code and Manitoba Fire Code (where applicable).

vi) Accessory Tent Like Structures

In the **"CC" Zone**, an "accessory tent-like structure" as defined in **PART 6** of this by-law may be developed as a conditionally approved accessory building only when it is located on the same site as the use to which it is accessory. All accessory tent-like structures between one hundred and eight (108) square feet and two-fifty (250) square feet shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law. Accessory tent-like structures exceeding two-hundred and fifty (250) square feet shall be subject to the issuance of a Development Permit and Building Permit and must meet all other requirements of the zoning by-law.

c) **Prohibited Accessory Uses Buildings and Structures**

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

TABLE 3.5: USE & SITE REQUIREMENTS: "CC" COMMERCIAL CENTRAL ZONE	MINIMUM REQUIREMENTS (a) (b) (c) (h) (l) (m)				
	Area (sq./ft.)	Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED USES					
Advertising Signs (with a sign surface area up to 54 sq./t. in size)	-	-	25 (h)	15 (h)	15 (h)
Amusement Enterprises	5,000	50	5	15	25
Antique Stores and Second hand Stores	5,000	50	5	15	25
Art Stores	5,000	50	5	15	25
Automobile, Boat and Trailer Sales and Service	15,000	100	15	15	25
Automobile Service Stations and Gas Bars	15,000	100	15	15	25
Bakeries	5,000	50	5	15	25
Banks or Financial Institutions	5.,000	50	5	15	25
Building Supply Sales, Interior Storage Only	5,000	50	5	15	25
Banquet Halls	5,000	50	5	5 (d)	25
Business and Personal Services Establishments	5,000	50	5	5 (d)	25
Bus Stations	5,000	50	5	5 (d)	25
Cafes, Coffee Shops, Restaurants, Banquet Halls or Beverage Rooms	5,000	50	5	15	25
Child Care Services	15,000	75	25	8 (d)	25
Community Centres or Community Clubs	5,000	50	5	15	25
Convenience Stores	5,000	50	5	15	25
Drug Stores	5,000	50	5	15	25
Community Centers and Clubs	20,000	100	25	10 (d)	25
Contractor's Establishments (with indoor storage only)	5,000	50	25	10 (d)	25
Fire and Police Stations	5,000	50	5	5 (d)	25
Government Offices	5,000	50	5	5 (d)	25
Grocery Stores	5,000	50	5	5 (d)	25
Hospitals	1 acre	200	25	10 (d)	25
Hotels or Motels	30,000	150	25	10 (d)	25
Laundries, Dry Cleaning Establishments	15,000	100	25	15	25
Libraries and Museums	15,000	100	25	10 (d)	25
Lumber Yards (with indoor storage only)	10,000	100	25	15	10
Moving, Storage and Warehousing	5,000	50	5	5 (d)	25
Parks and Playgrounds	5,000	50	15	8 (d)	25
Place of Worship	20,000	100	25	10 (d)	25
Private Clubs and Lodges	5,000	50	5	5 (d)	25
Public Utilities (k)	5,000	50	15	8 (d)	25
Recreation Facilities (bowling alleys, cinemas, etc)	5,000	50	5	5 (d)	25
Retail Services	5,000	50	5	5 (d)	25
Restaurants and Drive-In Eating Establishments	5,000	50	5	5 (d)	25
Wholesale Office Sales and Storage	5,000	50	5	5 (d)	25
CONDITIONAL USES					
Advertising Signs (with a sign surface area greater than 54 sq./ft. in size)	-	-	25 (h)	15 (h)	15 (h)

TABLE 3.5: USE & SITE REQUIREMENTS: "CC" COMMERCIAL CENTRAL ZONE	MINIMUM REQUIREMENTS (a) (b) (c) (h) (l) (m)				
	Area (sq./ft.)	Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
Boarding, Rooming and Lodging Houses	15,000	100	25	10 (d)	25
Bulk Fuel and Oil Sales and Storage	10,000	100	25	15	25
Cannabis Retail Establishment	5,000	50	6	6	20
Carpentry and Woodworking Shops	5,000	50	5	5 (d)	25
Contractor's Establishments (with outdoor storage)	7,000	70	25	15	25
Dwellings: (f) - Single-Unit Dwellings and Modular Homes Two-Unit Dwellings	 5,000 8, 000 (g)	 50 80	 25 25	 6 (d) (e) 8 (d) (e)	 25 25
Lumber Yards (with outdoor storage)	15,000	100	25	10 (d)	25
Machine Shops	7,000	70	25	15	25
Manufacturing, General	7,500	75	25	15	25
Parking Lots (public or private) (m)	4,000	40	5	5 (d)	10
Residential Care Facilities	15,000 (b)	100	25	10 (d)	25
Snowmobile, Motorcycle and ATV Sales and Service Establishments	10,000 (b)	100	25	15	25
ACCESSORY USES, BUILDINGS, STRUCTURES					
Accessory uses, Buildings and Structures (See also **PARTS 2 and 4** of this By-law).	-	-	(j) (k)	3	2 (i)

NOTES:

[1] For information concerning the treatment of lawfully established existing uses, buildings and structures in existence prior to the adoption of this by-law, please refer to **PART 2: General Rules and Regulations Applicable in All Zoning Districts** of this by-law.

[2] Provisions of **PART 2: General Rules and Regulations Applicable in All Zoning Districts** and **PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones** of this by-law shall also apply in this zone. In the event of a conflict between the provisions of PART 2 or PART 4 and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.

Footnotes for Table 3.5: '"CC" Commercial Central Zone:

In addition to the minimum requirements for **TABLE 3.5** (above), the following requirements shall apply:

(a) (i) The maximum allowable height for all buildings and structures shall be 45 feet (three stories) except for church steeples and similar architectural components of permitted or conditionally approved public buildings and accessory telecommunication towers.

(b) Where a proposed use requires wastewater disposal facilities and the site is **NOT** serviced by a piped municipal sewer system or a private holding tank approved by the provincial authority having jurisdiction, the minimum bulk requirements shall be adjusted as follows:
- (i) Minimum required site area shall be two (2) acres;
- (ii) Minimum required site width shall be two hundred (200) feet;
- (iii) Minimum required side yard shall be thirty (30) feet.

(c) In the **"CC" Zone**, more than one principal commercial building or commercial use of land or some combination thereof may be permitted on a single parcel of land. Where any building or parcel is used for more than (1) purpose, all of the requirements of this by-law pertaining to each building or use shall be satisfied. In the event of a conflict between requirements pertaining to each use or building, the higher or more stringent requirement shall prevail and shall be satisfied.

(d) (i) In the case of a corner lot, the minimum required side yard setback shall be increased to 12 feet free of all projections other than eaves and gutters.

(e) (i) Where an interior lot used for residential purposes is not adjacent to a lane, one of the side yards shall be a minimum of 10 feet free of all projections other than eaves and gutters in order to accommodate the required parking space or to provide for vehicular access to the rear of the site. This requirement shall not apply where a garage or carport is attached to the principal building.

(f) (i) The minimum dwelling unit floor area for a single-dwelling dwelling shall be one-thousand (1,000) sq./ft. (92.9sq/m) with an additional four hundred (400) sq./ft. (37.16 sq/m) for the second and each additional dwelling unit therein.

(g) (i) For the purpose of interpreting the requirements of **Table 3.5** herein, a semi-detached two-unit dwelling, a row house or a multi-unit dwelling having common party walls shall be considered as being one (1) building occupying one (1) site.

(ii) Notwithstanding clause (i) of this footnote (above), in the case of semi-detached two-unit dwellings, each dwelling unit may occupy a separate site, provided each site is a minimum of 4,000 sq./ft. in area and has a minimum site width of fifty (50) feet. In such circumstances, the side yard required along the shared party wall shall be reduced zero (0) feet and all other provisions of **Table 3.5 of this PART** shall also apply.

(h) Under authority of the applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from the provincial authority having jurisdiction.

(i) Where an accessory building is used for storage of a motor vehicle, the wall which contains the vehicle access door shall be set back a minimum distance of ten (10) feet from a public lane.

(j) 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.

(k) Bulk requirements do not apply to transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and similar infrastructure since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are permitted or approved.

(l) Where a proposed development involves the construction of “water control works” or “drainage works” as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.

(m) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space except as provided elsewhere in this By-law.

3.10 "CH" Commercial Highway Zoning District

Is hereby established in this by-law and is intended for a range of commercial and related uses that serve the needs of the travelling public that are most appropriately located on major highways outside of the core / downtown areas of urban settlement centres and/or rural settlement centres. The keeping of any livestock in the **"CH" zone** is prohibited.

3.10.1 "CH" Commercial Highway Zoning District Accessory Uses, Buildings and Structures

a) **Permitted Accessory Uses, Buildings and Structures**

i) Accessory Dwelling Unit

In the **"CH" Zone**, one (1) attached or detached accessory dwelling unit and its associated accessory buildings may be developed as a permitted accessory use on the same parcel as the principal use commercial use of the property. The accessory dwelling unit must in all cases satisfy all of the siting and setback requirements applicable to the principal use of the property and meet all other requirements of this by-law, the Manitoba Building Code and Manitoba Fire Code (where applicable). The minimum dwelling unit floor area for the accessory dwelling unit shall be one-thousand (1,000) sq./ft. (92.9sq/m).

ii) Accessory Signs as provided for in **PART 2** of this By-law.

iii) Accessory Telecommunications Towers

An accessory telecommunication tower used to support ancillary devices such as but not limited to citizens' band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved use shall be treated as a permitted accessory structure. Notwithstanding the siting and setback requirements **of Table 3.6 of this PART**, all accessory telecommunication tower structures shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.

iv) Home Based Business Activities shall be developed in accordance with the requirements of **PART 4** of this by-law.

b) **Conditional Accessory Uses, Buildings and Structures**

i) Accessory Tent Like Structures

In the **"CH" Zone**, an "accessory tent-like structure" as defined in **PART 6** of this by-law may be developed as a conditionally approved accessory building only when it is located on the same site as the use to which it is accessory. All accessory tent-like structures between one hundred and eight (108) square feet and two-fifty (250) square feet shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law. Accessory tent-like structures exceeding two-hundred and fifty (250) square feet shall be subject to the issuance of a Development Permit and Building Permit and must meet all other requirements of the zoning by-law.

c) **Prohibited Accessory Uses Buildings and Structures**

i) Accessory Shipping Containers

Accessory shipping containers as defined in **PART 6** of this by-law are prohibited in the "**CH" Commercial Highway Zone**.

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

TABLE 3.6: USE & SITE REQUIREMENTS: "CH" COMMERCIAL HIGHWAY ZONE	MINIMUM REQUIREMENTS (a) (b) (c) (d) (h) (i)				
	SITE SIZE		REQUIRED YARDS		
	Area (sq./ft.)	Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED USES					
Advertising Signs (with a sign surface area up to 54 sq./ft. in size)	-	-	25 (d)	15 (d)	15 (d)
Automobile, Boat and Trailer Sales and Service	40,000	150	125	15	15
Automobile Service Stations	40,000	150	125	15	15
Business & Personal Services Establishments	20,000	100	125	15	15
Bus Stations	20,000	100	125	15	15
Camping and Tenting Grounds	40,000	150	125	15	15
Convenience Stores	20,000	100	125	15	15
Farm Implement Sales and Service	40,000	150	125	15	15
Fire and Police Stations	20,000	100	125	15	15
Hospitals	1 acre	200	125	15	15
Motels or Hotels	40,000	150	125	15	15
Libraries and Museums	20,000	100	125	15	15
Parks and Playgrounds	15,000	75	125	15	10
Public Utilities (g)	15,000	75	125	15	10
Restaurants and Drive-In Eating Establishments	20,000	100	125	15	15
Truck Terminals	40,000	150	125	15	15
CONDITIONAL USES					
Advertising Signs (with a sign surface area greater than 54 sq./ft. in size)	-	-	25 (d)	15 (d)	15 (d)
Cannabis Retail Establishment	5,000	50	6	6	20
Lumber Yards (with indoor and exterior storage)	15,000	75	125	15	10
Recreation Facilities (Bowling Alleys, Cinemas, etc)	15,000	75	125	15	10
ACCESSORY USES, BUILDINGS, STRUCTURES					
Accessory uses, Buildings and Structures (See also **PARTS 2 and 4** of this By-law).	-	-	(f)	3	2 (e)

NOTES:

[1] For information concerning the treatment of lawfully established existing uses, buildings and structures in existence prior to the adoption of this by-law, please refer to **PART 2: General Rules and Regulations Applicable in All Zoning Districts** of this by-law.

[2] Provisions of **PART 2: General Rules and Regulations Applicable in All Zoning Districts** and **PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones** of this by-law shall also apply in this zone. In the event of a conflict between the provisions of PART 2 or PART 4 and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.

Footnotes for Table 3.6: "CH" Commercial Highway Zone:

In addition to the minimum requirements for **TABLE 3.6** (above), the following requirements shall apply:

(a) (i) The maximum allowable height for all buildings and structures shall be 30 feet (two stories) except for architectural components of permitted or conditionally approved public buildings and accessory telecommunication towers.

(b) Where a proposed use requires wastewater disposal facilities and the site is **NOT** serviced by a piped municipal sewer system or a private holding tank approved by the provincial authority having jurisdiction, the minimum bulk requirements shall be adjusted as follows:

(i) Minimum required site area shall be two (2) acres;
(ii) Minimum required site width shall be two hundred (200) feet;
(iii) Minimum required side yard shall be thirty (30) feet.

(c) (i) In the **"CH" zone**, more than one principal commercial building or commercial use of land or some combination thereof may be permitted on a single parcel of land. Where any building or parcel is used for more than (1) purpose, all of the requirements of this by-law pertaining to each building or use shall be satisfied. In the event of a conflict between requirements pertaining to each use or building, the higher or more stringent requirement shall prevail and shall be satisfied.

(d) Under authority of the applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from the provincial authority having jurisdiction.

(e) Where an accessory building is used for storage of a motor vehicle, the wall which contains the vehicle access door shall be set back a minimum distance of ten (10) feet from a public lane.

(f) The minimum required front yard for accessory buildings and structures shall be the same as the minimum required front yard for the principal building on the same site.

(g) Bulk requirements do not apply to transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and similar infrastructure since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are permitted or approved.

(h) Where a proposed development involves the construction of "water control works" or "drainage works" as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.

(i) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space except as provided elsewhere in this By-law.

3.11 The "MG" Industrial General Zoning District

Is hereby established in this by-law and is intended to provide areas in urban settlement centres for a variety of manufacturing, processing, storage and transportation industries. The keeping of any livestock in the **"MG" zone** is prohibited.

3.11.1 "MG" - Industrial General Zoning District Accessory Uses, Buildings and Structures

a) **Permitted Accessory Uses, Buildings and Structures**

i) Accessory Shipping Containers

In the **"MG" Industrial General Zone**, an "accessory shipping container" as defined in **PART 6** of this by-law may be developed as a permitted accessory building only when it is located on the same site as the permitted or conditionally approved industrial use to which it is accessory. All accessory shipping containers as provided for herein shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law, Manitoba Building Code and Manitoba Fire Code (where applicable).

ii) Accessory Tent Like Structures

In the **"MG" Industrial General Zone**, an "accessory tent-like structure" as defined in **PART 6** of this by-law may be developed as a permitted accessory building only when it is located on the same site as the use to which it is accessory. All accessory tent-like structures between one hundred and eight (108) square feet and two-fifty (250) square feet shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law. Accessory tent-like structures exceeding two-hundred and fifty (250) square feet shall be subject to the issuance of a Development Permit and Building Permit and must meet all other requirements of the zoning by-law.

iii) Accessory Dwelling Unit

In the **"MG" Industrial General Zone**, one (1) attached or detached accessory dwelling unit and its associated accessory buildings may be developed as a permitted accessory use on the same parcel as the principal commercial use of the property which it serves. The accessory dwelling unit must in all cases satisfy all of the siting and setback requirements applicable to the principal use of the property and meet all other requirements of this by-law, the Manitoba Building Code and Manitoba Fire Code (where applicable). The minimum dwelling unit floor area for the accessory dwelling unit shall be one-thousand (1,000) sq./ft. (92.9sq/m).

iv) Accessory Telecommunications Towers

In the **"MG" Industrial General Zone**, an accessory telecommunication tower used to support ancillary devices such as but not limited to citizens' band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved use shall be treated as a permitted accessory structure. Notwithstanding the siting and setback requirements of **Table 3.7 of this PART**, all accessory telecommunication tower structures shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.

v) Home Based Business Activities in the **"MG" Industrial General Zone** shall be developed in accordance with the requirements of **PART 4** of this by-law.

b) **Conditional Accessory Uses, Buildings and Structures**

c) **Prohibited Accessory Uses Buildings and Structures**

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

TABLE 3.7: USE & SITE REQUIREMENTS: "MG" - INDUSTRIAL GENERAL ZONE	MINIMUM REQUIREMENTS (a) (b) (c) (d) (f) (h) (i)				
	SITE SIZE		REQUIRED YARDS		
	Area (sq./ft.)	Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED USES					
Advertising Signs (with a sign surface area up to 54 sq./ft. in size)	-	-	25 (d)	15 (d)	15 (d)
Automobile, Boat and Trailer Sales and Service	40,000	150	25	15	25
Automobile Service Stations	40,000	150	25	15	25
Bulk Fuel and Oil Sales and Storage	15,000	100	25	15	25
Carpentry and Woodworking Shops	7,000	70	25	15	25
Concrete Products Manufacturing Establishments	7,000	70	25	15	25
Contractor's Establishments - With outdoor storage	10,000	100	25	15	25
- With indoor storage only	7,000	70	25	15	25
Farm Implement Sales and Service	40,000	150	25	15	25
Fire and Police Stations	7,000	70	25	15	25
Machine Shop	7,000	70	25	15	25
Manufacturing, General	7,000	70	25	15	25
Moving, Storage and Warehousing	7,000	70	25	15	25
Public Utilities (g)	5,000	50	25	15	25
Recreation Facilities (Bowling Alleys, Cinemas, etc	7,000	70	25	15	25
Snowmobile, Motorcycle and ATV Sales and Service Establishments	10,000	100	25	15	25
Truck Terminals	40,000	150	25	15	25
Wholesale Office Sales and Storage	7,000	70	25	15	25
Wood Processing Establishments	7,000	70	25	15	25
CONDITIONAL USES					
Advertising Signs (with a sign surface area greater than 54 sq./ft. in size)	-	-	25 (d)	15 (d)	15 (d)
Agricultural Industries	40,000	150	25	15	25
Asphalt Mixing Plants and Products	40,000	150	25	15	25
Automobile Wrecking Establishments	40,000	150	25	15	25
Concrete Batch Plants	40,000	150	25	15	25
Industrial Service Shop	40,000	150	25	15	25
Junk Yard	40,000	150	25	15	25
Manufacturing, Chemical	40,000	150	25	15	25
Manufacturing, Indoor federally licensed cannabis cultivation, processing and packaging facilities and related activities).	40,000	150	25	15	25
Restaurants and Drive-In Eating Establishments	20,000	100	25	15	25
ACCESSORY USES, BUILDINGS, STRUCTURES					
Accessory uses, Buildings and Structures (See also **PARTS 2 and 4** of this By-law)	-	-	(e)	3	2

TABLE 3.7: USE & SITE REQUIREMENTS: "MG" - INDUSTRIAL GENERAL ZONE	MINIMUM REQUIREMENTS (a) (b) (c) (d) (f) (h) (i)				
	SITE SIZE		REQUIRED YARDS		
	Area (sq./ft.)	Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)

NOTES:

[1] For information concerning the treatment of lawfully established existing uses, buildings and structures in existence prior to the adoption of this by-law, please refer to **PART 2: General Rules and Regulations Applicable in All Zoning Districts** of this by-law.

[2] Provisions of **PART 2: General Rules and Regulations Applicable in All Zoning Districts** and **PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones** of this by-law shall also apply in this zone. In the event of a conflict between the provisions of PART 2 or PART 4 and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.

Footnotes for Table 3.7: "MG" Industrial General Zone:

(a) i) The maximum allowable height for all buildings and structures shall be 30 feet (two stories) except for architectural components of permitted or conditionally approved public buildings and accessory telecommunication towers.

(b) Where a proposed use requires wastewater disposal facilities and the site is **NOT** serviced by a piped municipal sewer system or a private holding tank approved by the provincial authority having jurisdiction, the minimum bulk requirements shall be adjusted as follows:

(i) Minimum required site area shall be two (2) acres;
(ii) Minimum required site width shall be two hundred (200) feet;
(iii) Minimum required side yard shall be thirty (30) feet.

(c) In the **"MG" Industrial General Zone**, more than one principal commercial building or commercial use of land or some combination thereof may be permitted on a single parcel of land. Where any building or parcel is used for more than (1) purpose, all of the requirements of this by-law pertaining to each building or use shall be satisfied. In the event of a conflict between requirements pertaining to each use or building, the higher or more stringent requirement shall prevail and shall be satisfied.

(d) Under authority of the applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from the provincial authority having jurisdiction.

(e) 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.

(f) Where a side or rear yard of a site in the **"MG" Industrial General Zone** abuts the boundary of another zone, the yard requirements shall be increased by 50 percent.

(g) Bulk requirements do not apply to transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and similar infrastructure since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are permitted or approved.

(h) Where a proposed development involves the construction of "water control works" or "drainage works" as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.

(i) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space except as provided elsewhere in this By-law.

3.12 The "OR" Open Space / Recreation Zoning District

is hereby established in this by-law and is intended to provide areas in urban settlement centres for uses such as public parks and recreational areas and facilities, natural areas for the conservation of undeveloped scenic or hazard lands, utilization of lands for buffering between potentially incompatible land uses and utility rights-of-way that have an open space character.

3.12.1 "OR" Open Space / Recreation Zoning District Accessory Uses, Buildings and Structures

a) **Permitted Accessory Uses, Buildings and Structures**

(a) Accessory buildings or structures
required for the operation or maintenance of any institutional, recreational or other use which is permitted or conditional in the zone;

(b) Antennas, including satellite dish antennas

(c) Walls, decks, patios, gazebos, statuary, flagpoles
and similar features

b) **Conditional Accessory Uses, Buildings and Structures**

c) **Prohibited Accessory Uses Buildings and Structures**

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

TABLE 3.8: USE & SITE REQUIREMENTS: "OR" OPEN SPACE / RECREATION ZONE	MINIMUM REQUIREMENTS (a) (b) (d) (g)				
	SITE SIZE		REQUIRED YARDS		
	Area (sq./ft.)	Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED USES					
Arenas, Curling or Ice Skating	30,000	100	25	15	15
Athletic Fields	30,000	100	25	15	15
Auditoriums, Grandstands and similar Assembly Facilities	30,000	100	25	15	15
Camping and Tenting Grounds	40,000 (b)	150	25	15	25
Communications Facilities	10,000	75	25	15	15
Community Halls and Clubs	20,000	100	25	15	25
Exhibition Grounds	30,000	100	25	15	15
Golf Courses and Driving Ranges	50 acres	575	25	15	15
Parks and Playgrounds, tot Lots or Buffer Strips	5,000	50	25	15	25
Public Utilities (c)	5,000	50	25	15	25
Recreational Facilities, including Tennis Courts, Hiking Trails and Swimming Pools	15,000	100	25	15	15
Schools (Public or Private)	1 acre	200	25	15	25
CONDITIONAL USES					
Cemeteries	30,000	100	15	15	15
Place of Worship	15,000	100	25	15	15
Water Treatment Plants and Reservoirs	5,000	50	25	15	25
ACCESSORY USES, BUILDINGS, STRUCTURES					
Accessory uses, Buildings and Structures (See also **PARTS 2 and 4** of this By-law)	-	-	(e)	3	2

NOTES:

[1] For information concerning the treatment of lawfully established existing uses, buildings and structures in existence prior to the adoption of this by-law, please refer to **PART 2: General Rules and Regulations Applicable in All Zoning Districts** of this by-law.

[2] Provisions of **PART 2: General Rules and Regulations Applicable in All Zoning Districts** and **PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones** of this by-law shall also apply in this zone. In the event of a conflict between the provisions of PART 2 or PART 4 and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.

Footnotes for Table 3.8: 'OR' Open Space / Recreation Zone:

(a) (i) The maximum allowable height for all buildings and structures shall be 30 feet (two stories) except for architectural components of permitted or conditionally approved public buildings and telecommunication towers which are accessory to public buildings.

(b) Where a proposed use requires wastewater disposal facilities and the site is **NOT** serviced by a piped municipal sewer system or a private holding tank approved by the provincial authority having jurisdiction, the minimum bulk requirements shall be adjusted as follows:

(i) Minimum required site area shall be two (2) acres;
(ii) Minimum required site width shall be two hundred (200) feet;
(iii) Minimum required side yard shall be thirty (30) feet.

(c) Bulk requirements do not apply to transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and similar infrastructure since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are permitted or approved.

(d) Under authority of the applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from the provincial authority having jurisdiction.

(e) For all accessory buildings or structures, the required front shall be the same as the required front yard for the principal building or structure.

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

(g) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space except as provided elsewhere in this By-law.

PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones

Regardless of whether a use is allowed as a permitted use or a conditional use, and regardless of the zoning district in which the use is located, the following standards for specific uses must be met, except as otherwise provided in this by-law or by a conditional use or variance order:

4.1 Hazardous Materials Storage

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

(a) 350 feet of any public roadway

(b) 1,000 feet of a building used for human occupation excepting the operator;

(c) 2,640 feet of any of the following:

i) The limits of any urban settlement centre;

ii) Any "GD" - General Development Zone;

unless a reduced mutual separation distance is recommended by the provincial authority having jurisdiction and Council approves a variation.

4.2 Standards for Two-Unit Dwellings

In those zoning districts where a two-unit dwelling may be allowed, it shall have no required interior side yard between the two dwelling units where they share a common **party wall** which is located on the boundary between each dwelling unit that is located on their own zoning site.

4.3 Standards for Multi-Unit Dwellings

In those zoning districts where a multi-unit dwelling may be allowed, it shall:

i. only be located above the first storey of the building in the **"CC" zones**;

ii. have no required interior side yard between the dwelling units where they share a common **party wall** which is located on the boundary between each dwelling unit that is located on their own zoning site.

4.4 Standards for Bed and Breakfast Operations

A bed and breakfast shall only be allowed on a site in a zoning district where a "home-based business" may be allowed if it meets all of the following requirements:

i. the operator must reside within the principal residence to which the bed and breakfast is an accessory use;

ii. no more than [eight] patrons shall be accommodated within one dwelling;

iii. no more than five bedrooms shall be used for the bed and breakfast operation

iv. one additional on-site parking spot shall be provided for each bedroom that is used for the bed and breakfast operation;

v. signs shall follow the regulations for home-based businesses in the zone in which the bed and breakfast is located.

4.5 Standards for Home Based Business Activities

In the Municipality, a "home industry" and "home occupation" are two distinct types of home based business activities which are recognized as legitimate accessory uses in certain zoning districts. Each of these two distinct types of home based business activities shall be governed by the following rules:

a) **Home Industry**

May be allowed as a conditionally approved accessory use in the **"RS" Residential Serviced, "GD" General Development and "AG" Agricultural General zone(s)** and shall be subject to the following additional rules:

i) A home industry shall be principally conducted by the members of the dwelling residing in the dwelling located on the same site as the proposed home industry and any other persons employed or otherwise engaged in the home industry who do not reside in said dwelling may not exceed:

a) Two (2) employees in the **"RS", "GD"** Zone(s)
b) Five (5) employees in the **"AG"** zone.

ii) A home industry shall not generate undue traffic or congestion, adversely affect the amenity and convenience of the neighbourhood, or create a nuisance.

iii) A home industry shall not unduly interfere with the general enjoyment of adjacent property.

iv) One business sign, either freestanding or affixed to the wall of the principal or accessory building in which the home industry is carried out shall be allowed and shall have a maximum sign surface area as follows:

a) In all agricultural zones – 32 square feet
b) In all other zones where home based business as allowed as permitted accessory uses – 16 square feet.

v) Where a home industry is proposed adjacent to a provincial trunk highway and will be utilizing an existing access onto the provincial trunk highway, the proponent will be responsible for obtaining a required change in access use permit (i.e. joint use permit) from the Provincial authority having jurisdiction.

vi) It shall be the responsibility of the proponent proposing to establish or expand a home industry to investigate the need to obtain a development permit and/or building permit from the Mid-West Planning District prior to the commencement of the development.

b) **Home Occupation**

Shall be allowed as a permitted accessory use in the **"RS" Residential Serviced Zone, "GD" General Development Zone, and the "AG" Agricultural General Zone(s)** and will be subject to the following additional rules:

i) A home occupation shall be principally conducted by the members of the dwelling residing in the dwelling located on the same site as the proposed home occupation and any other persons employed or otherwise engaged in the home occupation who do not reside in said dwelling may not exceed:

a) Two (2) employees in the **"RS"** and **"GD"** zone(s);
b) Five (5) employees in the **"AG"** zone

ii) A home occupation shall not by reason of emission of odor, dust, smoke, noise, gas, fumes, cinders, light, vibration, refuse matter or water carried wastes become offensive or obnoxious or create a nuisance at or beyond any site line;

iii) There shall be no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the principal or accessory building except as otherwise provided for herein;

iv) A home occupation shall not cause the generation of undue traffic and congestion in the neighborhood;

v) A home occupation shall be carried on entirely within the dwelling unit or within an accessory building located on the same site as the principal building to which it is accessory;

vi) Not more than six hundred (600) square feet of floor area shall be devoted to a home occupation in any dwelling unit or its accessory buildings located on the same site as the principal building thereto, or thirty percent (30%) of the total floor area of the dwelling, whichever is the lesser;

(a) Notwithstanding the maximum floor area limitations outlined in clause (vii) above, in the case of a home occupation involving the establishment or expansion of a bed and breakfast or boarding or lodging use or building, a maximum of four (4) suites per site shall be allowed;

vii) One business sign, either freestanding or affixed to the wall of the principal or accessory building in which the home occupation is carried out shall be allowed and shall have a maximum sign surface area as follows:

a) In all agricultural zones – 32 square feet

b) In all other zones where home based business as allowed as permitted accessory uses – 16 square feet.

viii) Where a home occupation is proposed adjacent to a provincial trunk highway and will be utilizing an existing access onto the provincial trunk highway, the proponent will be responsible for obtaining a required <u>change in access use permit</u> (i.e. joint use permit) from the Provincial authority having jurisdiction.

ix) It shall be the responsibility of the proponent proposing to establish or expand a home occupation to investigate the need to obtain a <u>Development Permit</u> and/or <u>Building Permit</u> from the Mid-West Planning District prior to the commencement of the development.

4.6 Standards for Keeping Small Amounts of Livestock for Personal Use (Excluding Livestock Operations)

Where small amounts of livestock for personal use and enjoyment are kept, sheltered, bred, raised or sold on small farm and non-farm residential parcels, <u>all</u> of the following requirements <u>must</u> be met in all cases. The <u>maximum</u> amount of non-commercial livestock kept for personal use and enjoyment on a farm or non-farm residential parcel **<u>shall not exceed 9 animal units (AU)</u>**, cumulative across species or as may be further restricted in selected zoning districts in this By-law; and

i. a maximum of one animal unit (cumulative across species) may be allowed for every 8,094 square meters (two acres) of site area;

ii. the keeping of livestock must adhere to all other local, provincial and federal health and agriculture regulations in addition to the standards in this by-law;

iii. any ground-level structure intended for the keeping of animals must maintain a minimum setback of 4.5 meters (15 feet) from any site line;

iv. animal feed must be properly stored in enclosed vessels, and areas or enclosures intended for the keeping of animals must be properly cleaned and maintained to prevent odours from spreading onto abutting properties.

v. All manure storage facilities on the site shall not be located in the front yard and shall be setback a minimum of 50 ft. from all other property lines of the parcel on which it is located

4.7 Standards for Campgrounds and RV Parks

In those zoning districts where a campground or recreational vehicle (RV) park may be developed, it must meet the following standards:

i. more than one camping space or recreational vehicle (RV) space shall be allowed on a zoning site in a campground RV park;

ii. a campground or RV park must provide an all-weather roadway that serves all sites with a driving surface a minimum of six (6) meters (20 feet) wide;

iii. a campground or RV park must provide storage of refuse in a sanitary manner at locations not more than 150 meters (500 feet) from all camping spaces and recreation vehicle (RV) spaces in the campground and/or RV park.;

iv. a campground or RV park must provide clear numbered identification of each camping/RV space;

v. a campground or RV park must provide a centrally located recreation area equivalent to a minimum area of 20 square meters 215 square feet per camping/RV space .

4.8 Standards for Livestock Operations – General Provisions

The provisions of this section of **PART 4** of this By-law shall apply to the establishment or expansion of livestock operations throughout all agricultural zones in the Municipality.

4.8.1 All newly siting or expanding livestock operations being proposed in Rural Municipality of Ellice-Archie, which are 300 animal units (AU) or larger in size (cumulative across species) shall, regardless of their location, be subject to the conditional use approval process as detailed in the *Planning Act.*

4.8.2 All existing lawfully established livestock operations which have a capacity of 300 or more animal units (cumulative across species), are deemed to be a legal conditionally approved use, and may be replaced if they are removed or destroyed, subject to the issuance of a development permit. Where such existing operations are proposed to be enlarged or expanded, the enlargement or expansion shall be subject to the conditional use process as specified elsewhere in this By-law. If a conditional use permit and any required variations are approved by Council, the proponent will be required to obtain a development permit from the Mid-West Planning District prior to the commencement of construction.

4.8.3 A conditional use order or variation of a requirement for siting and development of a livestock operation or for a farm or non-farm site or a designated area, approved under any previous zoning by-law will continue to be in full force and effect.

4.8.4 All existing livestock operations (including feedlots, animal housing and/or manure storage facilities), single residences (not associated with a livestock operation) and designated areas that do not meet the 1) **TABLE 4.2: MINIMUM SETBACK DISTANCES FROM PROPERTY LINES** requirements and/or 2**) TABLE 4.3: MINIMUM SEPARATION DISTANCES FOR SITING LIVESTOCK OPERATIONS** as set forth in **PART 4** of this By-law, shall be deemed to possess a variation order for their current setback and separation distances as they existed on the date of adoption of this By-law.

4.8.5 Requirements for measuring the minimum separation distances for siting livestock operations as provided for in **Table 4.3 of PART 4** of this By-law, shall be measured from the closest point of the feedlot, animal housing or manure storage facility (whichever is closer) to the adjacent single residence and/or designated area, as circumstances so require.

4.8.6 All newly siting or expanding livestock operations shall have access to (either by direct ownership or lease) and use of sufficient lands to accept the application of all of the livestock manure generated by the operation in a sustainable manner on an annual basis in accordance with the provisions of **the Livestock, Manure & Mortalities Management Regulation 42/98**, as amended and the **Nutrient Management Regulation 62/2008**, as amended.

4.8.7 All newly siting or expanding livestock operations that are 300 animal units or greater in size (not cumulative across species) are required to file an annual manure management plan with the provincial authority having jurisdiction and may be required to provide a copy of the plan to the Municipality at the request of Council.

4.8.8 All newly siting or expanding livestock operations (including a feedlot, animal housing and/or manure storage facilities) should not be located in a natural hazard area subject to flooding, inadequate drainage, erosion or a recurring high water table as determined by the provincial authority having jurisdiction and all such facilities must be designed in accordance with the requirements of the **Livestock Manure & Mortalities Management Regulation 42/98**, as amended.

4.8.9 All newly siting or expanding livestock operations should not be located on soils determined by detailed soil survey acceptable to the Province, with a scale of 1:50,000 or better, to have an agricultural capability of Class 6 or 7, or unimproved organic soils as described under the Canada Land Inventory. If detailed soil survey information is not available for the area where a newly siting or expanding livestock operation is being proposed, the applicant may be required to provide a detailed soils survey for the site at a scale of 1:50,000 or better. Where a proponent is required to provide this detained soils information, it may be possible to demonstrate that the soils are not Class 6, 7 or unimproved organic soils and may be able to support a livestock operation.

4.8.10 All newly siting or expanding livestock operations that are 300 animal units or greater in size (cumulative across species will be subject to a provincial technical review report which will be completed and provided to Council in accordance with the requirements of the *Planning Act*, as may be amended from time to time.

4.8.11 For the purposes of determining the size of a given livestock operation, the system of "animal units" as adopted by regulation by the Province of Manitoba shall be used. The conversion factors for animal units (AU's) are provided for general reference in **TABLE 4.1: ANIMAL UNIT CONVERSION FACTORS of this PART** (below), and may be altered from time to time by provincial authority having jurisdiction, without requiring an amendment to this By-law.

TABLE 4.1: ANIMAL UNIT CONVERSION FACTORS

Animal	Type	A.U. Produced by One Livestock	Livestock Producing One A.U.
Dairy	Milking Cows, including associated livestock	2.000	0.5
Beef	Beef Cows, including associated livestock	1.250	0.8
	Backgrounder	0.500	2
	Summer pasture/replacement heifers	0.625	1.6
	Feeder cattle	0.769	1.3
Hogs	Sows, farrow to finish	1.250	0.8
	Sows, farrow to weanling	0.250	4.0
	Sows, farrow to nursery	0.313	3.2
	Weanlings	0.033	30
	Growers/finishers	0.143	7
	Boars (artificial insemination operations)	0.200	5
Chickens	Broilers	0.0050	200
	Roasters	0.0100	100
	Layers	0.0083	120
	Pullets	0.0033	300
	Broiler Breeder Pullets	0.0033	300
	Broiler Breeder Hens	0.0100	100
Turkeys	Broilers	0.010	100
	Heavy Toms	0.020	50
	Heavy Hens	0.010	100
Horses	Mares, including associated livestock	1.333	0.75
Sheep	Ewes, including associated livestock	0.200	5
	Feeder Lambs	0.063	16

The calculation of animal units for a species of livestock not mentioned in this Table is to be determined by officials at Manitoba Agriculture.

Note: To calculate the number of animal units (AU) of a particular species, multiply the AU produced by one livestock by the number of animals. For example, for 200 animal beef cows including associated livestock equals 1.25 x 200 = 250 AUs.

4.9 Standards for Livestock Operation Development in the "AG" Agriculture General Zone

In addition to satisfying the requirements of **PART 4, Section 4.8** of this by-law which identifies general requirements applicable to newly siting or expanding livestock operations in all agricultural zones in Rural Municipality of Ellice-Archie, the following additional requirements shall apply to newly siting or expanding livestock operations located in areas which are zoned **"AG" Agricultural General Zone** as identified on **MAP 1 of SCHEDULE "A"** of this By-law.

4.9.1 Any proposal to establish or expand a livestock operation or part thereof including a feedlot, animal housing facility or manure storage facility with a capacity between **10 to 299 Animal Units** (cumulative across species) shall be allowed as a **permitted use** providing it is developed in conformance with the requirements of the *Planning Act* and all of the other provisions of this By-law.

4.9.2 Any proposal to establish or expand a livestock operation or part thereof (including a feedlot, animal housing facility or manure storage facility) with a capacity **300 Animal Units or more** (cumulative across species) **shall be deemed to be a conditional use** and shall be developed in accordance with requirements of *The Planning Act* and all other provisions of this by-law including the provisions of **PART 5** of this By-law which in part deals with applications for development permits, conditional uses and variances.

4.9.3 No newly siting or expanding livestock operation or part thereof (including a feedlot, animal housing or manure storage facility) shall be established or expanded within a distance of 100 meters (328) feet of the ordinary high water mark of any surface watercourse, sinkhole, spring or well.

4.9.4 The minimum setback distances identified in **TABLE 4.2 of this PART** shall apply to the establishment or expansion of any livestock operation or part thereof (including a feedlot, animal housing or manure storage facility) in relation to the property lines of a given livestock operation.

TABLE 4.2: MINIMUM SETBACK DISTANCES FROM PROPERTY LINES	
Type of Livestock Facility	**Minimum Setback Distance from any Property Boundary in Meters (Feet)**
Manure Storage Facilities	100 (328)
Animal Confinement Facilities	50 (164)
NOTE: Where a parcel of land containing a livestock operation is being subdivided, all newly created parcels shall be of such a size and configuration so as to maintain a minimum 100 meter (328 feet) separation between any existing or proposed livestock confinement areas and manure storage facilities and all newly created property lines.	

4.9.5 The requirements of **TABLE 4-3: MINIMUM SEPARATION DISTANCES FOR SITING LIVESTOCK OPERATIONS of this PART** have been developed in accordance with and are generally consistent with the policies of the Mid-West Planning District Development Plan but may be varied by Council on a case by case basis.

i) The requirements of **TABLE 4-3: MINIMUM SEPARATION DISTANCES FOR SITING LIVESTOCK OPERATIONS of this PART** (below) shall apply to the establishment or expansion of any livestock operation or part thereof in a designated **"RURAL POLICY AREA"** and shall **mutually** apply to the establishment or expansion of a "**URBAN** and/or **RURAL SETTLEMENT CENTRE AREA**", all rural residential areas and/or seasonal recreation areas and to any newly siting farm or non-farm residence in the **"AG" Agriculture-General Zone** in the municipality, excluding residence(s) located on the same site and associated with a given livestock operation.

TABLE 4.3: MINIMUM SEPARATION DISTANCES FOR SITING LIVESTOCK OPERATIONS

Size of Livestock Operation in Animal Units (AU)	Separation Distance in Meters (Feet) From a "Single Residence" (*)				Separation Distance in Meters (Feet) From a "Designated Area" (**)			
	To a Feedlot and/or an Earthen Manure Storage Facility		To an Animal Confinement Facility or Non-Earthen Manure Storage Facility		To a Feedlot and/or an Earthen Manure Storage Facility		To an Animal Confinement Facility or Non-Earthen Manure Storage Facility	
10-100	200	(656)	100	(328)	800	(2,625)	530	(1,739)
101-200	300	(984)	150	(492)	1200	(3,937)	800	(2,625)
201-300	400	(1,312)	200	(656)	1600	(5,249)	1070	(3,511)
301-400	450	(1,476)	225	(738)	1800	(5,906)	1200	(3,937)
401-800	500	(1,640)	250	(820)	2000	(6,561)	1330	(4,364)
801-1,600	600	(1,968)	300	(984)	2400	(7,874)	1600	(5,249)
1,601-3,200	700	(2,297)	350	(1,148)	2800	(9,186)	1870	(6,135)
3,201-6,400	800	(2,625)	400	(1,312)	3200	(10,499)	2130	(6,988)
6,401-12,800	900	(2,953)	450	(1,476)	3600	(11,811)	2400	(7,874)
>12,800	1000	(3,281)	500	(1,640)	4000	(13,123)	2670	(8,760)

NOTE:

(*) A "Single Residence" does not include the residence of the owner and/or operator when the dwelling(s) are located on the same parcel as the livestock operation.

(**) A "Designated Area" means the following:

i) Any area in the Municipality designated as an "Urban Settlement Centre" or "Rural Settlement Centre" in the Mid-West Planning District Development Plan,

ii) Any area in the Municipality designated as a "Rural Residential Area" in the Mid-West Planning District Development Plan,

iii) Any area in the Municipality designated as a "Seasonal Recreation Area" in the Mid-West Planning District Development Plan.

PART 5: Administration and Enforcement

This by-law shall be administered in accordance with the provisions of *The Planning Act* and this **PART**.

5.1 Administration and Enforcement

In the administration and enforcement of this by-law, staff from the Municipality and the Mid-West Planning District shall have all of the powers of inspection, remedy and enforcement provided under **PART 12** of *The Planning Act*.

5.2 The Development Officer / Building Official Position and Authority

The position of the Development Officer / Building Official is hereby established. The person(s) appointed as Development Officer / Building Official by the Board of the Mid-West Planning District shall be a designated officer for the administration and enforcement of this by-law as provided for under *The Planning Act*.

5.3 Role and Responsibilities of the Development Officer / Building Official

The Development Officer / Building Official shall have the authority to:

a) issue Development Permits and Building Permits (where required) and exercise the powers of administration, inspection, remedy and enforcement as provided for under authority of *The Planning Act*.

b) refuse to issue a Development Permit and where required, a Building Permit where:
   i) the required Permit application(s), or any information accompanying said Permit application(s), is incorrect or incomplete;

   ii) the proposed building, structure or use does not, to the development officer's knowledge, comply with this zoning bylaw, the municipality's building by-law or with any other applicable federal and/or provincial law and/or regulation;

c) revoke a Development Permit and/or Building Permit where the Permit(s) were issued in error.

d) make a minor variance order, without the need for a public hearing, for any proposed change that varies:
   i) any height, distance, area, size or intensity of use requirement in the zoning by-law by no more than 15 per cent;

   ii) the number of parking spaces required by the zoning by-law by no more than 10 per cent.

5.4 When Development Permits Are Required

1. In the case of proposed development that involves the construction or expansion of a **public or semi-public water supply** system, the proponent shall be required to contact the Office of Drinking Water for information concerning licensing and approvals that must be obtained prior to the commencement of construction.

2. Before developing a **self-supplied water source (e.g. a well)**, the proponent shall be required to contact Manitoba Conservation and Water Stewardship's Water Use Licensing Section for information concerning licensing, permits or approvals that may be necessary prior to the commencement of construction.

3. Subject to **Section 5.5 of this PART** (below), the repair, rehabilitation, renovation, construction, erection, removal or relocation, enlargement, addition, extension, conversion, improvement or structural alteration or placing of a building or structure or any part thereof (including mechanical systems) and/or replacement of building components and underpinnings or excavation of land for the purpose of erecting a building or structure requires **a Development Permit** and **Building Permit** (where required) including those activities set out below, except as otherwise provided for in this by-law:

   a) the erection, construction, enlargement, structural alteration or placing of a building or structure, either permanent or temporary;

   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;

   d) the alteration or enlargement of an approved conditional use except where specifically exempt elsewhere in this by-law.

5.5 When Development Permits Are Not Required

1. A Development Permit is not required for the following:

   a) agricultural cropping of land;

   b) incidental non-structural alterations;

   c) patching, painting or decorating;

   d) replacement of stucco, siding or shingles with the same material;

   e) replacement of doors or windows when the opening is not altered;

   f) replacement of open landings and stairs up to 50 sq./ft. in size and not exceeding 24 inches in height above finished grade;

   g) open patios less than 8 inches above finished grade;

   h) installation of cabinets and shelves;

   i) a detached accessory storage building not exceeding one hundred and eight (108) square feet in floor area;

   j) garden houses tool sheds and children's playhouses not exceeding one hundred and eight (108) square feet in floor area;

   k) non-structural alterations or repairs to buildings or structures where the value of the work is less than five thousand dollars ($5,000.00);

   l) replacement of or minor changes to the capacity of pipes, ducts or conduits;

   m) the maintenance or restoration of building components, including re-painting and similar operations;

n) the installation of sidewalks, exterior steps, trees, hedges, shrubs, planters, fountains, flag poles, trellises, lighting and similar landscaping features that are developed in accordance with the provisions of this by-law;

o) private communications aerials and antennas;

p) private sewage disposal systems;

q) the erection of certain accessory signs as provided for in **PART 2** of this By-law.

2. Despite not requiring a **Development Permit**, all items in this section shall be subject to all other requirements of this by-law and all other applicable by-laws of the Municipality.

5.6 Other Required Permits

The issuance of a Development Permit in respect of the development of building, structure or use does not affect the obligation of the development proponent to obtain a Building Permit (where required) or any other permit or approval where required under the municipal building by-law or other municipal by-law, applicable federal and provincial law(s) and/or regulations, for such a building, structure or use.

5.7 Applications for Development Permit

An application for a Development Permit <u>shall</u>:

a) be made by the owner or owners of the parcel in question, or by a person authorized in writing by them;

b) be accompanied by plans drawn to scale showing the following:
   - i) the shape and dimensions of the parcel to be used or built on;
   - ii) the location (relative to property lines) and dimensions of existing buildings and structures;
   - iii) the location (relative to property lines) and dimensions of any proposed building, structure, enlargement or alteration;
   - iv) the number of existing and proposed dwelling units being proposed (where applicable);
   - v) the use or uses of each existing and proposed building and structure, user of the land, and the area to be occupied by each use;
   - vi) location of existing and/or proposed vehicular access, utility connections, parking areas, loading areas, and signage (where applicable);
   - vii) the type and location of all existing and/or proposed water supply systems and wastewater management systems and their distances from property lines and existing and proposed habitable buildings.
   - viii) any other information as may be required by the Development Officer/Building Official to determine compliance with, and to provide for enforcement of, this by-law including but not limited to Certificate(s) of Title and instruments registered thereon including easement agreements and caveats, a surveyor's Certificate and/or Building Location Certificate prepared by a Manitoba Land Surveyor;
   - ix) <u>an application for approval of a development permit and/or a conditional use or variation (where required) for a newly siting or expanding livestock operation</u> (including a feedlot, animal housing or manure storage facility) shall be accompanied by a site plan showing the following information:

a) the size and location of all existing and proposed feedlots animal housing and manure storage facilities (including information regarding the maximum number of animals of each species forming part of the existing and/or newly siting or expanding livestock operation); and

b) distances to property boundaries from those facilities identified in i) (above); and

c) existing and proposed drainage features in the vicinity of these facilities including any manure runoff collection basins; and

d) the proposed water supply system for the operation, and the location of any nearby drinking water sources or infrastructure, such as wells, reservoirs and rural pipelines; and

e) written information describing the type(s) and number of livestock of each species to be confined and estimated distances to the nearest two (2) dwellings not associated with the livestock operation; and

f) written information concerning any proposed fencing, landscaping, shelterbelts, measures to reduce odours and off site use and maintenance of roads (haul routes).

x) shall be accompanied by the fee(s) prescribed by the Municipality and/or the Mid-West Planning District.

xi) 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 and Building Permit (where required), and with this by-law.

5.8 Applications for Building Permit

a) Shall be made by the owner(s) of the parcel in question, or by a person authorized in writing by them

b) Shall be accompanied by plans and specifications as prescribed in the member municipality's building by-law and as prescribed in the Manitoba Building Code.

c) Any other information as required by the Building Official having jurisdiction.

5.9 Entry for Inspection and Other Purposes

a) The Development Officer / Building Official may, after giving reasonable notice to the owner or occupier of land or a building or other structure to be entered, and displaying or producing on request identification showing his or her official capacity:

i) enter the land, building or structure at any reasonable time for the purpose of inspection, enforcement and or action authorized by this by-law;

ii) request that anything be produced to assist in inspection, remedy, enforcement or authorized action; and

iii) make copies of anything related to the inspection, remedy, enforcement or authorized action.

b) In an emergency or in extraordinary circumstances, the Development Officer / Building Official need not give reasonable notice or enter at a reasonable time and may do the things referred to in **Section 5.9. of this PART** without the consent of the owner or occupant.

5.10 Order to Remedy Contravention

a) If the Development Officer / Building Official 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.

b) The order may:

i) direct a person to stop, or alter activities as applicable;

ii) direct a person to take any action necessary to remedy the contravention, including the removal or demolition of a building or structure that has been constructed, erected or placed in contravention, and if necessary, take appropriate steps to prevent a recurrence of the contravention;

iii) state a time within which the person must comply with the directions; and

iv) state that if the person does not comply with the stated directions, the municipality will take the action or measure at the expense of the person.

5.11 Review by the Board (Appeal of Board Orders)

a) A person who receives an order under **section 5.10 of this PART** may request the Board of the Mid-West Planning District to review the order, by written notice given within 14 days after the date the order is received.

b) After giving the person a reasonable opportunity to be heard, the Board of the Mid-West Planning District may confirm, vary, substitute or cancel the order or decision.

5.12 Application for Zoning By-law Amendments, Variances and Conditional Uses

An application for a variance, or conditional use, or an amendment to this by-law must be made in writing to the Development Officer / Building Official by the owner or owners of the land in question, or by a person authorized in writing by them in the proper form and must be accompanied by the fee prescribed by Council or the Mid-West Planning District Board. The application must also be accompanied by:

a) plans drawn to scale showing the shape and dimensions of the affected property;

b) plans drawn to scale showing the location (relative to property lines) and dimensions of existing buildings and structures;

c) plans drawn to scale showing the location (relative to property lines) and dimensions of the proposed building, structure, enlargement or alteration;

d) a description of the use or uses of each existing and proposed building or structure, or of the land and the area to be occupied by each use;

e) a description of the reason why the variance, conditional use, or amendment to this by-law is being requested;

f) any other information required by the Development Officer / Building Official to determine compliance with, and to provide for enforcement of, this by-law.

5.13 Development Agreements

i) In accordance with **Section 150 of *The Planning Act***, where an application is made for a variance order, conditional use or an amendment of this zoning by-law, Council may require the owner or the person entitled to be registered as owner of the land, building, or structure to which the amendment will apply, as a condition of its enactment, to enter into a development agreement

with the Municipality in respect of that land as well as contiguous land owned or leased by the applicant.

ii) Where an application is made for the subdivision of land, Council may require the owner or the person entitled to be registered as owner of the land to enter into a development agreement with the Rural Municipality of Ellice-Archie, in accordance with **Section 135 of *The Planning Act***.

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

PART 6: Definitions

6.1 Definitions in *The Planning Act*

Terms not defined in this bylaw which are defined in *The Planning Act* have the meaning provided in that Act as follows:

Building includes a well, pipe line, conduit, cut, excavation, fill, transmission line and any structure or erection, and any part of any of those things, and also includes an addition to or extension of any building or any of those things and a chattel that is attached to, or installed in or on, any building or any of those things.

Conditional Use means a use of land or a building that may be permitted under a zoning by-law.

Construction includes

(a) excavating, removing, filling and backfilling for the purpose of preparing or maintaining a site in respect of a building or a proposed building;

(b) erecting, extending, enlarging, placing, removing, locating and demolishing a building;

(c) altering, renovating and reconstructing a building;

(d) moving a building from one site to another; and

(e) underpinning the foundation of a building.

Development means,

(a) the construction of a building on, over or under land;

(b) a change in the use or intensity of use of a building or land;

(c) the removal of soil or vegetation from land; and

(d) the deposit or stockpiling of soil or material on land and the excavation of land.

Livestock Operation means a permanent or semi-permanent facility or non-grazing area where at least 10 animal units of livestock are kept or raised either indoors or outdoors, and includes all associated manure collection facilities, but does not include an auction mart.

Owner, in relation to property, means a person who is the owner of a freehold estate in the property, and includes

(a) a person who is an owner with another person as joint tenant or tenant in common of a freehold estate;

(b) a person who is the registered owner of a unit under *The Condominium Act*; and

(c) a real owner, as defined in subsection 1(1) of *The Municipal Assessment Act*.

Parcel of Land means the aggregate of all land described in any manner in a certificate of title.

Property means land and improvements on land, and includes

(a) an interest in land or an improvement on land; and

(b) air, surface and subsurface rights and interests in respect of land.

Sensitive Land" includes

(a) land that is susceptible to flooding, permafrost, erosion or that has unstable slopes or poor drainage;

(b) areas of special significance for animal, bird or plant life, including wetlands, forests and nesting areas; and

(c) land on which any development is likely to harm ecological diversity.

Subdivision means the division of land by an instrument, including

(a) a plan of subdivision, conveyance, deed, mortgage or grant; or

(b) an agreement granting or extending a use of or right in land, directly or indirectly or by an entitlement to renewal, for a period of 21 years or more; but not including a lease respecting only floor space in a building.

6.2 Definitions in this By-law

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

Accessory means a use, building or structure that is naturally and normally incidental, subordinate in purpose or area, or both, and exclusively devoted to the principal use, building or structure to which it is accessory, but a use shown as a conditional use in the Use and Siting Tables cannot be accessory to a use shown as a permitted use for the same zoning designation.

Accessory Shipping Container means a pre-fabricated structure which is designed for the shipping of goods via land, sea, rail or road and may include trailer bodies or other similar structures (including motor vehicle bodies) which have the wheels removed. An accessory shipping container shall naturally and normally be incidental, subordinate in purpose or area, or both, and shall be located on the same site as the principal use, building or structure to which it is accessory.

Accessory Tent-like Structure means a pre-manufactured or constructed structure or building that consists of a main frame covered by a canvas type material. An accessory tent-like structure shall naturally and normally be incidental, subordinate in purpose or area, or both, and shall be located on the same site as the principal use to which it is accessory.

Agro-Industrial Business means an establishment that provides goods or services to the agricultural sector, including (but not limited to) anhydrous ammonia sales, fertilizer sales and service establishments, farm equipment and machinery repair shops, feed operations, livestock auction marts, and commercial seed cleaning plants.

Alterations, Incidental means changes or replacements in the non-structural parts of a building or structure, including, but not limited to the following:

(i) An addition, alteration, removal, reconstruction or replacement on the non-structural exterior of a residential building

(ii) An addition, alteration, removal, reconstruction or replacement of any unroofed driveway, sidewalk, patio or any accessory building floor

(iii) Alteration of non-load bearing interior partitions in all types of buildings

(iv) Replacement of, or changes in, the capacity of utility pipes, ducts or conduits

(v) Replacement and placement of necessary roofing materials, awnings, eaves, overhangs and related structures, provided the area and height of the roof are not increased

(vi) The addition and replacement of interior structures such as furnaces, fuel tanks, water heaters, fireplaces or wood stoves

(vii) Replacement of exterior building facades

Alterations, Structural means any change, which prolongs the life of the supporting members of a building or structure, which includes, but is not limited to, bearing walls, columns, beams or girders.

Animal Confinement Facility Animal confinement facility' means a barn or an outdoor area where livestock are confined by fences or other structures, and includes a seasonal feeding area but does not include a feedlot or grazing area.

Animal Keeping means a use where livestock or other animals (excluding pets) less than 10 *animal units* (cumulative across species) are sheltered, bred, raised, or sold. This includes, but is not limited to, stables and kennels.

Animal Unit means the number of animals of a particular category of livestock that will excrete 73 kilograms of total nitrogen in a 12 month period as defined in the Provincial Planning Regulation - Manitoba Reg. 81/2011, as amended.

Bed and Breakfast Operation means accommodation for transient lodgers in individual rooms or apartments.

Board means the Mid-West Planning District Board.

Building has the meaning provided in *The Planning Act*, except that it does not include a well, pipeline, excavation, cut, fill, or transmission line.

Business and Personal Services establishments: means the occupancy or use of a building or part thereof for the transaction of business or the rendering or receiving of professional or personal services.

<u>Cannabis and Related Terms</u>

Cannabis means cannabis as defined in the Cannabis Act (Canada).

Manufacturing, Indoor provincially licensed cannabis cultivation, processing and packaging facilities and their related activities refers to a land use undertaken by person(s) and/or a corporate entity who holds a cannabis distributor licence issued under the Liquor, Gaming and Cannabis Control Act (Manitoba).

Cannabis Retail Establishment means the premises specified in a retail cannabis licence where the retail sale of cannabis is authorized.

Retail Cannabis Licence means a licence issued under the Liquor, Gaming and Cannabis Control Act (Manitoba).

Cannabis concentrate means the hashish, cannabinoids, or any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized, of cannabinoids.

Cannabis-infused product means a product infused with cannabis that is intended for use or consumption other than by smoking, including but not limited to, edible product, ointments and tinctures.

Cannabis Cultivation means the large-scale growing of cannabis plants and harvesting material from those plants, as well as associated activities including development of nursery stock (seed and seedlings).

Industrial Hemp means the growing of industrial hemp plants (those containing 0.3 per cent THC or less) and associated activities.

Cannabis Processing means the large-scale manufacturing, packaging and labelling of cannabis products destined for sale to consumers, and the intra-industry sale of these products, including to provincially/territorially authorized distributors, as well as associated activities.

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.

Council means the Council of Rural Municipality of Ellice-Archie.

Crematorium means a facility containing a certified furnace or similar device intended for use in the incineration of human or animal corpses.

Daycare means the use of premises for the care during the day for more than 8 children not residing on the premises (See Reg. 62/86 definition, full time child care).

Development Officer means a person appointed by the Mid-West Planning District Board who is responsible for those duties as provided for herein.

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 means a building designed for residential occupancy in accordance with the provisions of the Manitoba Buildings and Mobile Homes Act and includes the following:

(a) **dwelling, Farm -** means a single-unit dwelling, mobile home or modular home which is the principal residence of the owner or operator of a permitted or conditional agricultural activity, and which is located on the same site or a new site taken from the agricultural activity.

(b) **dwelling, Multi-Unit** - means a building containing three (3) or more dwelling units, with each dwelling unit being designed for and used for the exclusive occupancy of one (1) dwelling;

(c) **dwelling, Single-Unit** - means a detached building designed and used for the exclusive occupancy of one (1) dwelling.

(d) **dwelling, Two-Unit** - means a detached or semi-detached building designed and used for two (2) households, with each unit having exclusive occupancy of a one household unit.

(e) **Dwelling, Non-Farm** – means a single unit dwelling, mobile home or modular home on a site used for residential purposes, regardless of the owner's occupation, and found in the **"AG" Agricultural General Zone.**

Dwelling unit means one or more habitable rooms in a building designed for one or more persons living as a single housekeeping unit, with cooking, eating, living, sleeping and sanitary facilities.

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

Farm Building/Structure means a building or structure, other than a dwelling, which does not contain a residential occupancy, located on a farm and used or to be used in the actual farming operation and which is:

a) associated with and located on land devoted to the practice of farming and considered to be an *"Agricultural Operation"* and

(b) used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds, such as barns, produce storage buildings, milking centres, piggeries, poultry houses, grain bins, silos, machinery sheds, farm workshops, feed preparation centres, manure storages, greenhouses and garages not attached to a farm residence and

(c) has a Low Human Occupancy (as applying to farm buildings) means an occupancy having an occupant load of not more than 1 person per 40 square meters during normal use)

feedlot means an outdoor area that is fenced to confine livestock solely for the purpose of growing or finishing, but does not include
a) A grazing area; or
b) A seasonal feeding area.

First Storey means the uppermost storey having its floor level not more than 2 meters above grade**.**

General Agricultural Activities means a use of land for agricultural purposes, including production of field crops, apiculture, floriculture, horticulture, silviculture and the necessary accessory uses for packing, storing or treating the produce, but does not include the following:

(a) livestock 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.

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

Grazing Area means lands used for pasture or crop production on which livestock may be kept year-round or seasonally, and are fed primarily by direct consumption of plant material grown on the area, and where manure produced by those livestock does not accumulate such that mechanical removal is required.

Height means the total number of storeys in a building or the vertical distance measured from grade to: a) the highest point of the roof surface of a flat roof b) the deck or eaves of any other roof type .

<u>Home Based Business - Types:</u>

a) **home industry** means a small-scale manufacturing, repair or trade activity such as but not limited to a welding shop, plumber, electrician, carpentry or cabinet maker, auto repair mechanic or trucking operation and similar uses which are carried on in or from a dwelling or its accessory building for consideration and which is located on the same site and which is clearly secondary and incidental to the principal use of the property.

b) **home occupation** means an occupation, trade, profession or craft such as but not limited to a hair salon, bed and breakfast operation, tea room, home day care operator, lawyer or accountant and similar uses which are carried on in or from a dwelling unit or its accessory building for consideration and which is clearly incidental or accessory to the principal use of the property.

One in Two-Hundred Year flood means a flood that can be expected to occur, on average, once in 200 years.

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.

Manure Storage Facility - Types:

a) **earthen manure storage facility** means a structure built primarily from soil, constructed by excavating or forming dikes, and used for storing or retaining livestock manure, but does not include

1) a collection basin;
2) a field storage site; or
3) a temporary composting site for manure.

b) **non-earthen manure storage facility** means a non-earthen structure, molehill, tank or other non-earthen facility for storing or treating manure, but does not include a gutter or concrete pit used to contain liquid or semi-solid manure for less than 30 days for the purpose of moving the manure to a manure storage facility.

Mobile Home is a manufactured home constructed of single or multiple sections constructed as a portable dwelling (single unit dwelling) unit that is capable of being transported on its own chassis and running gear by towing or other means, and which is designed to be connected to external electrical, water and sewer facilities, and to be used as a single dwelling unit and comprises not more than one storey and at a minimum complies with CAN/CSA Z240 MH Series of Standards at the time of construction (under the Buildings and Mobile Home Act (as amended). Foundations for these homes are at a minimum constructed to CAN/CSA Z-240 Standards (Deformation Resistant Foundations).

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

Mobile Home Space means a space in a mobile home park, which may be rented/leased by an individual for the placement of a mobile home.

Mobile Home Subdivision means an area of land which is subdivided into mobile home sites which may be sold for the placement of mobile homes.

Modular Homes are a pre-manufactured single unit dwelling built in a factory in one or more finished sections for transport to a site for installation. These dwelling units are similar to but distinct from a mobile home. Modular (pre-manufactured homes) are at a minimum certified to CAN/CSA A277 standards at the time of construction. Foundations for these types of buildings may be constructed as permanent foundations or other approved foundations.

Party Wall means a wall jointly owned and jointly used by 2 parties under easement agreement or by rite in law, and erected at or upon a line separating 2 parcels of land each of which is, or is capable of being a separate real estate entity.

Place of Worship means a building (ex: a church, chapel, mosque, synagogue, or temple) primarily used for religious purposes. **Principal Use** means the primary or predominant activity on any lot or within any building or structure.

Pole Type Structure / Building means a building or structure typically constructed with its main frame and foundation consisting of laminated, sawn or natural (round) wood poles.

Principal Building means a structure on a site used to accommodate the principal use or structure typically constructed with its main frame and foundation consisting of laminated, sawn or natural (round) wood poles.

Public Utility means any system, works, building, plant equipment or service, excluding telecommunications towers (private for profit), wind energy generation stations (WEGS) and private for profit commercial scale solar energy generation systems, developed for the purpose of furnishing publicly used communication, transportation, transmission and collection services and facilities (including fire, police and EMS) that are available at approved rates to the inhabitants of the Rural Municipality of Ellice-Archie.

Residential Care Facility means a building in which residential accommodation, plus supervision, care or treatment, is provided to 5 or more persons, by a person or persons employed for the purpose.

Secondary Suite means a self-contained detached or attached accessory dwelling-unit located within and/or forming part of a permanent single-unit dwelling, farm dwelling or non-farm dwelling on a single zoning site. A secondary suite is comprised of a single dwelling unit and has its own separate access, cooking, sleeping and sanitary facilities which are separate from and not shared with those of the principal dwelling. This accessory use does not include duplex housing, semi-detached housing, multiple-unit dwelling housing or apartment housing.

Sign means any writing (including letters, words, or numerals), pictorial representation (including illustration or decoration), emblem or logo (including device, symbol or trademark), banner, pennant or any other figure of similar character (excluding display windows) which:

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

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

(c) Is visible from outside a building.

<u>Sign Types</u>

Address Sign means a sign, generally applied to a building wall that displays a building's address.

Advertising Sign means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the zoning site where the sign is maintained.

Awning Sign means lettering applied directly on the valance or other vertical portion of an awning.

Bulletin Board means a sign of permanent character, but with movable letters, words or numerals indicating the names of persons associated with, or event conducted upon, or products or services offered on the same zoning site upon which the bulletin board sign is maintained, e.g. school, church, community centre and similar uses.

Business Sign means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same zoning site where the sign is maintained.

Clearance means the height above the walkway, or other surface if specified, of the bottom edge of an element.

Construction Sign means a sign which identifies a construction project and information relative thereto.

Fascia or Wall Sign means any sign attached against the surface of, or against or within a recess in the wall, a column or other perpendicular portion of a building in a position essentially parallel to said wall, column

or other perpendicular position. A fascia sign shall also mean any sign attached to the walls of two or more buildings and spanning the spaces between the said buildings.

Flashing Sign means an illustrated sign on which artificial light is not maintained constant in intensity and colour at all times when such sign is in use.

Freestanding Sign means a sign supported by a vertical column or columns placed in the ground with the sign surface area above ground level.

Identification Sign or **Nameplate** means a sign that identifies the business, owner, resident or the street address and which sets forth no other advertisement.

Illuminated Sign means a sign designed to give forth any artificial light or reflect light from an artificial source.
Marquee Sign means a sign attached to a marquee, canopy or awning projecting from and supported by a building.

Outdoor Display Case means a sign consisting of a lockable metal or wood framed cabinet with a transparent window or windows, mounted onto a building wall or freestanding support. It allows the contents, such as menus or maps, to be maintained and kept current.

Portable or Mobile Sign means a sign with or without a structural frame and intended for a limited period of display, but shall have no red, green or amber lights thereon, and with no blinking or scintillating lights when the sign faces a residential area.

Projecting Sign means any sign other than a fascia sign, which is attached to a building and extends beyond the exterior wall of the said building beyond the surface of that portion of the building to which it is attached.

Roof Sign means any sign erected, constructed and maintained wholly upon or over the roof of a building with the principal support on the roof structure.

Sidewalk Sign or **Sandwich Board** means a moveable freestanding sign that is typically double-sided, placed at the entrance to a business to attract pedestrians.

Sign Surface Area means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, including any frame or other material or colour forming an integral part of the display or used to differentiate such sign from the background against which it is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two (2) feet from one another, the sign surface area of the sign shall be taken as the surface areas of one face if the two faces are of equal area, or as the surface area of the larger face if the two faces are of unequal area.

Temporary Sign means a sign which is not permanently anchored to a footing extending below grade or permanently affixed to, or painted on, a building and on which the copy has been painted or affixed in a permanent manner. The copy on the sign shall relate to an activity, use or event of a limited time duration not exceeding six months. Temporary signs include political campaign signs, real estate signs, construction

identification signs, signs involving seasonal businesses, and signs advertising specific community events. For the purpose of this By-law, temporary signs shall not include portable signs.

Valance means the portion of an awning that hangs perpendicular to the sidewalk.

Window Sign means a sign placed or painted on the interior of a shopfront window or the window of a business door.

Yard Sign means a permanent freestanding sign in a Front Yard, including a supporting post or posts.

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

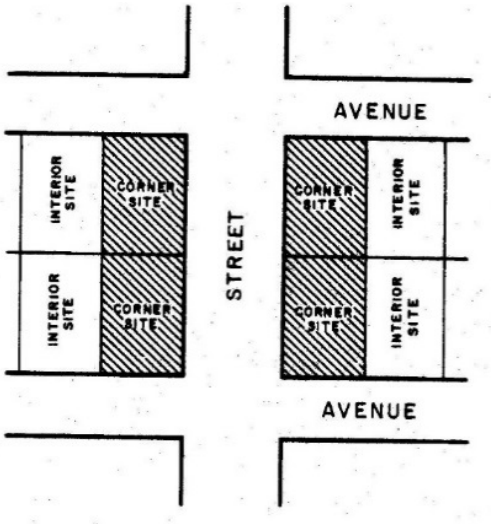
Site means an area of land which:

(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;

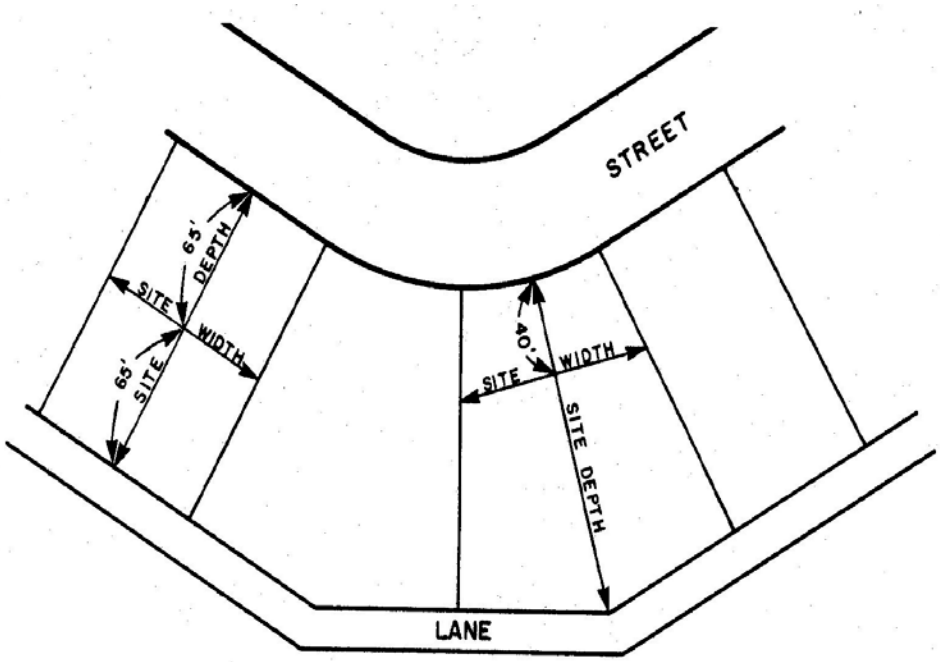
(b) has frontage on a street, or has any lawful means of access satisfactory to Council, or as otherwise provided for herein; and

(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, 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 any/all streets or highways;

(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;

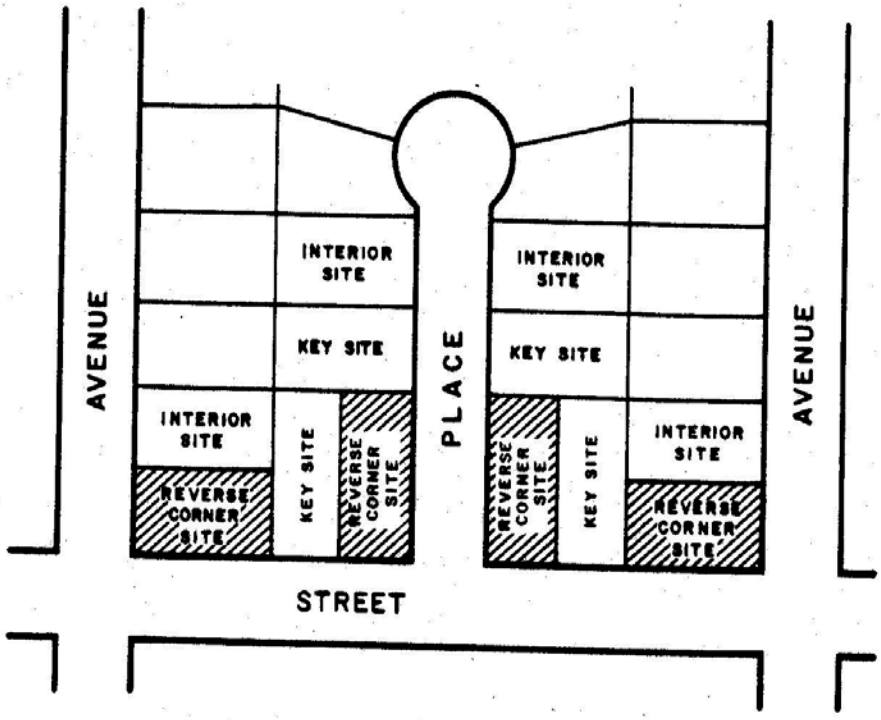
(b) where the side site lines intersect, a line 10 feet in length within the site, parallel to and at the maximum distance from the front site line.

side site line

(a) means any boundary of a site which is not a front or rear site line.

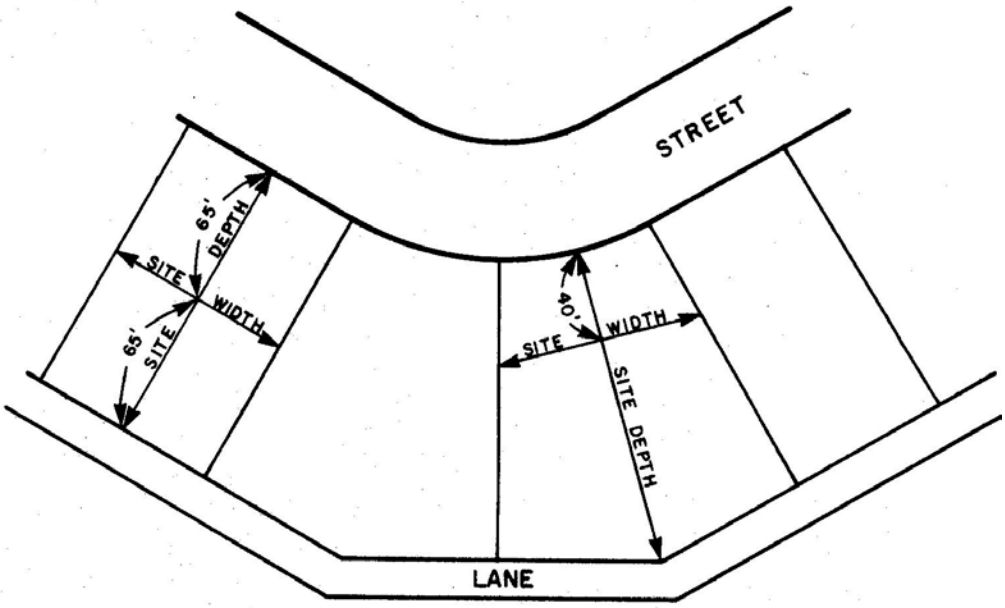
Where it is not possible to determine site lines according to these definitions, they shall be determined by the development officer.

Site, Reverse Corner means a corner site, the flanking street site line of which is substantially a continuation of the front site line of the first site to its rear.



Site, Through means a site having a pair of opposite site lines along two (2) more or less parallel streets. On a through site both street lines shall be deemed front site lines.

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, greenhouses, nurseries, market gardening and other 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.

Storey means that portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

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. It includes, but is not limited to, buildings, walls, fences, signs, billboards, light standards and antennas.

Surface Watercourse means the channel in or bed on which surface water flows or stands, but does not include a dugout, drain, reservoir, intermittent slough, drainage ditch or intermittent stream that is completely surrounded by private land controlled by the owner or operator of an agricultural operation and that has no outflow going beyond the private land or an infield ephemeral drain.

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

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.

Wind Energy Generation Station (WEGS) means a site and facility that is comprised of, but not limited to, one or more wind turbine generator towers, and may include associated accessory operations and maintenance buildings, research or meteorological towers, collector grids, roads and substations that convert wind energy to electrical energy for use or sale by a private commercial enterprise. It must have a collective nameplate rating of 0.75 megawatt or greater and be connected to the transmission or a local distribution grid. The (WEGS) can be comprised of either a leased or an owned 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 an open area, on the same zoning site with a building or structure which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein. A required yard extends along a site line to a depth or width (measured from the site line) specified in the yard requirement for the zone in which it is located.

(a) **yard, required, corner site** means a side yard which adjoins a street.

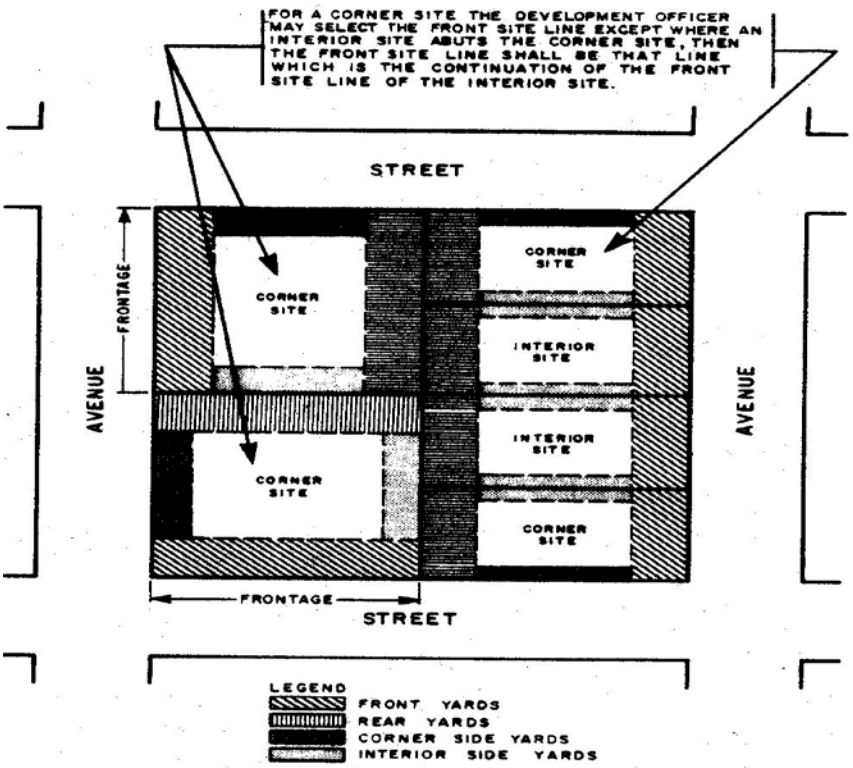
(b) **yard, required, front** means a yard extending along the full length of the front site line between the side site lines (typically where access to the site is provided).

(c) **yard, required, interior side** means a side yard which is adjacent to another site, or to a lane separating such side yard from another site.

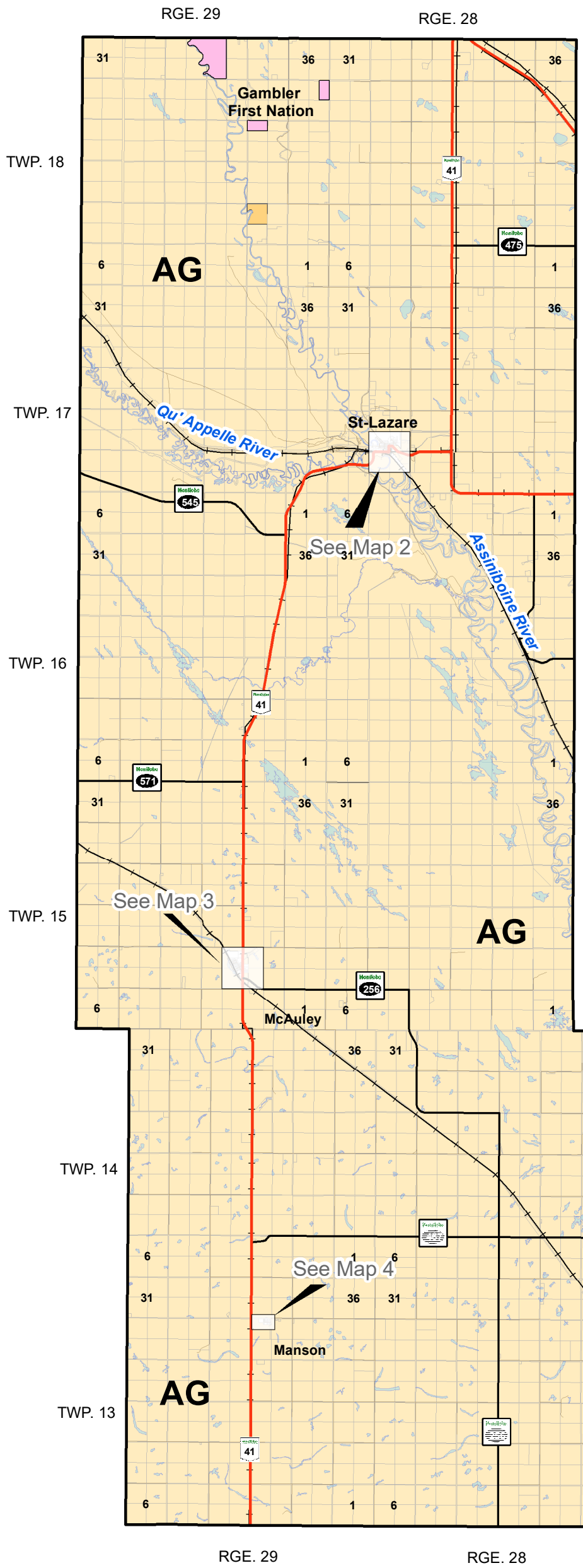
(d) **yard, required, rear** means a yard extending along the full length of the rear site line between the side site lines.

(e) **yard, required, side** means a yard extending along the side site line from the required front yard to the required rear yard.

The following sketch illustrates the foregoing definitions of yards:



SCHEDULE “A”: ZONING MAPS



Mid-West Planning District

Map 1 - Rural Municipality of Ellice-Archie

By-law 05-2019

AG Agricultural General Zone	Provincial Trunk Highway
Crown Lands	Provincial Road
Municipal Boundaries	Municipal Roads
First Nations	Railways
	Waterbodies

Kilometres: 0, 2.25, 4.5, 9
Miles: 0, 1.25, 2.5, 5

N

Manitoba
Department of Municipal Relations
Community and Regional Planning

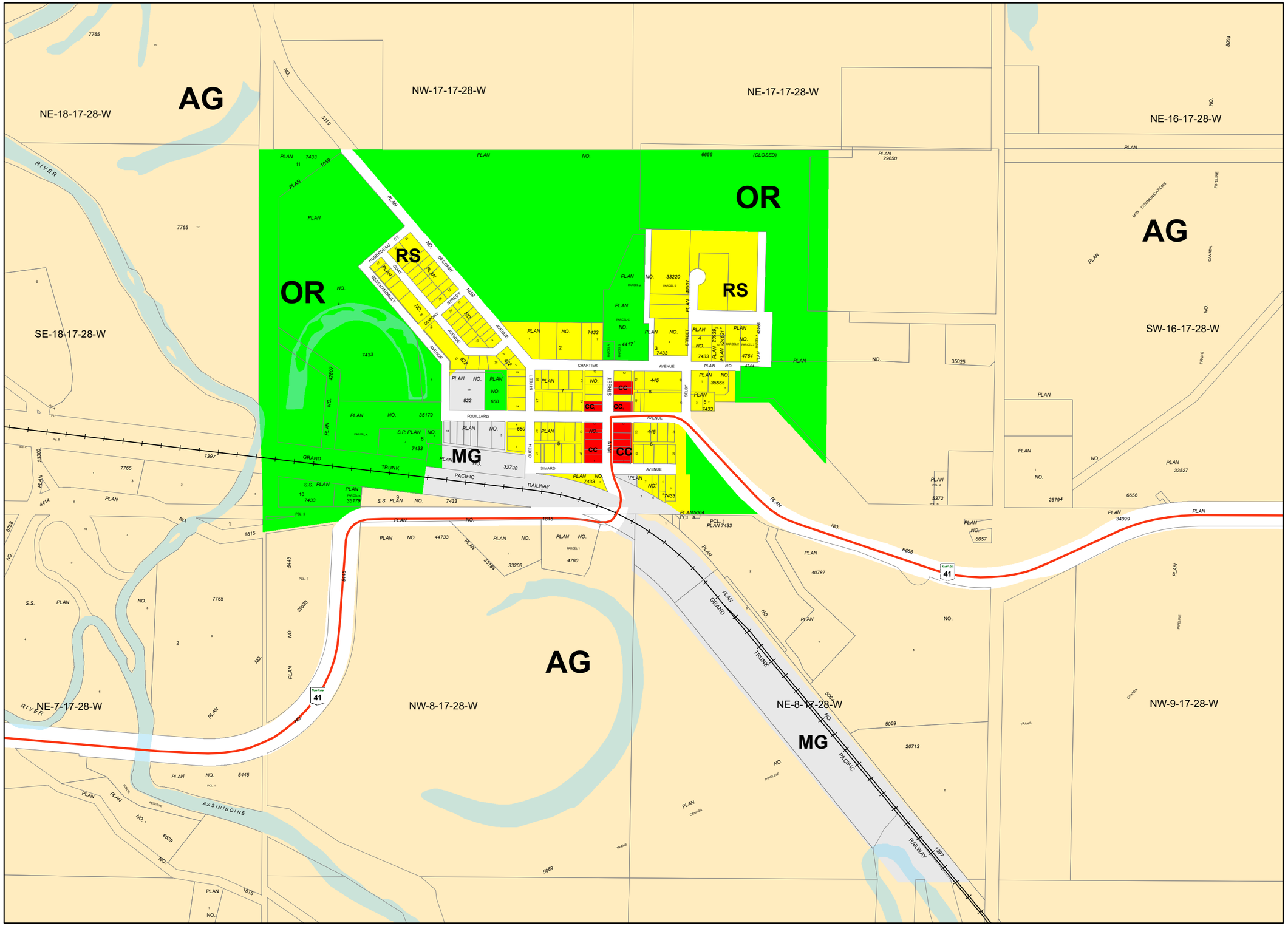
Date: 2019-04-04

Coordinate System : UTM 14N NAD 83 Source: CRP - GOM

Mid-West Planning District

By-law 05-2019 of Rural Municipality of Ellice-Archie

Map 2 - St-Lazare



AG Agricultural General Zone
CC Commercial Central Zone
RS Residential Serviced Zone
OR Open Space / Recreation Zone
MG Industrial Zone
Provincial Trunk Highway
Provincial Road
Railways
Waterbodies

Coordinate System : UTM 14N NAD 83
Source: CRP - GOM

Metres
0 95 190 380
0 315 630 1,260
Feet

N

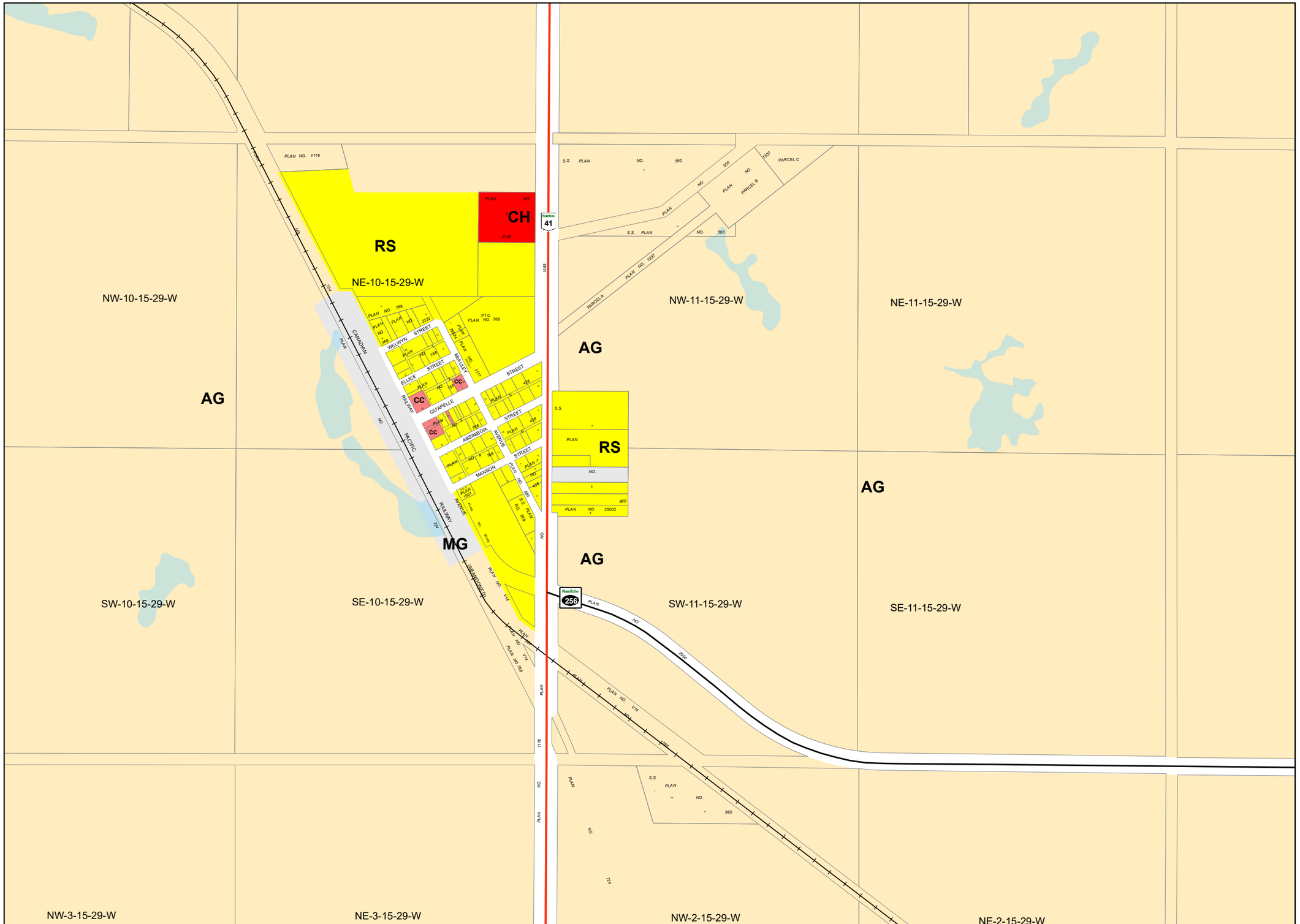
Manitoba
Department of Municipal Relations
Community and Regional Planning

Date: 2019-04-04

Mid-West Planning District

By-law 05-2019 of Rural Municipality of Ellice-Archie

Map 3 - McAuley



AG	Agricultural General Zone
CC	Commercial Central Zone
CH	Highway Commercial Zone
RS	Residential Serviced Zone
MG	Industrial Zone
	Provincial Trunk Highway
	Provincial Road
	Railway
	Waterbodies

Coordinate System : UTM 14N NAD 83
Source: CRP - GOM

Metres: 0 115 230 460
Feet: 0 375 750 1,500

N

Manitoba
Department of Municipal Relations
Community and Regional Planning

Date: 2019-04-04

Mid-West Planning District

By-law 05-2019 of Rural Municipality of Ellice-Archie

Map 4 - Manson

AG Agricultural General Zone
GD General Development Zone
Provincial Trunk Highway
Provincial Road
Railways
Waterbodies

Coordinate System : UTM 14N NAD 83
Source: CRP - GOM

Metres
0 40 80 160
0 137.5 275 550
Feet

N

Manitoba
Department of Municipal Relations
Community and Regional Planning

Date: 2019-04-04