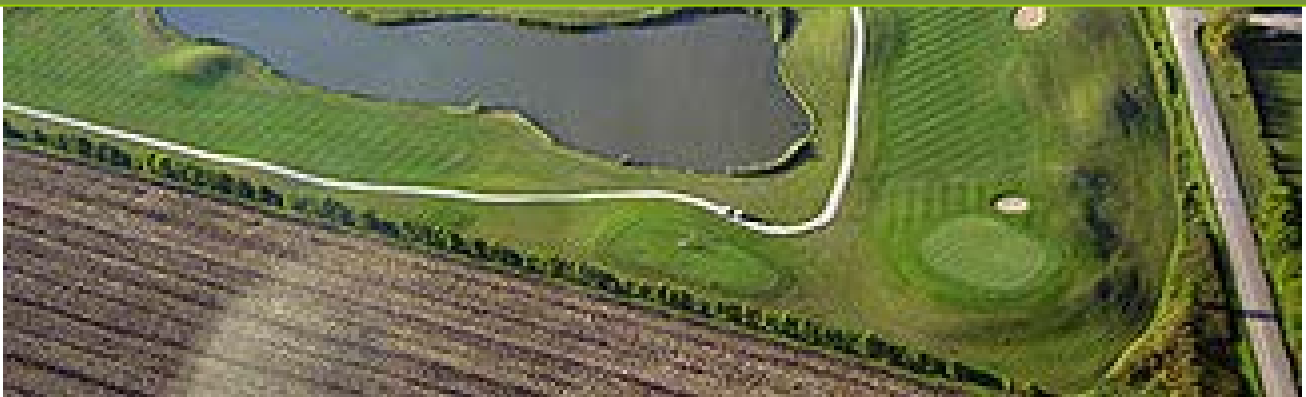




*Rural Municipality of Macdonald*

## **Zoning By-Law**

BY- LAW NO. 5 / 2018



**THE R.M. OF MACDONALD**  
**BY- LAW NO. 5/2018**

**BEING A BY- LAW to regulate the use and development of land within the RM of Macdonald.**

**WHEREAS, Section 68 of The Planning Act, Chapter 30 S.M. 2005, provides that a Zoning By-Law must be enacted by the Council of a municipality;**

**AND WHEREAS, pursuant to Section 40 (1) of said Planning Act, the Board of the Macdonald Ritchot Planning District has by By-Law adopted a Development Plan;**

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

**NOW THEREFORE, the Council of the RM of Macdonald, in a meeting duly assembled enacts the RM of Macdonald ZONING BY-LAW.**

**DONE AND PASSED in Council duly assembled this 14th day of August, 2018.**

**READ A FIRST TIME THIS 25<sup>th</sup> day of May A.D. 2018.**

**READ A SECOND TIME THIS 24<sup>th</sup> day of July A.D. 2018.**

**READ A THIRD TIME THIS 14<sup>th</sup> day of August A.D. 2018.**

**The RM of Macdonald**

\_\_\_\_\_  
**Reeve**

\_\_\_\_\_  
**Chief Administrative Officer**

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# PART 1: ADMINISTRATION

## GENERAL

### Title

1. This By-Law shall be known and may be cited as the "**Rural Municipality of Macdonald Zoning By-Law.**"

### Purpose

2. This By-Law is intended to promote orderly and thoughtful development of real property and development within the RM of Macdonald in order to promote the health, safety and general welfare of the Municipality, its citizens and to implement the provisions of The Macdonald-Ritchot Planning Zone Development Plan (Development Plan) .

### Application

3.
  - (1) This By-Law controls and regulates the use and development of lands in the RM of Macdonald as shown on Map 1 of Schedule A to this By-Law.
  - (2) All activity and development within the area to which this By-Law applies must conform to the provisions of this By-Law and must be consistent with the Development Plan.

### Relation to Other By-Laws

4. Whenever provisions of any By-Law of the Municipality or any other requirement of the Provincial or Federal Government impose overlapping regulations over the use of land or buildings or bulk requirements or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest requirement shall govern.

### Effective Date

5. This By-Law shall be in full force and effect on the day it is given Third Reading by the Council of the Rural Municipality of Macdonald.

## **DEVELOPMENT TO COMPLY**

### **Requirements for Compliance with By-Law**

6.

- (1) No development or use of land or building may take place or be maintained except in conformity with this By-Law and with any development agreement, variance, conditional use approval, condition or permit issued under this By-Law. The duty to comply with this By-Law is imposed on the owner of a parcel or of a building and on any person who has the charge or control of a parcel or building, whether as lessee, tenant, occupier, agent or otherwise. The Municipality's approval of a development application, the issuance of a permit, the approval of drawings and specifications or completion of inspections does not relieve a person from responsibility to comply with this By-Law or any other By-Law including business licenses, environmental approvals, highway access approvals and similar approvals.
- (2) The Development Officer may upon receipt of such proof as the Development Officer deems necessary, issue a Zoning Compliance Certificate in respect to a zoning lot confirming any one or more of the following as of the date of the certificate:
  - (a) That the described use(s) operated or proposed to be operated on the lot comply with the applicable zoning rules, agreements and orders;
  - (b) That the development on the lot complies with all zoning rules, agreements and orders affecting it; and
  - (c) That the location of the building or buildings on the lot complies with the applicable zoning rules, agreements and orders (Zoning Memorandum).
- (3) A request for a Zoning Memorandum shall be accompanied by a current Building Location Certificate confirming the location of the buildings or buildings on a zoning lot.

### **Responsible Authority**

7.

- (1) The authority responsible for the enactment of this By-Law shall be the Council of the R.M. of Macdonald, in accordance with the provisions of The Planning Act (*The Act*.)

- (2) Subject to the provisions of *The Act*, the regulations, restrictions and boundaries set forth in this By-Law may from time to time be amended or repealed.

## **INTERPRETATION OF BY-LAW**

### **Text and Boundaries**

8. In their interpretation and application, the provisions of this By-Law shall be held to be the minimum requirements to satisfy the intent and purpose as set forth herein. The following rules of interpretation shall apply to the interpretation and application of this By-Law:
  - (1) Words, phrases and terms defined herein shall be given the defined meaning;
  - (2) Words, phrases and terms not defined herein but defined in *The Act* and in the Building or Plumbing By-Laws of the Municipality shall be construed as defined in such Act and By-Laws;
  - (3) Words, phrases and terms neither defined herein nor in *The Act*, the Building or Plumbing By-Laws of the Municipality shall be given their usual and customary meaning except where the context clearly indicates a different meaning;
  - (4) Where any requirement of this By-Law results in a fraction of a unit, a fraction of one-half ( $\frac{1}{2}$ ) or more shall be considered a whole unit and a fraction of less than one-half ( $\frac{1}{2}$ ) shall be disregarded;
  - (5) The term "shall" is mandatory and not permissive; the word "may" is permissive and not mandatory;
  - (6) Words used in the singular include the plural and words used in the plural include the singular;
  - (7) Words used in the present tense include the future tense and words used in the future tense include the present tense;
  - (8) The phrase "used for" includes "arranged for", "designed for", "maintained for" or "occupied for";
  - (9) The words "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity;
  - (10) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and", "or", "either or", the conjunction shall be interpreted as follows:

- (a) "And" indicates that all the connected items, conditions, provisions or events shall apply in any combination;
  - (b) "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination;
  - (c) "Either or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination;
- (11) The words "include" "includes" or "including" shall not limit a term to the specified examples, but is intended to extend the meaning to all other instances or circumstances of like kind or character;
  - (12) Boundaries indicated as approximately following the centre lines of streets, public lanes, foot paths, rivers and public rights of way are construed to follow such centre lines;
  - (13) Boundaries indicated as approximately following lot lines on a registered plan are construed as following such lot lines;
  - (14) Boundaries indicated as following municipal or community limits are construed as following the municipal or community limits;
  - (15) Boundaries indicating following a rail or public utility right of way are construed as following the centre line of the right of way; and
  - (16) Boundaries indicated following the shoreline of streams or rivers are construed as following the centre line of such stream or river.

## **Illustrations**

- 9. Drawings and illustrations form part of this By-Law and are provided to assist in interpreting and understanding the By-Law. Where any conflict or inconsistency arises between a drawing or illustration and the text of the By-Law, the text governs.

## **Tables**

- 10. Tables form part of this By-Law and provide regulatory standards, either to supplement the text or in place of text. Table headings, including column headings, row headings and groupings or columns or rows form part of the By-Law and have legal effect. Table notes, located within the Tables, indicate special situations that affect the application of standards to specific Zones and

are also part of this By-Law. Where any conflict or inconsistency arises between a table and the text of the By-Law, the text governs.

## Abbreviations

11. Each Zoning Zone created in Part 2 of this By-Law may be abbreviated with the letter and number designations used in Part 2 and throughout this By-Law. The meanings of other abbreviations are contained within maps, illustrations and tables or in the text immediately preceding or following them.

## Divisions of By-Law

12. This By-Law is divided into PARTS which consolidate the By-Law for ease of reference under major themes. Each Part is designated by the written words "PART" in capitals followed by a title.

## Measurements

13.
  - (1) All dimensions provided for in this By-Law are in Imperial measurements. A metric/Imperial conversion table is provided below.

CONVERSION TABLE
<u>METRIC TO IMPERIAL</u>
1 M = 3.281 FEET
1 KM = 0.6214 MILES
1 M2 = 10.764 SQUARE FEET
1 Ha = 2.4711 Acres
<u>IMPERIAL TO METRIC</u>
1 FOOT = 0.3048 M
1 MILE = 1.6093 KM
1 ACRE = 4046.9 M2
1 ACRE = 0.40468 Ha

## **DEVELOPMENT OFFICER**

### **Duties and Powers**

14.

- (1) The Development Officer shall be the person appointed as such by the Council of the RM of Macdonald.
- (2) The Development Officer, on behalf of the Municipality, shall issue Development Permits, administer and enforce the provisions of this By-Law and *The Planning Act*, where applicable.
- (3) The Development Officer may conduct inspections and take steps to administer and enforce this By-Law or remedy a contravention of this By-Law in accordance with *The Planning Act*.
- (4) The Development Officer is authorized to grant or refuse, in his or her discretion, a minor variance not to exceed ten (10) percent of the number of parking spaces, height, distance, area, size or intensity of use requirements in this By-Law.
- (5) The Development Officer must not issue a permit to a person who has failed to pay any fees owing to the Municipality under this By-Law.
- (6) The Development Officer must not issue a permit to a person where issuing it would result in or lead to a violation of this or any other By-Law.

### **Revoking a Permit**

15. The Development Officer may revoke a permit when there is a violation of any of the conditions under which the application was approved or a permit issued.

### **Appeal**

16.

- (1) An appeal from a decision of the Development Officer under this By-Law may be made to Council.
- (2) After giving the person a reasonable opportunity to be heard, the Council may confirm, vary, substitute or cancel the order or decision of the Development Officer.

## DEVELOPMENT PERMITS

17.

- (1) A Development Permit is required for any the following:
  - (a) The erection, construction, enlargement, structural alteration or placing, including a re-location or demolition of a building or structure;
  - (b) The establishment of a use of land, or a building, or structure;
  - (c) The change of a use of land or a building or structure from the existing use; and
  - (d) The alteration or enlargement of an approved conditional use.
- (2) A Development Permit is not required for the following:
  - (a) The erection, construction, enlargement, structural alteration or placing of the following as accessory structures:
    - (i) Signs (not including advertising signs where they are conditional uses);
    - (ii) Fences
    - (iii) Lighting;
    - (iv) Flagpoles;
    - (v) Sheds and buildings for the storage of domestic equipment and supplies, with a floor area less than 108 square feet;
    - (vi) Personal communications aerals or antennas attached to the roof of the principal building.
    - (vii) Garden sheds or children's playhouses less than 108 square feet;
    - (viii) Water supply wells and private sewage disposal systems as licensed by the Province of Manitoba; and,
    - (ix) Temporary signs and notices, including real estate signs.
  - (b) The maintenance, replacement or restoration of building components and finishes, provided that the size of the building or structure is not materially increased, or the structural load carrying capacity of any component is not affected.

- (c) The use of vacant land, farm buildings or structures and the change of use of land, farm buildings or structures used principally for agricultural activities on the agricultural zones.
  - (d) The use of any land for the purpose of growing thereon trees, bushes, plants, and other vegetation.
  - (e) The carrying out by the Municipality of any operation for the maintenance or improvement of a public work including the inspection, repair or renewal thereof.
  - (f) The carrying out by a public utility of any operation for the purpose of inspecting, repairing, or renewing of any main, pipe, cable, power links, poles or other conduit.
- (3) Despite not requiring a Development Permit, all things listed in (2) (a) shall be subject to the requirements of this By-Law.
- (4) An application for a Development Permit shall be made by the owner or owners of the site in question, or by a representative authorized in writing by them.
- (5) An application for a Development Permit to be accompanied by plans drawn to scale using imperial measurements, showing the following:
- (a) The shape and dimensions of the site to be used or built on;
  - (b) The location and dimensions of existing buildings and structures;
  - (c) The location and dimensions of the proposed building, structure, enlargement or alteration, including separation distances from site boundaries;
  - (d) The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use including:
    - (i) Vehicular access and utility connections;
    - (ii) For livestock operations the nature of livestock and calculation of animal units; and
    - (iii) Shall include any other information required by the Development Officer to determine compliance with, and to provide for enforcement of, this By-Law.



- (6) An application for a Development Permit shall be accompanied by the fee prescribed by the Council of the RM of Macdonald.
- (7) No person shall use or occupy any land, building or structure, or erect, construct, enlarge, alter or place any building or structure, except in accordance with an approved Development Permit (where required), and with this By-Law.
- (8) All proposed development shall be in accordance with the application and drawings submitted to and approved by the Development Officer. No work shall vary from the approved application and drawings without the prior written authorization of the Development Officer, and the owner shall ensure that all development is completed in accordance with the approved development permit.

## **ENTRY FOR INSPECTION AND OTHER PURPOSES**

18.

- (1) The Development Officer may, after giving reasonable notice to the owner or occupier of land or a building or other structure to be entered:
  - (a) Enter the land, building or structure at any reasonable time for the purpose of inspection, enforcement and or action authorized by this By-Law or *The Planning Act*,
  - (b) Request that anything be produced to assist in inspection, remedy, enforcement or authorized action; and
  - (c) Make copies of anything related to the inspection, remedy, enforcement or authorized action.
- (2) The Development Officer must display or produce on request identification showing his or her official capacity.
- (3) In an emergency or in extraordinary circumstances, the Development Officer need not give reasonable notice or enter at a reasonable time and may do the things referred to in 18 (1) (a) and (c) without the consent of the owner or occupant.

## **ORDER TO REMEDY CONTRAVENTION**

- 19. If the Development Officer finds that a person is contravening this By-Law or *The Planning Act*, the Development Officer may by written order require the

person responsible for the contravention to remedy it if, in the opinion of the Development Officer, the circumstances so require.

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

## **APPLICATION FOR AMENDMENT**

20.

- (1) An application for an amendment to this By-Law, including a change to the maps, shall be made to the Development Officer by the owner or owners of the land in question, or by a representative authorized in writing by them.
- (2) An application for amendment shall be accompanied by plans drawn to scale showing the following:
  - (a) The shape and dimensions of the land affected;
  - (b) The location and dimensions of existing buildings and structures;
  - (c) The location and dimensions of any proposed building, structure, enlargement or alteration;
  - (d) The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use; and
  - (e) Shall include any other information required by the Development Officer to determine compliance with, and to provide for enforcement of, this By-Law.

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

## **APPLICATION FOR VARIANCES AND CONDITIONAL USES**

21.

- (1) An application for a variance or a conditional use shall be made to the Development Officer by the owner or owners of the site, or by a person authorized in writing by them.
- (2) An application for a variance or a conditional use shall be accompanied by the plans and information described in sub-clause 20(2).
- (3) An application for a variance or a conditional use shall be accompanied by the fee prescribed by Council.
- (4) Where an application for a variance or conditional use has been submitted, a Public Hearing shall be held by the Council, to receive representations from any person with respect to the proposal, and notice of the Public Hearing shall be given as required by *The Planning Act*.
- (5) On receipt of an application for a variance or approval of a conditional use in proper form, the Municipality may, prior to the hearing date prescribed under *The Planning Act*, refer the application to the Province for its review and comment.
- (6) Council shall either approve or deny the variance or conditional use, and may establish conditions of approval appropriate to the circumstances, in accordance with the provisions of *The Planning Act*.
- (7) Council may subsequently revoke any approved conditional use as a consequence of any violation of conditions specified at the time of approval.
- (8) A minor variation may be provided subject to section 14(4) within this By-Law.

## PART 2: DEFINITIONS

### GENERAL DEFINITIONS

22. Terms not defined in this By-Law which are defined in *The Planning Act*, have the meaning provided in that *Act*. In this by-law definitions in the use tables (Tables 3-1 and 3-2) are listed separately after the general definitions. Where the following terms appear in this By-Law they have the meaning provided as follows.

**ACCESSORY BUILDING STRUCTURE OR USE:** A building, structure or use which is subordinate and incidental to the permitted or approved principal building or use; and is located on the same site as the principal building, or use, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same site with the principal building, structure or use.

**ACT, THE PLANNING:** *The Planning Act*, C.C.S.M., c. P80 and all amendments and regulations thereto.

**ALTER OR ALTERATION:** A non-structural change or modification to an existing building, structure or use which does not materially increase the exterior dimensions of height and area.

**ALTERATION, STRUCTURAL:** The construction or reconstruction of supporting elements of a building or other such as bearing walls, columns, joists, beams or girders. For the purpose of this By-Law structural alteration shall not include the following alterations:

- (1) an addition on the exterior of a building, such as a detached open deck;
- (2) the alteration of interior non-load bearing components;
- (3) the replacement of, or change in, utility pipes, ducts or conduits;
- (4) replacement of building facades, windows or doors, when the opening is not enlarged;
- (5) strengthening the load bearing capacity, in not more than 10 percent of the total floor area to permit a specialized unit of machinery or equipment;
- (6) Other non-structural maintenance, repair or renovation.

**ANIMAL UNIT (A.U.):** means the number of animals of a particular livestock classification that will excrete 160.9lbs (73 kg) of total nitrogen in a 12 month period (see table 3-4).

**AREA, THE:** All that land within the limits of the Rural Municipality of Macdonald.

**BUILDING FOOTPRINT:** The actual area taken up by the building measured from the outside edge of the structure (usually eave to eave).

**BUILDING, HEIGHT OF:** The total number of storeys in a building or the vertical distance measured from grade to the highest point of the roof.

**BUILDING INSPECTOR:** The Building Inspector as appointed by Council.

**BUILDING, MAIN OR PRINCIPAL:** A building in which is conducted the principal use of the site on which it is situated.

**BULK:**

- (1) The size (including height and floor area), of buildings or structures;
- (2) The area of the site upon which a building is located, and the number of dwelling units or rooms within such building in relation to the area of the site; and
- (3) All open areas relating to buildings or structures and their relationship thereto.

**BUNK HOUSE:** A rough simple building providing sleeping quarters, usually for temporary or seasonal workers.

**CONDITIONAL USE:** The use of land or building as defined in *The Planning Act*.

**CONDOMINIUM:** The individual ownership of a unit in a multi-unit structure where expenses common to all parties are shared, as established under the provisions of *The Condominium Act*.

**CONDOMINIUM BARE LAND UNIT:** A unit defined by delineation of its horizontal boundaries without reference to any buildings on a condominium plan.

**CONDOMINIUM UNIT:** A part of the land or building and is designated as a unit by the condominium plan, and is comprised of the space enclosed by its boundaries and all the material parts of the land within this space at the time the condominium declaration and plan are registered.

**CONSTRUCT:** When used in this By-Law, includes building, construction, reconstruction and relocation; without limiting the generality of the word also includes:

- (1) any preliminary physical operation, such as excavating, filling or draining;
- (2) altering any existing building or structure by an addition, enlargement, extension or other structural change; and
- (3) any work which requires a building permit under the Building By-Law of the Rural Municipality of Macdonald.

**DENSITY:** The total number of dwelling units divided by the total area of land to be developed.

**DEVELOPMENT:** Development as defined in *The Planning Act*.

**DEVELOPMENT OFFICER:** The officer appointed by the Municipality in accordance with the provisions of *The Planning Act*.

**DEVELOPMENT PERMITS:** A permit issued under the Zoning By-Law authorizing development.

**DEVELOPMENT PLAN:** The Macdonald-Ritchot Development Plan as adopted by By-Law and all amendments thereto.

**DWELLING:** A building or portion thereof designed for residential occupancy.

**DWELLING UNIT:** 2 or more rooms in a building used or intended to be used by 1 family for living purposes with cooking, eating, sleeping and sanitary facilities.

**ENLARGEMENT:** An addition to the floor area of an existing building or structure, or an increase in that portion of a parcel of land occupied by an existing use.

**ERECT:** When used in this By-Law, includes building, construction, reconstruction and relocation,

**FAMILY:** One or more persons occupying a dwelling unit and living as a single housekeeping unit.

**FARM BUILDINGS OR STRUCTURES:** Any buildings or structures existing or constructed on land used principally for agricultural activities but not including dwellings

**FLOOD RISK AREA:** That land adjacent to a watercourse that is divided into two parts. The floodway and the floodway fringe. The floodway includes the area where the majority of the floodwaters pass. The floodway fringe includes the area outside the floodway that may be subjected to periodic flooding or inundation of floodwaters.

**FRONTAGE:** all that portion of a site fronting on a street measured between side lot line.

**FLOOR AREA:** The total area of all of the floors of all buildings and structures on a site, measured from the exterior faces of the exterior walls or from the centerline of party walls. The floor area shall include basements when used for residential, commercial or industrial purposes; floor space used for mechanical equipment; interior elevator shafts and stairwells; and penthouses and mezzanines. Roof space used for the storage or housing of mechanical or central heating equipment, as well as accessory off-street parking and loading spaces are not included as floor area.

**GARAGE, PRIVATE:** An accessory building or portion of a principal building used by the occupants of the premises upon which it is located for the parking or temporary storage of private passenger motor vehicles.

**GRADE:** When applying to the determination of building or structure height, the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Development Officer.

**LANE:** a roadway which affords only a secondary means of access to abutting sites and which is not intended for general traffic circulation, usually not over 33.0 ft. (10m.) in width.

**LIVESTOCK:** The holding, grazing or raising of chickens, horses, turkeys, cattle, hogs, mink, rabbits, sheep, goats, as well as any other animal or fowl animals in a confined or unconfined area.

**LOADING SPACE:** An off-street space on the same site with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which has access to a street, lane, or other appropriate means of access.

**NON-CONFORMING USES, BUILDINGS AND PARCELS:** as defined in *The Planning Act*.

**OBNOXIOUS USE:** A use which, by its nature or operation creates a nuisance or is offensive by reason of the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.

**OPEN SPACE:** That required portion of a site at ground level, unless otherwise stated, unoccupied by principal or accessory buildings and available to all occupants of the building. The open space shall be unobstructed to the sky and shall not be used for service driveways or accessory off-street parking space or loading space, but shall be usable for landscaping, drying yards, recreational space and other leisure activities normally carried on outdoors. To the extent prescribed in these regulations, balconies, roof and other like above grade level areas may also be considered as open space.

**OWNER:** A person who appears by the records of the proper land titles office to have any right, title, estate or interest in land and includes the agent of such person in possession or occupation of the land with the express or implied consent of the owner; as defined in *The Planning Act*.

**PARCEL OF LAND:** The aggregate of all land described in any manner in a certificate of title; as defined in *The Planning Act*.

**PARTY WALL:** A wall jointly owned and jointly used by two parties under easement agreement or by right in law, and erected at or upon a line separating two parcels of land each of which is, or is capable of being, a separate real estate entity.

**PREMISES:** An area of land, including a site, with or without buildings or structures.

**RECREATIONAL VEHICLE (RV):** A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary



living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

**REPAIR:** The renewal or reconstruction of any part of an existing structure for the purpose of its maintenance or restoration. The word repair shall not apply to structural alteration, change of construction or reconstruction of the whole building or structure.

**SEPARATION DISTANCE:** a distance to be maintained between two buildings or structures, measured from the nearest points of any structure (e.g.eave to eave) or areas in which the uses are carried on.

**SIGN:** Any writing or picture that 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 structure but shall not include show windows, including:

- (1) **ADVERTISING SIGN:** A sign directing attention to a business, commodity, service, entertainment or other matter, not conducted, sold, offered or carried out on the same site (or on an adjacent site under the same ownership) where the sign is maintained.
- (2) **BUSINESS SIGN:** A sign directing attention to a business, conducted on the site where the sign is maintained.
- (3) **FREE STANDING SIGN:** A sign supported by a vertical column or columns placed in the ground with the sign surface area above ground level.
- (4) **IDENTIFICATION SIGN:** A sign that identifies the owner, resident, business or the street address and which set forth no other advertisement or business information.
- (5) **ILLUMINATED SIGN:** A sign designed to give forth any artificial light or reflect light from an artificial source.
- (6) **MOBILE SIGN:** A sign structure mounted on a trailer, vehicle, stand or similar support structure which is designed in such a manner that the sign can be readily relocated to another location, and which may include copy that can be changed through the use of removable characters or panels.
- (7) **TEMPORARY SIGN:** A sign identifying temporary activities including, construction project signs and real estate signs advertising and located on a specific premises.

**SIGN SURFACE AREA:** The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any other 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; excluding the necessary supports or uprights on which it is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except where two such faces are placed back to back and are at no point more than (3) feet from one another, the sign surface area of the sign shall be taken as the surface area of one face if the two faces are of equal area, or as the surface area of the larger face if the two faces are of unequal area.

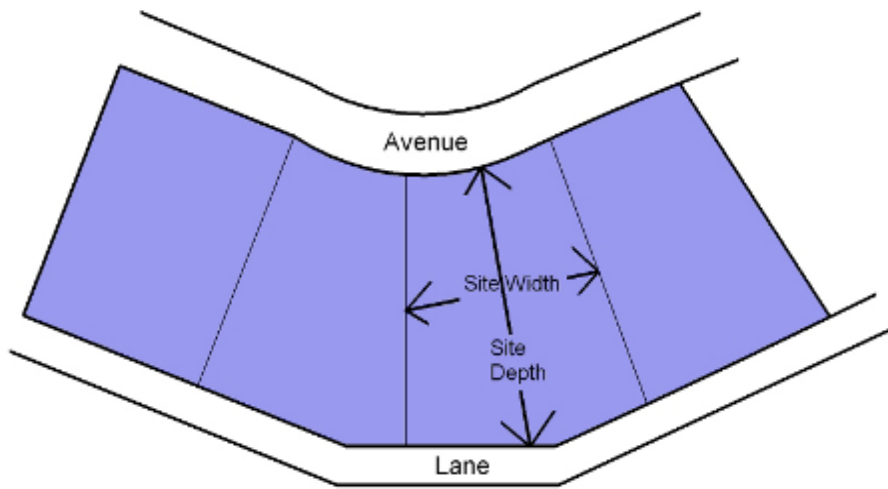
**SITE:** A zoning site consisting of one or more abutting lots and as defined here within.

**SITE AREA:** The computed area contained within the site lines.

**SITE COVERAGE:** That part of a site occupied by buildings, including accessory buildings, expressed as a percentage of the site area.

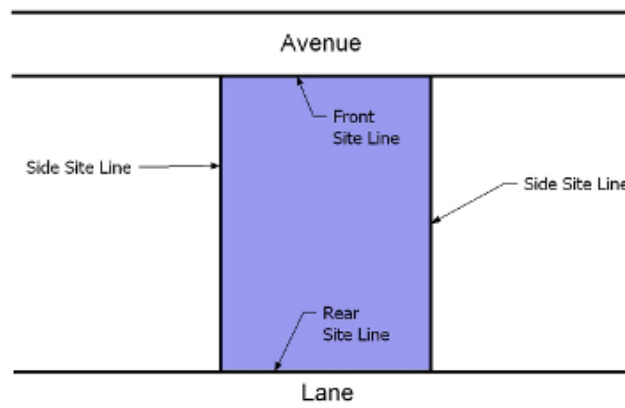
**SITE DIMENSIONS:**

- (1) **Site Depth:** The vertical distance between the centre points in the front and rear site lines. In the case of a corner site the front yard shall be the yard abutting the front site line.
- (2) **Site Width:** The horizontal distance between the side site lines, measured at right angles to the site depth at a point halfway between the front and rear site lines, or 40 feet from the front site line, whichever is the lesser.



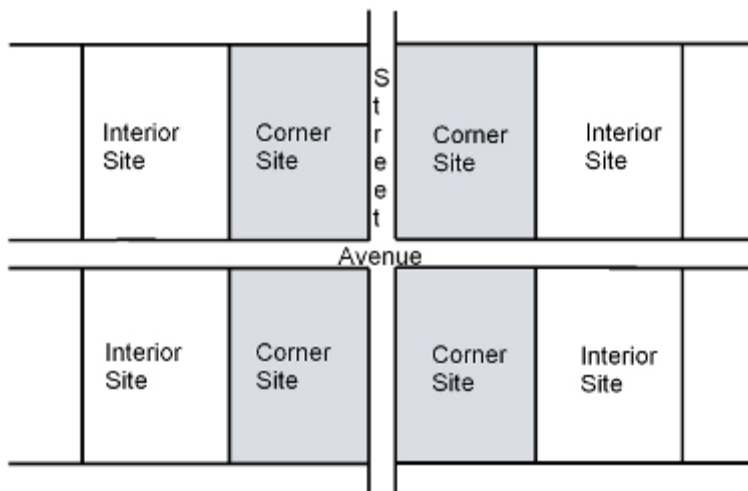
## **SITE LINES:**

- (1) **Front Site Line:** That boundary of a site which is along an existing or designated street.
- (2) **Rear Site Line:** That boundary of a site which is most nearly parallel to the front site line and in the case of a site in which the side site lines intersect, such as a triangular site, a line ten (10) feet in length within the site, parallel to and at the maximum distance from the front site line.
- (3) **Side Site Line:** Any boundary of a site which is not a front or rear site line.
- (4) Where an irregular shaped site cannot have its site lines defined by the foregoing definitions, the front, rear and side site lines shall be determined by the Development Officer.

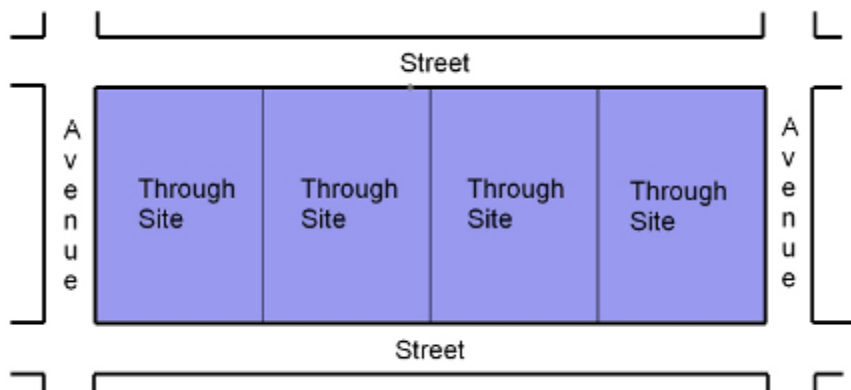


**SITE TYPES:**

- (1) **Corner Site:** A site situated at the intersection of 2 streets, the interior angle of such intersection not exceeding 135 degrees.



- (2) **Through Site:** A site having a pair of opposite site lines along two more or less parallel streets. The front site line shall be determined by the Development Officer.



**SITE, ZONING:** A parcel of land with frontage on a street (excluding a lane) and of at least sufficient size to provide the minimum requirements for use, area, yards, and other open spaces as are herein required.

**STOREY:** The 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, but does not include a cellar. A basement shall

be counted as a storey for the purpose of height measurement if the vertical distance between the ceiling and the average finished level of the adjoining ground is more than 6 feet.

**STREET:** Means a public roadway that affords the principal means of access to abutting land, having a right of way of at least 33.0 ft. (10.0 m).

**STRUCTURE:** Anything constructed which requires location on the ground or is attached to something having a location on the ground.

**USE:**

1. Any purpose for which a building or other structure or a parcel of land may be designed, arranged, intended, maintained or occupied; or
2. Any activity, occupation, business, or operation carried on or intended to be carried on, in a building or other structure or on a parcel of land.

**VARIANCE OR VARIATION ORDER:** A modification of the literal provisions of the By-Law granted when strict enforcement of the By-Law will cause undue hardship owing to circumstances unique to the individual property on which the variance is granted in accordance with *The Planning Act*

**WIND ENERGY GENERATING SYSTEM (WEGS):** any device or group of devices such as a wind charger, windmill or wind turbine that converts wind energy to electrical energy whether it is used for personal use or for generation of power for sale by an enterprise. This can be a main use or an accessory use.

**Wind Energy Generating System, Commercial** means a wind energy generating system designed and built to provide electricity for commercial sale and distribution to the electricity grid.

**Wind Energy Generating System, On-Site Use** means a wind energy generating system intended to primarily serve the electrical needs of the on-site user or consumer (either behind the meter or off-grid) rather than to produce power for resale. Rooftop Wind Energy Generating Systems are a type of On-Site Use Wind Energy Generating System.

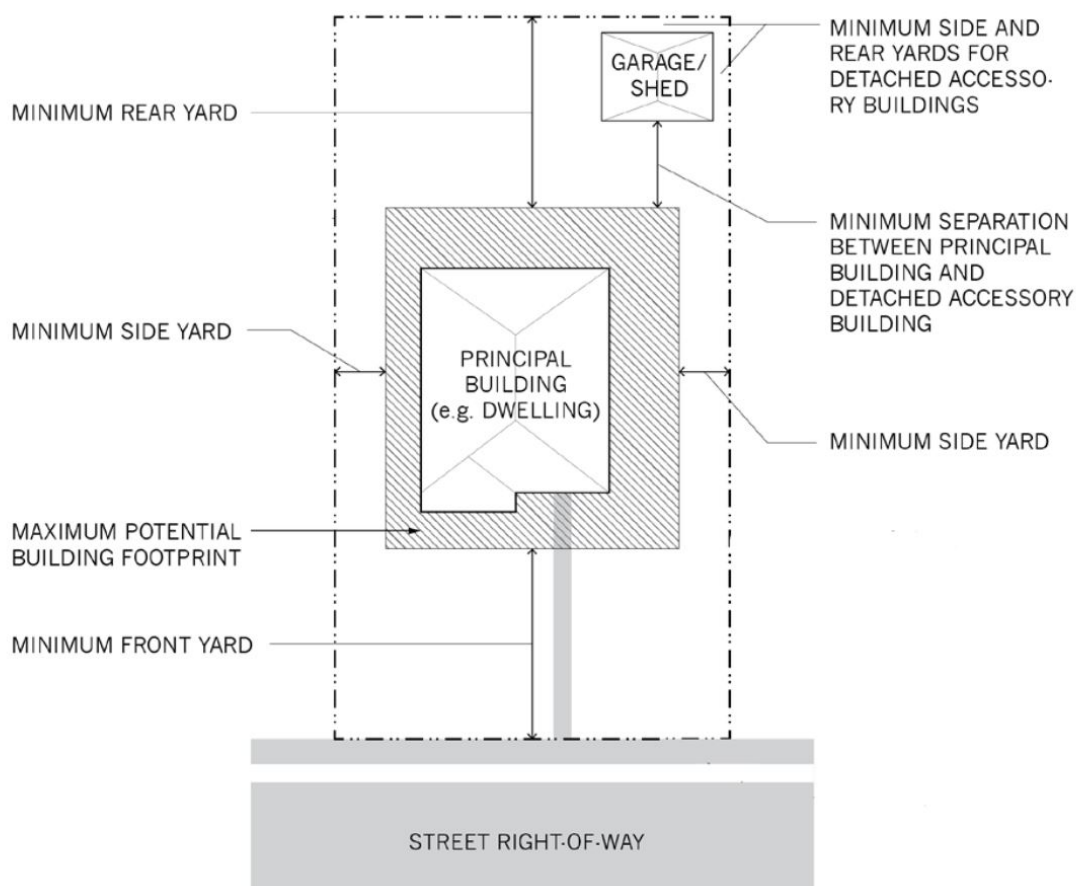
**Wind Energy Generating System, Rooftop** means a roof mounted wind turbine(s) and associated equipment for converting wind energy to power.

**YARD, REQUIRED:** An open area, on the same site as 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.

**YARD, REQUIRED, FRONT:** All that portion of a zoning site fronting on a street and measured between side site lines.

**YARD, REQUIRED, REAR:** All that portion of a zoning site along the full length of the rear site line between the side site lines.

**YARD, REQUIRED, SIDE:** A yard extending along the side site line from the required front yard to the required rear yard.



## USE DEFINITIONS

23. The following provides a description of the Use Category and Use Sub-Categories found in the use tables (Table 3-1 and 3-2) listed in alphabetical order. Within Table 3-1 each *Use Category*, or subcategory of uses, groups together a series of individual land uses with common functional or physical impact characteristics. The typical uses which may be listed in the definitions are not intended to be exclusive or restrictive. Reference should be made to the definition of the *Use Category* in determining whether or not a particular use is included in a category. Where uses are only permitted as an accessory use (Table 3-2) any definitions are listed at the end of the main use categories. See Section 56 for the process to follow where a defined Use requires interpretation.

### **List of main Use Categories in Table 3-1**

- a. Agricultural
- b. Agricultural Specialized
- c. Residential and Residential Related
- d. Commercial Sales and Service
- e. Industrial
- f. Transportation, Utility and Communications
- g. Cultural and Entertainment
- h. Public and Institutional
- i. Planned Unit Development

### **Agricultural**

**AGRICULTURE ACTIVITIES, GENERAL:** A use of land for agricultural purposes, including farming, dairying, pasture, agriculture, apiculture, floriculture, horticulture and animal and poultry husbandry and the necessary accessory uses for packing, storing or treating the produce, but does not include the following:

- (1) confined livestock operations,
- (2) storage, handling or processing of agricultural products for the general public in return for remuneration, or
- (3) sales or servicing (in return for remuneration) of agricultural equipment or agricultural buildings.

**LIVESTOCK OPERATION:** An operation where three (3) A.U. or more are confined, fed raised or milked but does not include operations for:

- (3) slaughtering of livestock and poultry;
- (4) grading or packing of livestock or poultry and their products;
- (5) transporting livestock and poultry and their products;
- (6) a hatchery;
- (7) a livestock auction market;
- (8) livestock sale yards, in which livestock may be kept for a period not exceeding 10 days; and
- (9) pasturing cattle.

### **Agriculture Specialized**

**AGRICULTURAL ACTIVITIES SPECIALIZED:** Agricultural activities such as apiculture, floriculture, horticulture and activities of a like nature which do not require large acreages of land, and provide a major component of household income.

### **Residential and Residential Related**

A category of uses primarily associated with living accommodations, including dwellings, residential care facilities, live-work units, and boarding facilities. Hostel and hotel uses are not included in this category

**DWELLING, SINGLE FAMILY:** A detached building designed for and used by not more than 1 family.

**DWELLING, DUPLEX:** A detached or semi-detached building designed for and used by no more than 2 families, each having exclusive occupancy of a dwelling unit. This type of development is designed and constructed as 2 dwelling units at initial construction. It does not include a secondary suite.

**DWELLING, MULTIPLE FAMILY:** A building containing 3 or more dwelling units, each unit designed for and used by not more than 1 family, each having exclusive occupancy of a dwelling unit.

**GROUP HOME:** means a single housekeeping unit in a dwelling in which 3 to 6 residents (excluding staff) live as a family unit under responsible supervision consistent with the requirements of its residents. The home is licensed or approved by the Province.



**MOBILE HOME:** A structure transportable in one or more sections, designed to be used as a dwelling unit, and meets the requirements of the Canadian Standards Association Z240 rating and *The Buildings and Mobile Homes Act*.

**MODULAR HOME:** means a building manufactured in its entirety, or in substantial part, off-site and transported to the point of use for installation on-site, with or without other specified components, as a finished building or as part of a finished building in accordance with CSA building regulations A277 and the National Building Code.

**MOBILE OR MODULAR HOME SUBDIVISION:** A parcel of land subdivided to provide individual sites, under separate title, in accordance with the subdivision approval procedure under The Planning Act.

**RESIDENTIAL CARE FACILITY:** The use of a building or structure, or portion thereof, maintained for the expressed or implied purpose of providing residential care or a transitional service to four (4) or more persons not related by blood or marriage to the operator. The facility shall comply with all Provincial Government licensing requirements. This use category includes personal care homes, as well as larger assisted living facilities and nursing homes.

## **Commercial Sales and Services**

A category of uses primarily associated with the sale, lease, or rent of new or used goods and the sale or provision of services, including personal services. This use may include associated offices.

**ACCOMODATION USES:** a subcategory of uses including facilities where ancillary activities are provided to transient visitors and guests for a defined period.

**BED AND BREAKFAST:** A major home based business operated as an accessory use to a single family residential use that provides temporary lodging (other than hotel or motel) to guests for short periods of time and that may also provide breakfast to guests.

**HOTELS OR MOTELS:** A building or part thereof wherein accommodation is provided for transient lodgers, in any individual room or apartment, with or without cooking facilities. Permitted accessory uses include but are not limited to, restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

**ANIMAL SALES AND SERVICE USES:** a subcategory of uses involving the selling, boarding, or care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking and storage areas.

**ANIMAL CARE AND SERVICES, DOMESTIC:** a development used for services provided to pets such as day care and grooming. All animals shall be kept in an enclosed building. This use does not include services that provide overnight stays.

**AUCTION MART (livestock):** a building or site used for auctions. This use may include temporary outside storage of livestock for auction. If storage is outside it must be fenced with a privacy fence.

**KENNEL:** Any premises on which more than 2 dogs or other domestic animals over the age of three months of age are maintained, boarded, bred, trained, or cared for, in return for remuneration or are kept for the purpose of sale and includes a personal use kennel and an animal rescue operation.

**VETERINARY CLINIC; DOMESTIC:** A facility designed for the care and treatment of domestic animals, not including cows, horses and the like, under the supervision of a doctor of veterinary medicine. All animals shall be kept in an enclosed building. The boarding of animals is limited to short-term care incidental to the treatment of the animals.

**VETERINARY CLINIC, LIVESTOCK:** A facility designed for the care and treatment of domestic animals, including cows, horses and the like, under the supervision of a doctor of veterinary medicine. The boarding of animals is limited to short-term care incidental to the treatment of the animals

**MOTOR VEHICLE RELATED:** a subcategory of uses primarily associated with the sale, lease, rent, repair, storage, or movement of automobiles, light trucks, motorcycles, recreational vehicles, boats, trailers, snowmobiles, and similar vehicles, as well as fuel sales and drive-through facilities. This category includes sales and rental of new and used vehicles and parts for vehicles, outside display and storage of vehicles, vehicle repair, painting, upholstery and rebuilding, vehicle service office or garage, tire re-treading, tire dealers, and trailer rental, sale, display, and/or storage uses. Accessory uses may include incidental repair and storage, offices, and sale of parts.

**AUTOBODY REPAIR:** A use conducted entirely within an enclosed building for the repair and painting of automobile and truck bodies, but shall not include mechanical repairs, servicing or automobile wrecking except when accessory to body repair.

**AUTOMOBILE REPAIR SERVICES:** A premises where automobiles, small motors and recreational vehicles may be serviced and repaired. This use includes muffler shops, tune-up shops, lube and oil shops and the like, and may include as a secondary use, the retail sale of parts, goods and products for the servicing, maintenance and operation of automobiles, small motors and recreational vehicles.

**AUTOMOBILE GAS STATION:** Premises where vehicle fuel, lubricants and automotive accessory items are offered for sale but where no provision is made for the repair, maintenance and storage of vehicles. May or may not include a convenience store or a restaurant.

**AUTOMOBILE SALES:** A premises used for the display, sale or rental of new or used automobiles, recreational vehicles, camper and travel trailers, boats, boat and utility trailers and the like, and where repairs are made they shall be done within a completely enclosed building, except minor incidental repairs of automobiles, recreational vehicles, camper and travel trailers, boats, boat and utility trailers and the like. Automobile sales shall not include mobile home or heavy machinery sales, rentals or repairs.

**CAR WASH AND AUTOMOBILE CLEANING:** A building or portion thereof wherein facilities are provided for the washing, cleaning and polishing of motor vehicles.

**FOOD AND BEVERAGE SERVICE:** a subcategory of uses that involve the serving of prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking.

**RESTAURANT:** An establishment where food is prepared and offered to the public for consumption within the building or structure or to be taken off the premises. Caterers and cafeterias are included in this term.

**DRINKING ESTABLISHMENT:** A use where alcohol is sold for consumption on the premises and which prohibits minors to be on the premises at any time unless accompanied by a legal guardian, and may include the sale of food for consumption on the premises. This use includes bars, pubs, and similar establishments.

**OFFICE USES:** a subcategory of uses focusing on business, professional, administrative, clerical, or financial services. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

**FUNERAL SERVICE:** a development used for the preparation of the dead for burial or cremation, and the holding of funeral services. This use includes funeral homes, undertaking establishments, cremation and internment services.

**PROFESSIONAL SERVICES:** A building or part of a building in which persons are employed for the provision of professional services such as medical services (including clinics), dental, legal, real estate agents, insurance brokers, financial services, accountants, architects, engineers and consultants.

**SCIENTIFIC & TECHNOLOGICAL ESTABLISHMENT:** A building or group of buildings in which are located facilities for scientific research, research and development of products, investigation, testing, or experimentation.

**RETAIL SALES AND SERVICE:** a subcategory of uses involved in the sale, lease, or rent of new or used products or services directly to the general public. This use does not include food service, recreation or entertainment uses. Accessory uses may include offices, parking, and storage of goods, assembly, repackaging, or repair of goods for on-site sale.

**AUCTION MART (chattel goods):** a building or site used for auctions. This use may include temporary outside storage of goods for auction. If storage is outside it must be fenced with a privacy fence.

**EQUIPMENT RENTAL AND SALES:** a development used for the rental or sale of tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items.

**PERSONAL SERVICES:** a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual (one on one) and personal needs of persons and includes such establishments as barber shops, hair and nails, janitorial, cleaning and garment services, photographic, and clothing rental.

**RETAIL SALES:** A building or part of a building in which persons are employed in the sale of goods to customers and includes uses such as hardware, mail order, clothing,

groceries, office equipment, drug stores, convenience stores, appliances, electronics, books, gifts, second hand goods and may include incidental repairs.

## **Industrial**

Means a category of uses including activities and facilities engaged in providing industrial services, manufacturing and production, warehousing and freight movement, or salvage services.

**COMMERCIAL AGRICULTURE RELATED** a sub-category of uses that support agricultural activities including: seed cleaning plants, grain elevators, fertilizer plants, feed mills, abattoirs, auction marts and bulk fertilizer, but not anhydrous ammonia or bulk propane.

**AGRICULTURAL IMPLEMENT SALES AND SERVICE:** a building and/or open area, used for display, sale or rental of new or used farm implements. Where repairs are made they should be done within a completely enclosed building except minor incidental repairs of implements.

**BULK STORAGE:** The storage of chemicals, gas compounding plants, petroleum products and other materials in above-ground containers, excluding anhydrous ammonia, for subsequent resale to distributors or retail dealers or outlets.

**INDUSTRIAL SERVICE USES:** means a subcategory of uses engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include sales, offices, parking and storage.

**CONTRACTOR SERVICE, LIMITED:** a development used for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with the contractor services where all materials are kept within an enclosed building, there are no accessory manufacturing activities.

**LANDSCAPE/GARDEN CONTRACTOR:** a development used for the storage of building and construction equipment and materials related to landscape or garden construction or for the performance of shop or assembly work related to landscaping. If outside storage is required, it must be within a privacy fence.

**MANUFACTURING AND PRODUCTION:** a subcategory of uses including firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Raw, secondary, or partially completed material may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Custom industry is included (i.e., establishments primarily engaged in the on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment). Goods are generally not displayed or sold on-site, but if so, they are a subordinate part of sales. Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters.

**HEAVY EQUIPMENT REPAIR:** An establishment used for the repair of vehicles, construction equipment and apparatus, as well as equipment associated with any form of heavy manufacturing.

**MANUFACTURING AND ASSEMBLY, INDUSTRIAL USES:** A use which mechanically transforms materials or substances into new products, including the assembly of component parts but does not include chemical manufacturing.

**WASTE AND SALVAGE:** a subcategory of uses including firms that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and Salvage uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products.

**JUNK YARD:** Premises where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, metals, paper, rags, rubber tires and bottles. A junk yard includes an automobile wrecking or dismantling yard but does not include uses established entirely within enclosed buildings.

**WAREHOUSE AND FREIGHT MOVEMENT:** a subcategory of uses including firms engaged in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer. There is little on-site sales activity with the customer present. Warehouse and Freight Movement uses may include carting, hauling or storage yards and contractor's shops, large-scale distribution, and

warehousing. Accessory uses may include offices, truck fleet parking, and maintenance areas.

**BULK FUEL/PROPANE SALES AND STORAGE:** The storage of chemicals, gas compounding plants, petroleum products and other materials in above-ground containers, excluding anhydrous ammonia, for subsequent resale to distributors or retail dealers or outlets.

**CONTRACTOR'S YARD:** land or buildings used for the storage of building and construction equipment and materials or for the performance of shop or assembly work related to building and construction.

**MAINTENANCE YARDS AND GARAGES:** a development where vehicles and/or equipment is stored and where maintenance is performed. This use includes storage and maintenance on trucks, busses and similar vehicles or equipment. It does not include maintenance or storage for the general public.

**STORAGE FACILITY AND /OR OUTDOOR COMPOUND:** A structure or area containing separate storage spaces of varying sizes leased or rented on an individual basis.

## **Transportation, Communications and Utility**

A category of uses primarily associated with transportation services such as train, bus, and boat uses, communications uses primarily associated with broadcasting of signals including internet and telephone and utility uses meaning those primarily associated with providing electrical, heating, cooling, and similar utility services. Utility uses do not include publicly owned works yards, and similar operations.

**TRANSPORTATION:** a subcategory of uses that include facilities that receive and discharge passengers and facilities for the storage and service of equipment required for their operation.

**AIRCRAFT LANDING AREA:** Any area of land or water which is used or intended for use for the landing or take-off of aircraft and any appurtenant areas which are used or intended for use for buildings or other facilities or rights-of-way, including taxi-ways aircraft storage and tie-down areas, hangars and other related buildings and open spaces.

**COMMUNICATION USES:** a subcategory of uses primarily associated with the broadcasting or reception of signals, including internet, phone, and radio.

**UTILITY USES:** a subcategory of uses that includes buildings, structures, or other facilities used by any private or governmental utility other than communications facilities. This category includes the operation of water, wastewater, electricity, gas or similar services. Accessory uses may include control, monitoring, data, or transmission equipment.

**UTILITY (PRIVATELY-OWNED):** Additionally, a private utility facility means any energy device and/or system that generates energy from renewable energy resources including solar, hydro, wind, biofuels, wood, geothermal, or similar sources.

## **Cultural and Entertainment**

A category of uses primarily associated with viewing of cultural materials or entertainment events.

**CULTURAL FACILITIES:** a subcategory of uses including facilities that display or preserve objects of interest or provide facilities for one or more of the arts or sciences, such as museums or art galleries. Accessory uses may include parking, offices, storage areas, and gift shops.

**CULTURAL ESTABLISHMENT:** An establishment used for display, storage, restoration or events related to art, literature, music, history or science. This term refers to uses such as art galleries, theatres, libraries, auditoriums, museums, archives and interpretive centres.

**RECREATION AND ENTERTAINMENT USES, INDOOR:** a subcategory of uses including facilities that provide recreation or entertainment activities within an enclosed environment and includes facilities owned or operated by associations, corporations, or other persons for social, educational, or recreational purposes. Accessory uses may include offices, meeting areas, food preparation areas, concessions, snack bars, parking, and maintenance facilities.

**RECREATION FACILITIES:** any form of play, amusement, or relaxation used as a pastime, diversion, exercise, or other resource, such as games, sports, hobbies and associated equipment used for such, whether publicly facilitated or on private property. This use includes halls and auditoriums.



**ENTERTAINMENT CENTRE:** An indoor facility which provides entertainment devices such as games of redemption, video games, kiddie rides, miniature golf, driving ranges, batting cages, bowling alleys, dance studios and theatres.

**RECREATION AND ENTERTAINMENT, OUTDOOR:** a subcategory of uses that include facilities that provides recreation or entertainment activities outside an enclosed environment. Accessory uses may include concessions, snack bars, parking, and maintenance facilities.

**CAMPING AND RV PARKS:** A parcel of land planned and improved to accommodate recreational vehicles, tents, tent trailers or other camping accommodations used as temporary dwellings for travel, recreational and vacation uses.

**EVENT FACILITY:** A location that is available for lease for private parties or special events such as weddings and graduations. An event facility may contain indoor facilities or outdoor tents or other

## **Public and Institutional**

A category of uses primarily associated with public assembly, schooling and training, government services other than public utilities, and private and non-profit congregation, worship, and services.

**PARK AND PARK-RELATED:** a subcategory of uses characterized by large areas consisting mostly of landscaping for outside recreation, community gardens, or public squares and plazas. Lands tend to have few structures. Accessory uses may include clubhouses, maintenance facilities, concessions, caretaker's quarters, and parking.

**CEMETERY:** Land used or intended to be used for the burial of the dead, and may include columbaria, crematoria, mausoleums, and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

**OTHER PUBLIC AND INSTITUTIONAL:** a subcategory of uses that includes uses primarily associated with public assembly, schooling and training, government services other than public utilities, and private and non-profit congregation, worship, and services, but not including any uses listed separately under the subcategories of, "community facilities", "education" or "parks and park related" uses.

**PLACE OF WORSHIP:** a building or premises dedicated to religious worship and incidentally includes a hall, auditorium, parish hall and day nursery operated by the place of worship.

**SCHOOL:** An establishment providing academic and/or technical instruction and may include supplementary cafeterias, book stores, amusement activities, recreation facilities, instructional functions, community assembly uses, conference facilities, and residences.

## **Planned Unit Development**

**PLANNED UNIT DEVELOPMENT:** Land development projects that are built as a single entity in accordance with a comprehensive site plan. They may consist of multiple uses and or buildings which may be used for residential, commercial or manufacturing / industrial uses and be developed as part of a bare land condominium or rental use, including interior site access roadways, walkways, parking and open spaces etc. A residential Planned Unit Development allows for a mix of uses and housing types, useable open spaces and the preservation of existing features through customized site specific standards. Planned unit developments should be a minimum of 10 acres (4.05 ha.)

## **Accessory Uses (Table 3-2)**

**HOME-BASED BUSINESS:** means an occupation, trade, business or activity that is accessory to the principal use of the residential dwelling and is located either in the principal dwelling or within an accessory building.

**SECONDARY SUITE:** A self-contained accessory dwelling unit located either within a permanent single family dwelling, or in an accessory building, on a single zoning site. A secondary suite contains a single housekeeping 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 use includes garden suites, coach houses and staff residences. This use does not include duplex housing, semi-detached housing, or apartment housing.

**SOLAR COLLECTOR, COMMERCIAL** means a solar collector designed and built to provide electricity for commercial sale and distribution to the electricity grid (ex: a solar farm).

**SOLAR COLLECTOR, ON-SITE USE** means a solar collector intended to primarily serve the electrical needs of the on-site user or consumer (either behind the meter or off-grid) rather than to produce power for resale. Rooftop Solar Collectors are a type of On-Site Use Solar Collectors.

## PART 3: ZONES

### GENERAL PROVISIONS

24. This Part establishes the zones and contains basic information pertaining to Zones, primary statements of purpose and zone specific regulations. Part 3, Land Use Regulations and Part 4 Development Standards, identify the uses allowed within the Zones and the standards applying to development in the Zones.

### Zones Established

25. The zones, zone names and abbreviations shown in Table 2-1 and the locations and the boundaries of the zones shown on maps set out in the Schedules, are hereby established.

**TABLE 2-1: Zones Established**

Zone Type	Abbreviation	Zone Name
Agriculture	AG	Agriculture General
	AR	Agriculture Restricted
Residential	RG	Residential General
	RG-1	Residential General-1
	RS	Residential Suburban
	RR	Rural Residential
	RMH	Residential Mobile Home
Commercial	CMU	Commercial Mixed Use
	CH	Commercial; Highway
Industrial	MG	Industrial General
	ML	Industrial Light
Parks and Institutional	PR	Public Open Space
	I	Institutional
General Development	GD	General Development

## **Zone Descriptions**

26.

- (1) The descriptions of the zones contained in this Part are intended to assist in selecting the appropriate zoning zone for different types of lands and to assist in identifying the intended character of each zone. When there is a conflict between any statement in the zone description and a subsequent requirement in other sections of this By-Law, the substantive requirements in other sections apply. In no case may a zone description be interpreted to require performance levels beyond the substantive requirements of this By-Law.
- (2) All lands within the RM of Macdonald must be designated by the Municipality as one of the base zones set forth in Table 2.1. In addition, some lands may also be part of the Environmental Overlay that further restricts development at that particular site.

## **AGRICULTURAL ZONES**

27. The agricultural zones are intended to protect the agricultural industry and its land resources in recognition of the importance of agriculture to the economy, lifestyle and character of the RM of Macdonald.

### **Agricultural General Zone (AG)**

28. The Agricultural General (AG) zone is intended for areas characterized by general agricultural uses which generally lay beyond the long range non-agricultural development needs of the community. These areas are intended to protect, support and strengthen the agricultural industry in recognition of agriculture's contribution to the economy, lifestyle and character of the RM of Macdonald. The Agricultural General zone is intended to provide flexibility and opportunity for farm operators to engage in a variety of farming practices. These areas may also provide opportunities to diversify uses within the agricultural area to include agri-related commercial or industrial enterprises as a conditional use to an established agricultural use.

### **Agricultural Restricted Zone (AR)**

29. The Agricultural Restricted (AR) zone provides for non-intensive agricultural activities in close proximity to urban centres in a manner that does not hinder future urban expansion or affect existing urban development. It also provides for the restrictions on uses, such as operations, to avoid the creation of land use conflicts.

## **RESIDENTIAL ZONES**

30. The Residential Zones established in this By-Law are intended to provide sufficient land for various types of residential development within the RM of Macdonald in keeping with the provisions of the Development Plan and any applicable Secondary Plan(s).

### **Residential General (RG and RG-1)**

31. The Residential General zone provides for residential development within the unincorporated Villages of Sanford, La Salle, Starbuck, and Oak Bluff. The intent is to permit various types of residential development including single family, two-family and multiple family dwellings, and other non-residential but compatible uses. Where uses may need larger lots or require conditions they are noted as conditional uses. All types of development are to be connected to municipal sewer and water systems.

### **Residential Modular Home (RMH)**

32. The Residential Modular Home zone provides for the development of serviced modular home developments together with associated and compatible uses. All modular homes are to be built to Manitoba Building Code Standards and CSA Standards.

### **Residential Suburban (RS)**

33. The Residential Suburban (RS) zone provides for residential development on the fringe of urban centers, generally on large sites. Some compatible non-residential uses may also be allowed in this zone.

### **Residential Rural (RR)**

34. The Rural Residential (RR) zone provides for non-farm residential development in rural areas, with onsite wastewater management services. It allows an alternative form of residential development in a rural environment where keeping of some domestic animals such as horses, cows and poultry may be allowed as a hobby use.

## **COMMERCIAL ZONES**

35. The commercial zones are intended to allow different intensities of commercial development in appropriate locations based on the purposes of the zones as described below and in accordance with the Development Plan.

### **Commercial Mixed Use (CMU)**

36. The Commercial Mixed Use zone provides for appropriate land for mixed use development serving the designated Urban Centres. Development in this zone will be of compatible scale and sensitive to existing development both on the arterial street it shares and adjoining land uses.

### **Commercial - Highway (CH)**

37. The Commercial-Highway zone provides locations for commercial uses that provide goods and services to the residents of the Municipality and region that are dependent upon automobile access and are exposed to high traffic volumes and access to appropriate transportation thoroughfares and considers the impact of commercial uses under this zone on any adjoining residential uses.

## **INDUSTRIAL ZONES**

38. The Industrial zones are intended to provide sufficient lands, site and building performance standards for a range of industrial/manufacturing land uses within designated locations in the RM of Macdonald. This By-Law contains two types of industrial zones designed to allow appropriate locations for different types of uses based on criteria defined below.

### **Industrial General Zone (MG)**

39. This zone provides land for the development of general industrial and other low impact industrial uses including processing, storage, utilities that generally may require larger site areas than normally provided in the MI Industrial Light Zone.

### **Industrial Light Zone (ML)**

40. The intent of this zone is to provide land for the careful siting of light manufacturing, processing, servicing, warehouse, wholesale and distribution operations and associated office uses in a planned setting in. Uses may include offices, personal service storefronts and retail uses.

## **OPEN SPACE AND INSTITUTIONAL ZONES**

41. The Open Space and Institutional Zones established in this By-Law are intended to provide sufficient land for various types of public open space, recreation, park and institutional development within the RM of Macdonald in keeping with the provisions of the Development Plan.

## **Parks and Recreation Zone (PR)**

42. Provide for the establishment of public parks and open space areas and facilities within the Municipality. Public parks and open space areas typically occur in residential areas or riverbank context and are generally accessed by residential streets; they may include buffer areas, natural areas, sports fields and structured play facilities such as skating rinks and such other similar facilities.

## **Institutional Zone (I)**

43. Provide for the establishment of public institutional uses and facilities with the Municipality, these may include public libraries, schools, hospitals.

## **GENERAL DEVELOPMENT ZONE**

### **General Development Zone (GD)**

44. The General Development Zone is intended to provide for a compatible and orderly mix of residential, commercial and industrial uses in the settlement centres such as Domain and Brunkild where land use patterns are not sufficiently developed to warrant distinct zones.

## **ENVIRONMENTAL OVERLAY**

45. The Environmental Overlay identifies areas requiring special environmental consideration and is intended to control development within the underlying Zones. It does not replace the existing zoning.

This overlay area will be used to ensure:

- (a) The protection of riverbank vegetation, natural drainage ways and flood risk areas;
  - (b) The identification of unique natural resources and
  - (c) The consideration of site constraints and future needs regarding municipal lagoons and water sources prior to development decisions.
46. Notwithstanding other provisions of this By-Law, any construction of a building, excavation of land, or removal of natural vegetation within the Environmental Overlay shall be a Conditional Use. All requirements for any "Conditional Uses" shall be determined and approved by Council, subject to the conditional use provisions of this By-Law and *The Planning Act*.

## PART 4: LAND USE REGULATIONS

### DEFINITION OF SYMBOLS USED IN TABLES

47. Tables 3-1, 3-2 and 3-3 below list the principal, accessory and temporary uses allowed within all base zones.

(1) In Tables 3-1, 3-2 and 3-3:

- (a) “P” in a cell indicates that the use identified at the far left of the row is **permitted** in the zoning zone identified at the top of the column.
- (b) “C” in a cell indicates that the use identified at the far left of the row is allowed only if reviewed and approved as a **conditional** use in the zoning zone identified at the top of the column in accordance with the procedures of *The Planning Act*.
- (c) A blank cell indicates that the use identified at the far left of the row is not permitted in the zoning zone identified at the top of the column.
- (d) A number in a cell with the column heading with “Use Specific Standards” identifies a section within this By-Law which imposes an additional standard with which the use must comply except as authorized by this By-Law or by a Conditional Use or Variance Order.

### IMPLICATIONS OF TABLE ABBREVIATIONS

48. The following applies to Table 3-1 Principal Use Table, Table 3-2 Accessory Use Table and Table 3-3 Temporary Use Table.

#### Permitted Uses

49. Permitted uses (“P”) are subject to all other applicable regulations of this By-Law including the use specific standards set forth in this Part and the requirements of *Part 4 Site Development Standards*.

#### Conditional Uses

50. Conditional Uses (“C”) are subject to all other applicable regulations of this By-Law



## **Use Not Permitted**

51. If a use is not specifically listed in the tables, the use is not permitted.

## **Use Specific Standards**

52. Regardless of whether a use is allowed as a permitted use or as a conditional use and regardless of the zone in which the use is located, there may be additional standards that are applicable to the use and the use must comply with such standards except as authorized by a Conditional Use or Variance Order.
- (1) An application to establish a use that does not meet the applicable use specific standards in Part 4 Land Use Regulation, may only be approved through the conditional use review procedure.
  - (2) In looking at an application to establish a conditional use council should consider the applicable use specific standards in Part 4 as a guide in the setting of conditions.
  - (3) An application to establish a use that does not meet the size, dimensional or coverage standards set forth in Part 5 Site Development Standards, may only be approved through the variance procedure.

## **Parking Categories**

53. Regardless of whether a use is allowed as a permitted use or as a conditional use, and regardless of the zone in which the use is located, it must provide the parking required by this By-Law, except as authorized by a Conditional Use, Development Agreement or Variance Order.

## **TABLE ORGANIZATION**

54. In Table 3-1, Table 3-2 and Table 3-3, land uses and activities are grouped into general “use categories” and specific “use types” based on common functional or physical impact characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and the site conditions. These categories provide a systematic basis for assigning present and future land uses into appropriate zones. The use categories do not list every use or activity that may appropriately exist within the categories and specific uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use category titles are intended merely as an indexing tool and are not exhaustive.

## **USE CATEGORIES**

55. The list of uses in Table 3-1, Table 3-2, and Table 3-3 is not exhaustive. New types of land use will develop and forms of land use not anticipated may seek to locate in the Municipality.

### **Interpretation by the Development Officer**

56. Any person may apply to the Development Officer for an interpretation as to whether a proposed use falls within any of the use categories or use types shown in the Use Table(s), and, if so, which one. The Development Officer must provide the interpretation taking into account the Intent of the Zoning Zone, the nature of the proposed use and its compliance with the Intent, its potential impacts, including but not limited to: whether it involves dwelling units; sales; processing; type of product, storage and amount, and nature thereof; enclosed or open storage; anticipated employment; transportation requirements; excessive noise, odour, fumes, dust, toxic material, and vibration likely to be generated; and the general requirements for public utilities such as water and sanitary sewer. The authority to provide an interpretation provides a process to identify and add a similar use to uses or use types listed in the Use Table(s) but does not include the authority to add a new category of permitted or conditional use to Table 3-1, Table 3-2 or Table 3-3. A new category will require a zoning amendment.

### **Appeal**

57. An appeal of the Development Officer's interpretation under clause 57 may be made to Council and Council's decision shall be final.

## **USE TABLES**

58. Table 3-1, Table 3-2, and Table 3-3 identify the land uses allowed within all base zones. No new use or expansion of an existing use may be established except in conformance with the following tables and with the applicable use specific regulations referenced in the tables.

**List of Main Use categories in Table 3-1**

- a) Agricultural
- b) Agriculture Specialized
- c) Residential and Residential Related
- d) Commercial Sales and Services
- e) Industrial
- f) Transportation, Utility and Communications
- g) Cultural and Entertainment
- h) Public and Institutional
- i) Planned Unit Development

### Table 3-1 Principal Uses

#### Table 3-1 Principal Uses (a) Agriculture

Zone	AG	AR	RG	RG-1	RS	RR	RMH	CMU	CH	ML	MG	MA	PR	I	GD	Use Specific Standards	Parking Category
Use Category & Use Type																	
Anhydrous ammonia, fertilizer, pesticide and herbicide, manufacturing , sales and storage	C	-	-	-	-	-	-	-	C	-	C	-	-	-	-	60	4
General Agricultural Activities (not including Livestock Operation)	P	P	-	-	-	-	-	-	-	-	-	-	-	-	C		16
Livestock Operations (3-9 A.U.)	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	72	
Livestock Operations (10 A.U. or more)	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	61	0
Stables	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-		10

**Table 3-1 Principal Uses (b) Agricultural Specialized**

Zone	AG	AR	RG	RG-1	RS	RR	RMH	CMU	CH	MG	ML	PR	I	GD	Use Specific Standards	Parking Category
Use Category and Type																
Agriculture Specialized , other	C	C	-	-	-	-	-	-	-	C	-	-	-	-	62	0
Apiary	C	C	-	-	-	-	-	-	-	-	-	-	-	-		16
Dairies and Creameries	C	C	-	-	-	-	-	-	-	C	-	-	-	-		16
Grain and Agricultural products handling and storage	C	C	-	-	-	-	-	-		C	C	-	-	C		16
Greenhouses & Nurseries, including tree farms	C	C	-	-	-	-	-	-	-	C	C	-	-			4

**Table 3-1 Principal Uses (c) Residential and Residential Related**

Zone	AG	AR	RG	RG-1	RS	RR	RMH	CMU	CH	MG	ML	PR	I	GD	Use Specific Standards	Parking Category
Use Category and Type																
Dwellings Duplex	-	-	P	C	-	-	C	C	C	-	-	-	-	P	64;65	1
Dwellings Modular Home	P	P	C	C	C	-	P	-	-	-	-	-	-	C	88	1
Dwellings Mobile Home	P	P	-	-	-	-	P	-	-	-	-	-	-	C	88	2
Dwellings Multi-Family	-	-	C	C	-	-	-	C	C	-	-	-	-	C	63;64	2
Dwellings Single Family	P	P	P	P	P	P	-	C	C	-	-	-	-	P		1
Group Home	-	-	C	C	-	-	-	-	-	-	-	-	P	C		6
Residential care facilities including: nursing homes, personal care homes and assisted living	-	-	C	C	-	-	-	-	-	-	-	-	P	C		5

**Table 3-1 Principal Uses (d) Commercial Sales and Services**

Zone	AG	AR	RG	RG-1	RS	RR	RMH	CMU	CH	MG	ML	PR	I	GD	Use Specific Standards	Parking Category
Use Category and Type																
Accommodation																
Bed and Breakfast	C	C	C	C	C	C	-	C	-	-	-	-	-	C	68	3
Hotels and Motels	-	-	-	-	-	-	-	C	P	-	C	-	-	C		9
Animal Sales and Service																
Animal care and services, domestic	C	C	-	-	-	-	-	C	P	-	P	-	-	C		12
Auction Mart, Livestock	C	C	-	-	-	-	-	-	-	-	-	-	-	-		21
Kennels	C	C	-	-	-	-	-	-	-	-	-	-	-	-		4
Veterinary clinics, domestic	C	C	-	-	-	-	-	C	P	P	P	-	-	C		4
Veterinary clinics, livestock	C	C	-	-	-	-	-	-	-	C	-	-	-	-		4
Motor Vehicle Related																
Auto body Repair	-	-	-	-	-	-	-	C	C	C	C	-	-	C	69	4
Automobile repair services	C	C	-	-	-	-	-	C	C	P	P	-	-	C		4

Zone	AG	AR	RG	RG-1	RS	RR	RMH	CMU	CH	MG	ML	PR	I	GD	Use Specific Standards	Parking Category
Use Category and Type																
Automobile gas station	C	C	-	-	-	-	-	C	P	P	C	-	-	C		4
Automobile sales	-	-	-	-	-	-	-	C	C	P	C	-	-	C		4 & 17
Carwash & automobile cleaning	-	-	-	-	-	-	-	C	C	C	C	-	-	C		19
Food & Beverage Service																
Restaurants	-	-	-	-	-	-	-	P	P	-	P	-	-	C		8
Drinking establishment	-	-	-	-	-	-	-	C	P	-	C	-	-	C		8
Office																
Funeral Services	-	-	-	-	-	-	-	C	C	P	P	-	-	C		15 & 17
Professional services	-	-	-	-	-	-	-	P	P	P	P	-	-	P		4
Scientific & technological establishments	C	C	-	-	-	-	-	-	C	P	C	-	-	C		4
Retail sales and service																
Auction mart , Chattel Goods	-	-	-	-	-	-	-	-	P	P	P	-	-	C		21



Zone	AG	AR	RG	RG-1	RS	RR	RMH	CMU	CH	MG	ML	PR	I	GD	Use Specific Standards	Parking Category
Use Category and Type																
Equipment Rentals & Sales	-	-	-	-	-	-	-	-	C	C	C	-	-	C		<b>4</b>
Farmers Market	C	C	-	-	-	-	-	C	C	C	-	-	-	C		<b>21</b>
Grocery store	-	-	-	-	-	-	-	P	C	-	P	-	-	C		<b>4</b>
Modular & Mobile home sales	-	-	-	-	-	-	-	-	P	C	C	-	-	-		<b>10</b>
Office supplies, sales & service	-	-	-	-	-	-	-	P	P	P	P	-	-	C		<b>4</b>
Personal services	-	-	-	-	-	-	-	P	P	P	P	-	-	P		<b>4</b>
Retail sales	-	-	-	-	-	-	-	P	P	C	P	-	-	C		<b>4</b>

**Table 3-1 Principal Uses (e) Industrial**

Zone	AG	AR	RG	RG-1	RS	RR	RMH	CMU	CH	MG	ML	PR	I	GD	Use Specific Standards	Parking Category
Use Category and Type																
Commercial Agriculture Related																
Abattoirs and Meat Packing Facilities	C	-	-	-	-	-	-	-	-	-	-	-	-	-		10,17
Agricultural Implement sales, service & repairs	C	C	-	-	-	-	-	-	C	C	-	-	-	C		4
Bulk storage and handling facilities including chemicals/gas compounding plants	C	-	-	-	-	-	-	-	-	C	-	-	-	-		10
Contractor Service , Limited	-	-	-	-	-	-	-	C	P	-	P	-	-	C		10
Landscape/garden contractor	C	C	-	-	-	-	-	-	C	P	P	-	-	C		10
Repair and service shops within a fully enclosed building	P	C	-	-	-	-	-	C	P	P	P	-	-	C		4

Zone	AG	AR	RG	RG-1	RS	RR	RMH	CMU	CH	MG	ML	PR	I	GD	Use Specific Standards	Parking Category
Use Category and Type																
Manufacturing and Production																
Agricultural Implement manufacturing	C	C	-	-	-	-	-	-	-	C	C	-	-	-		10
Brewery/Distillery, with associated tasting room	-	C	-	-	-	-	-	C	C	C	C	-	-	-		4 & 8
Carpenter or cabinet shops within a fully enclosed building	-	-	-	-	-	-	-	P	P	P	P	-	-	P		10
Carpenter or cabinet shops with outdoor storage	-	-	-	-	-	-	-	C	C	C	C	-	-	C		10
Cement and concrete batching plants	-	-	-	-	-	-	-	-	-	C	-	-	-	-		4,17
Heavy Equipment Repair	C	C	-	-	-	-	-	-	-	C	C	-	-	-		4
Manufacturing and assembly industrial uses	-	-	-	-	-	-	-	-	-	C	C	-	-	-		4
Modular, Mobile & RTM Home manufacturing and assembly	C	-	-	-	-	-	-	-	-	C	C	-	-	-		4

Zone	AG	AR	RG	RG-1	RS	RR	RMH	CMU	CH	MG	ML	PR	I	GD	Use Specific Standards	Parking Category
Use Category and Type																
Waste and Salvage																
Junk Yards and/or Automobile Wrecking	C	-	-	-	-	-	-	-	-	-	-	-	-	-		10
Recycling Facilities within a fully enclosed building	-	C	-	-	-	-	-	-	-	C	C	-	-	-		10
Waste disposal grounds and Facilities	C	-	-	-	-	-	-	-	-	-	-	-	-	-		10
Warehouse and Freight Movement																
Bulk Fuel and Propane sales and storage	C	C	-	-	-	-	-	-	C	C	-	-	-	-		10
Contractor’s yards or Shops	C	C	-	-	-	-	-	-	C	C	C	-	-	-		10
Frozen Food Lockers Freezer Plants and Cold Storage Facilities	C	C	-	-	-	-	-	C	C	C	C	-	-	-		10
Lumber yards and Building Materials within enclosed building and fenced yard	-	-	-	-	-	-	-	P	P	P	P	-	-	-		10

Zone	AG	AR	RG	RG-1	RS	RR	RMH	CMU	CH	MG	ML	PR	I	GD	Use Specific Standards	Parking Category
Use Category and Type																
Lumber yards and Building Materials within fenced yard only	-	-	-	-	-	-	-	C	C	C	C	-	-	-		10
Maintenance yards and garages	C	C	-	-	-	-	-	-	C	P	-	-	-	C		10
Storage facilities fully enclosed in a building	-	-	-	-	-	-	-	C	P	P	C	-	-	C		10
Storage facilities and compounds with exterior storage for non-hazardous materials	-	C	-	-	-	-	-	C	C	C	C	-	-	C		10
Warehouse Facilities, sales and storage and distribution	-	-	-	-	-	-	-	C	C	C	C	-	-	C		10

**Table 3-1 Principal Uses (f) Transportation, Communication and Utility**

Zone	AG	AR	RG	RG-1	RS	RR	RMH	CMU	CH	MG	ML	PR	I	GD	Use Specific Standards	Parking Category
Use Category and Type																
Transportation																
Aircraft landing area	C	-	-	-	-	-	-	-	-	-	-	-	-			11
Truck and Bus Terminals	-	-	-	-	-	-	-	-	C	C	-	-	-			10
Communication																
Communication Towers and Facilities not under federal jurisdiction	P	C	-	-	-	-	-	-	C	C	-	-	-	C		0
Utility																
Utilities, privately owned	C	C	-	-	-	-	-	C	C	C	C	C	C	C		0
Utilities, Publicly Owned	P	P	P	P	P	P	P	P	P	P	P	P	P	P		0

**Table 3-1 Principal Uses (g) Cultural and Entertainment**

Zone	AG	AR	RG	RG-1	RS	RR	RMH	CMU	CH	MG	ML	PR	I	GD	Use Specific Standards	Parking Category
Use Category and Type																
Cultural Facilities																
Cultural Establishment,	C	C	-	-	-	-	-	C	C	-	-	C	C			4
Recreation and Entertainment, indoor																
Recreation Facilities	-	C	-	-	-	-	-	C	C	C	C	C	-	C		14
Entertainment Centre	-	-	-	-	-	-	-	C	P	-	P	-	-	C		14
Arenas and Sports Complexes	-	C	-	-	-	-	-	-	P	-	P	-	-	C		4 &14
Recreation and Entertainment, outdoor																
Sports Facilities, inc. rinks and fields	-	C	-	-	-	-	-	-	-	-	-	P	-	C		4 &14
Camping and RV Parks	C	C	-	-	-	-	-	-	C	-	-	C	-	C		4
Golf Courses, inc. driving ranges	C	C	-	-	-	-	-	-	-	-	-	C	-			4 &14

Zone	AG	AR	RG	RG-1	RS	RR	RMH	CMU	CH	MG	ML	PR	I	GD	Use Specific Standards	Parking Category
Use Category and Type																
Shooting Ranges & Gun Clubs	C	-	-	-	-	-	-	-	-	-	-	-	-	-		<b>4</b>
Amusement Enterprises , outdoor	C	C	-	-	-	-	-	-	-	-	-	-	-	-		<b>14</b>
Event Facility	C	C	-	-	C	-	-	-	-	-	-	-	-	-		<b>14</b>



**Table 3-1 Principal Uses (h) Public and Institutional**

Zone	AG	AR	RG	RG-1	RS	RR	RMH	CMU	CH	MG	ML	PR	I	GD	Use Specific Standards	Parking Category
Use Category and Type																
Park and Park Related																
Cemeteries	C	C	-	-	-	-	-	-	-	-	-	-	-	-		0
Community Gardens	-	P	-	-	-	-	-	-	-	-	-	P	-	C		0
Parks	C	C	-	-	-	-	-	-	-	-	-	P	-			0
Exhibition & Fair grounds	C	C	-	-	-	-	-	-	-	-	-	C	-	-		14
Other Public & Institutional																
Child Care Services	-	-	-		-	-	-	P	-	-	P	-	C	C		13
Hospitals	-	-	-	-	-	-	-	-	-	-	-	-	P	C		5
Institutions & government offices	-	P	-	-	-	-	-	P	P	P	P	-	P	P		4
Places of Worship	C	C	C	C	C	C	C	C	-	-	-	-	P			7
Schools	-	C	-	-	-	-	-	C	C	C	P	-	P	C		18

**Table 3-1 Principal Uses (i) Planned Unit Development**

Zone	AG	AR	RG	RG-1	RS	RR	RMH	CMU	CH	MG	ML	PR	I	GD	Use Specific Standards	Parking Category
Use Category and Type																
Planned Unit Development	-	-	C	C	-	-	C	C	C	-	C	-	-	C		<b>21</b>

**Table 3-2 Accessory Use Table**

P= Permitted Use: C= Conditional Use: - = Not Permitted

Zone	AG	AR	RR	RS	RG	RG-1	RMH	CMU	CH	MG	ML	PR	I	GD	Use Specific Standards	Parking Category
Use Category & Use Type															118	
Agri-businesses	C	C	-	-	-	-	-	-	-	-	-	-	-	-	70	16
Animal care and services, domestic	P	P	-	-	-	-	-	-	-	-	-	-	-	-		12
Apiary	C	-	-	-	-	-	-	-	-	-	-	-	-	-		16
Aviary	C	C	-	-	-	-	-	-	-	-	-	-	-	-		16
Advertising Signs, permanent	P	P	-	-	-	-	-	P	P	P	P	P	P	P		0
Automated Teller Machine	-	-	-	-	-	-	-	P	P	P	P	-	-	P		0
Caretakers residence	C	C	-	-	-	-	C	C	C	C	C	-	-	C		1
Communication Tower (not federally regulated, less than 60 ft.)	P	P	C	C	C	C	C	C	P	P	P	-	P	C		0
Day care	-	-	-	-	-	-	-	C	C	-	C	C	P	C		13
Drive -through or Drive -in	-	-	-	-	-	-	-	C	C	-	C	-	-	C		9
Event Facility 1-2-57910	-	-	-	-	-	-	-	-	-	-	C	-	-	-		14
Flood and Water Control Structures	P	P	-	-	-	-	-	-	-	-	-	-	-	-		0
Greenhouse and Nursery	P	P	P	-	-	-	-	-	-	-	C	P	P	C		10
Home-based business	P	P	P	P	P	P	P	-	-	-	-	-	-	P	71	16

Zone	AG	AR	RR	RS	RG	RG-1	RMH	CMU	CH	MG	ML	PR	I	GD	Use Specific Standards	Parking Category
Use Category & Use Type															118	
Industrial Accessory Use	C	-	-	-	-	-	-	-	-	C	C	-	-	-		17
Livestock (less than 3 A.U.)	P	C	-	-	-	-	-	-	-	-	-	-	-	-	72	0
Outdoor display or sales	-	-	-	-	-	-	-	C	P	C	C	-	-	C		0
Outdoor storage	-	-	-	-	-	-	-	-	-	C	C	-	-	-		0
Personal Wind Generator	P	P	C	C	-	-	-	-	-	-	-	-	-	-		0
Place of Worship	-	-	-	-	-	-	-	-	-	-	-	-	P	-		15
Secondary Suite (inc. garden suite, coach house and staff residence)	C	C	C	C	C	C	-	C	C	-	-	-	-	C	74;111	1
Secondary On-farm Manufacturing and Processing Operation	C	C	-	-	-	-	-	-	-	-	-	-	-	-	73	17
Solar Collector (Commercial)	P	P	-	-	-	-	-	-	C	C	C	-	C	C	75	17
Solar Collector (On-Site Use)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	75	0

### Table 3-3 Temporary Use Table

P= Permitted Use: C= Conditional Use: - = Not Permitted

Zone	AG	AR	RR	RS	RG	RG-1	RMH	CMU	CH	MG	ML	PR	I	GD	Use Specific Standards	Parking Category
Use Category & Use Type																
Farmer's Market	P	P	-	-	-	-	-	-	-	-	-	P	P		76	<b>21</b>
Portable or Mobile Signs	P	P	-	-	-	-	-	P	P	P	P	P	P		77	<b>0</b>

## **USE SPECIFIC STANDARDS**

59. Regardless of whether a use is allowed as a permitted or conditional use and regardless of the zoning zone in which the use is located, the following additional standards must be met in respect of uses identified, except as authorized by other sections of this By-Law or by Conditional Use or Variance Order.

### **Agricultural**

#### **Anhydrous Ammonia Facilities**

60. Anhydrous ammonia storage facilities shall be set back 330 feet from any public roadway, and shall be separated by a distance of 2,640 feet from any individual residence and distance of 1 mile from any settlement centre. Any residential development within this buffer area requires a conditional use.

#### **Livestock Operations**

61. The siting of livestock operations within the Municipality will be managed in accordance with the provisions of this section. The intent of these clauses is to promote compatibility between livestock operations and non-livestock uses within the Municipality. In accordance with the Development Plan, this Zoning By-Law will manage livestock development around designated Centres including Urban, Rural and Enterprise Centres within the Municipality and adjoining non-agricultural areas of other municipalities including the City of Winnipeg.
- (1) The provisions of this By-Law are dependent upon a determination of the production capacity of a livestock operation, which shall be based upon the intensity of use as measured by Animal Units, determined in accordance with Table 3-4.
  - (2) Applications of 10 animal units or greater shall be:
    - (a) subject to a public review process;
    - (b) require the approval of a Conditional Use by Council; and
    - (c) may require the applicant to enter into a Livestock Development Agreement.
  - (3) Mutual separation distances prescribed by Table 3-5 must be maintained between a new or expanding livestock operation and:

- (a) areas designated in the Macdonald–Ritchot Development Plan as as designated urban, rural or settlement centers, rural residential and non-agricultural areas of Winnipeg; and
  - (b) non-farm residential subdivisions
- (4) Any application for a new or expanding livestock operation proposed with a separation distance not prescribed in Table 3-5 may be approved if varied by Council.
- (5) Any livestock operation greater than 300 A.U. requires a technical review for Provincial approval.
- (6) When reviewing any conditional use application for a livestock operation, Council may take the following into consideration:
  - (a) the type of operation;
  - (b) location in relation to neighbouring land uses;
  - (c) the size of the operation including the maximum number of animals and the size of the site area;
  - (d) the source of water supply and proposed consumption levels;
  - (e) the nature of the land base;
  - (f) local resident concerns;
  - (g) the Technical Review Committee report and recommendations;
  - (h) the potential impacts to provincial highways and municipal road systems;
  - (i) provincial guidelines and regulations governing livestock operations;
  - (j) whether there is a need for a development agreement to be entered into between the proponent and the municipality dealing with conditions such as:
    - (i) the timing of construction of any proposed buildings or structures;
    - (ii) the control of traffic; and
    - (iii) the construction and maintenance of roads, fencing, landscaping, shelterbelts, manure storage facility covers or site drainage works by or at the expense of the proponent.
- (7) It is a requirement of each livestock operation approved as a Conditional Use for the owner to demonstrate compliance with Provincial Regulations.
- (8) Set-backs, water bodies & well locations: Notwithstanding the minimum site yard requirements specified in table 3-5, the minimum set-back for a livestock confinement structure, including building, seasonal shelter or fenced enclosure,

from a water body or well location, shall be the greater of 350 feet or the minimum set-back specified by the Provincial Farm Practice Regulations or the minimum set-back as may be required in the livestock operations manure management plan approved by the Province.



<b>Table 3-4: Animal Unit Summary Table</b>		<b>A.U. Produced By One Livestock</b>	<b>Livestock Producing One A.U.</b>
<b>Dairy</b>	Milking Cows, including associated livestock	2.0000	0.50
<b>Beef</b>	Beef Cows, including associated livestock	1.2500	0.80
	Backgrounder	0.5000	2.00
	Summer pasture/replacement heifers	0.6250	1.60
	Feeder cattle	0.7690	1.30
<b>Hogs</b>	Sows, farrows to finish	1.2500	0.80
	Sows, farrows to weanling	0.3130	3.20
	Sows, farrows to nursery	0.2500	4.00
	Weanlings	0.0330	30.00
	Growers/Finishers/Biotechs/Feeders	0.1430	7.00
	Boars (artificial insemination operations)	0.2000	5.00
<b>Chickens</b>	Broilers	0.0050	200.00
	Roasters	0.0100	100.00
	Layers	0.0083	120.00
	Pullets	0.0033	300.00
	Broiler Breeder Pullets	0.0033	300.00
	Broiler Breeder Hens	0.0100	100.00
<b>Turkeys</b>	Broilers	0.0100	100.00
	Heavy Toms	0.0200	50.00
	Heavy Hens	0.0100	100.00
<b>Horses</b>	(PMU) Mares, including associated livestock	1.3330	0.75
	Feedlot	1.0000	1.00

<b>Table 3-4: Animal Unit Summary Table</b>		<b>A.U. Produced By One Livestock</b>	<b>Livestock Producing One A.U.</b>
<b>Sheep</b>	Ewes, including associated livestock	0.2000	5.00
	Feeder lambs	0.0630	16.00
<b>Goats</b>	All	0.1400	7.14
<b>Elk</b>	Calves	0.0500	20.00
	Cows	0.5300	1.89
	Bulls	0.7700	1.29
<b>Bison</b>	Calves	0.2500	4.00
	Adults	1.0000	1.00

Notes for Table 3-4

- (1) The Provincial Authority may be consulted for other *livestock* or operation type interpretation of this TABLE
- (2) “Animal Unit” (AU) means the number of animals of a particular category that will excrete 160.9 lbs (73 kg) of total nitrogen in a 12-month period.

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

<b>Table 3-5 Mutual Separation Distances for Livestock Operations</b>				
Size of Livestock operation in Animal Units <sup>1</sup>	Distance in Feet/Metres from Residence <sup>2</sup>		Distance in Feet/Metres from Designated Area	
	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility or Non-earthen Manure Storage Facility <sup>3</sup>	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility or Non-earthen Manure Storage Facility <sup>3</sup>
10 - 100	656'/200m	328'/100m	2625'/800m	1739'/530m
101- 200	984'/300m	492'/150m	3937'/1200m	2625'/800m
201 - 300	1312'/400m	656'/200m	5249'/1600m	3511'
301 - 400	1476'/450m	738'/225m	5906'/1800m	3937'/1200m
401 - 800	1640'/500m	820'/250m	6561'/2000m	4364'/1330m
801 - 1600	1968'/600m	984'/300m	7874'/2400m	5249'/1600m
1601 - 3200	2297'/700m	1148'/350m	9186'/2800m	6135'/1870m
3201 - 6400	2625'/800m	1312'/400m	10499'/3200m	6988'/2130m
6401 - 12800	2953'/900m	1476'/450m	11811'/3600m	7874'/2400m
12801 and greater	3281'/1000m	1641'/500m	13123'/4000m	8760'/2670m

Notes for Table 3-5:

- (1) Refer to table 3-4 for number of animals
- (2) See Sections 62(2) and (3)
- (3) The distance to animal confinement facility includes barns and non-earthen manure storage such as above or below grade structures which may be covered or uncovered.

## **AGRICULTURE, SPECIALIZED**

62. Where uses listed under Table 3-1 Principal Use Table as Agricultural Specialized Uses are conditional uses, applications to establish a specialized agricultural operation must be accompanied with a business plan verifying the viability of the use and rational for its proposed site location and parcel size.

## **RESIDENTIAL AND RESIDENTIAL-RELATED**

### **Dwellings, Multiple Family**

63. Multiple Family dwellings are considered as a conditional use. In looking at this application council shall consider the following:
- (1) Where there are more than ten (10) housing units within a single building, a size of at least 10% of the lot area must be dedicated as open space.
  - (2) Multi-building developments containing more than one principal building on a single parcel of land must provide an unobstructed pathway or walkway between all principal buildings for persons with disabilities. The width of such a walkway or pathway will be no less than 5 feet.
  - (3) When the proposed development is located adjacent to a zone with a lower density residential use, the stepping down of building heights or set-back buffers may be required in order to satisfy an appropriate transition in density between multi-storey residential units and single-family residential development to minimize shadow effect of the multi-storey building upon adjoining single and two family residential uses.

### **Plans Required for Multiple-Family Conditional Use Application**

64. A conditional use application is required for a multiple family dwelling in a residential zone. Plans drawn to scale may accompany the development application showing the following:
- (1) The exact shape and dimensions of the zoning site to be built upon, verified by an original surveyor's certificate, prepared by a Manitoba Land Surveyor, indicating the location of any existing structures, and where there is an existing structure on the adjoining site, the location of the nearest wall of said structure;
  - (2) A site plan indicating the proposed building or buildings to be erected or altered;

- (3) The intended use of each building or part thereof, the number of storeys and gross floor area;
- (4) The location of entrance and loading points to existing and proposed structures;
- (5) The location of all curb cuts, driveways, parking areas, and loading areas, and the method of illumination;
- (6) The location and type of landscaping, walls, fences and screening;
- (7) Typical floor plans and elevations of proposed buildings and structures;
- (8) The number of dwelling units that a building is designed to accommodate;
- (9) The location of all outside facilities for waste disposal, and the location of fire hydrants;
- (10) All pedestrian walks, malls and open areas for use by tenants or the public;
- (11) The location, size, height and orientation of all signs other than flat signs on building facades; and
- (12) The type of ground surfacing to be used at various locations.

### Dwellings, Two-Family

- 65. Two-family dwelling subdivisions (as permitted in RG and GD and conditional in RG-1, RMH, CMU and CH) shall be as follows:
  - (1) A two-family dwelling may only be subdivided along a vertical party wall to permit the sale of the individual units;
  - (2) The applicable side yard bulk requirement shall be considered fulfilled for the side site line contained within the party wall; and
  - (3) The applicable site area and site width bulk requirements for two-family dwellings (including existing legal non-conforming sites) shall be considered fulfilled upon subdivision approval.

### Family Farm Residential

- 66. The creation of a residential lot in the AG or AR Zone for a farm family

member may be considered by Council as a conditional use under the Zoning By-Law, subject to the criteria set out in the Development Plan and under the section of this zoning by-law dealing with livestock operations.

- (1) Require as a condition of approval, a zoning caveat placed upon the title advising that normal farm operations in the AG and AR Zones include noise, odour, and dust as a consequence of accepted farm practices;

### Physically Separated Parcel Residential

67. The creation of a physically separated or residual rural residential lot in the AG or AR Zone may be considered by Council as a Conditional Use under the Zoning By-Law, subject to the criteria set out in the Development Plan and under the section of this zoning by-law dealing with livestock operations. In addition, Council may:

- (1) Require as a condition of approval, a zoning caveat placed upon the title advising that normal farm operations in the AG and AR Zones include noise, odour, and dust as a consequence of accepted farm practices;

## **COMMERCIAL SALES AND SERVICES**

### Bed and Breakfast

68. Bed and Breakfast accommodation shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood. Bed and Breakfast operations are a conditional use. As a guideline:

- (1) Bed and Breakfast accommodation shall be an incidental and subordinate use to the principal residential use, and shall be restricted to the dwelling.
- (2) The residence must maintain the character (appearance) of the residential zone in which it is located.
- (3) One unlit sign, maximum 12 square feet is permitted. The words "hotel" and "motel" are not permitted.
- (4) The Bed and Breakfast facilities are for exclusive use of guests and residents.
- (5) The units shall be restricted to 20% of the dwelling size to a maximum of 5 bed and breakfast units.
- (6) Approved smoke alarms and CO<sup>2</sup> alarms are required as per Manitoba Building Code.

- (7) Guest stays are limited to less than 7 days.
- (8) Meals shall be limited to the occupants of the dwelling and resident guests with no cooking allowed in guest rooms.
- (9) Catering to social functions is not permitted.

## Autobody Repair

69. Autobody repair is a conditional use in commercial, industrial and general development zones. As a guideline:
- (1) Vehicles waiting for repair must be kept within a fenced area at the side or rear of the main building, so that they are not visible from the front of the building.
  - (2) Repair work on vehicles is not permitted outside and must take place within a fully enclosed well ventilated facility.

## Agri-Commercial Related

70. Agri-Commercial Related types of uses may be allowed in the AG and AR zones as a conditional use only if Council is satisfied that:
- (1) A site is not available within a designated MG zone; and
  - (2) The site in the AG or AR zone is suitable for the proposed use.

## **Accessory uses and structures**

### Home-Based Businesses

71. Home-based businesses are governed by the following:
- (1) Operations shall be owned and operated by a person or persons residing in the dwelling and be accessory to principal residential use;
  - (2) Not more than one (1) person who is not a member of the family residing at the dwelling unit or modular home may be employed or otherwise engaged in the business;
  - (3) In all zones except the AG Zone, there can be no processing or outside storage of goods or materials. In the AG Zone, the location of all exterior processing and storage shall be subject to Council approval;

- (4) Not more than 300 square feet within the main residence of Residential, AR and AG Zones or 20% of floor area, whichever is less;
- (5) Not more than 1,000 square feet in an accessory structure the AG & AR zones;
- (6) One business sign, either freestanding or affixed to the wall of a principal or accessory building, is permitted, provided it does not exceed:
  - (i) In the Agricultural Zones, 32 square feet; and
  - (ii) In the Residential Zones, 8 square feet;
- (7) Activities shall not generate undue traffic or congestion, adversely affect the amenity and convenience of the neighbourhood, or create a nuisance;
- (8) In the Residential Zones, the residential character of the property shall be maintained;
- (9) In the Residential Zones, 1 off-street parking spot shall be provided for each employee;
- (10) Is not offensive or obnoxious or creates a nuisance and cause the emission of odour, dust, smoke, noise, gas fumes, cinders, vibrations, refuse matter or water carried waste at or beyond any site line;
- (11) Any home-based business that operates as retail in nature, more than 20 hours per week or outside of normal business hours of 9 a.m. to 5 p.m., will be considered as a Conditional Use by Council. Such conditions that may be placed on an application include the following:
  - (i) The maximum number of hours of operation;
  - (ii) The permitted daily operating hours allowed; and
  - (iii) The provision of off-street parking;
- (12) No retail use of the dwelling unit shall be permitted as a home occupation except sales of a finished article as provided in the following sub-clause below; and



- (13) No manufacturing, assembly or repair process shall be carried on in connection with the home occupation except for the fabrication of handmade articles of clothing, arts or crafts.

### Livestock (less than 3 A.U.)

72. The keeping and raising of livestock for personal use is not considered a livestock operation under this By-Law, it is considered as a permitted accessory use in the AG zone and as a conditional accessory use in AR Zones.
  - (1) The minimum acreage requirement shall be determined by the total number of animal units and is calculated on the basis of 10.0 acres for each 1.0 animal unit produced by the animal type.

### Secondary On-Farm Manufacturing and Processing Operation

73.
  - (1) Secondary on-farm manufacturing and processing operations may be approved by Council as a Conditional Use in the AG Zones when associated with a permitted agricultural use and is conducted on the farm premises by the residents living on the farm.
  - (2) On-farm uses secondary to an approved agricultural use may include manufacturing, assembly, fabrication and agricultural related repair activities.
  - (3) When reviewing Conditional Use Applications for secondary on-farm manufacturing and processing operations, Council shall take the following into consideration:
    - (a) The type of operation and location on the farm premises can be sustained without adverse impact to the natural environment;
    - (b) The character and scale of operation does not create adverse impacts upon adjoining land uses; and
    - (c) The type and character of operations does not require the Municipality to invest in new infrastructure to accommodate the operation.
  - (4) The following siting criteria shall apply:

- (a) The operation to be located in the same Yard site that serves the farm operation;
- (b) The operation does not include the creation of a new title separate from the title for the principal agricultural use;
- (c) All secondary on-farm manufacturing and processing operations submitted for approval of Council in accordance with this Zoning By-Law shall be accompanied by supporting information describing the proposed use, a site plan identifying the location of the proposed use, all related buildings, storage areas and municipal roads to be used as site access routes;
- (d) Conditional Use Applications for secondary on-farm manufacturing and processing operations will be required to submit building plans and specifications for the purposes of a building permit, to confirm all new or modified buildings intended to accommodate the operations, comply with the building regulations.

## Secondary Suites

74. The following regulations includes provisions for both secondary suites located within a permanent single family detached dwelling, or in an accessory building, on a single zoning site:
- (1) They shall not exceed a maximum floor area of 1000 square feet or 60% of the total floor area of the house, whichever is the lesser;
  - (2) Not more than one (1) secondary suite shall be permitted within a principal dwelling;
  - (3) Not more than one (1) secondary suite shall be permitted on a single zoning site;
  - (4) The principal dwelling must be an existing permanent structure;
  - (5) The principal dwelling is to be occupied by the owner of the property;
  - (6) Be connected to municipal sewer and water systems or to services of the host property;
  - (7) A minimum of one (1) off-street parking space must be provided for each secondary suite.
  - (8) For a detached accessory unit (coach house, garden suite or second farm dwelling):
    - (a) the zoning site must be at least 1 acre in area;
    - (b) the building height maximum for:

- (i) A coach house above grade shall be 24 feet; and
  - (ii) A garden suite and coach house at grade shall be 15 feet.
- (c) the minimum separation distance from the principal dwelling shall be 10 feet; and
- (d) the minimum setbacks must be:
  - (i) greater than the minimum setback from the front property line for a principal dwelling within the same zone;
  - (ii) equal to or greater than the minimum setback from the side property line for a principal dwelling within the same zone;
  - (iii) equal to or greater than the minimum setback from the rear property line for a principal dwelling within the same zone. Where a property backs onto a public lane, public right-of-way, or a public park, the setback from the rear lot line shall be equal or greater than 10 feet.
- (e) The maximum site area in an AG or AR zone shall not occupy agricultural land and as a guideline shall not exceed 5 acres, unless physical features of the site, such as natural drains, shelterbelts, etc. indicate that a slightly larger site would be appropriate.

## **Standards for Solar Collectors**

75. The following regulations apply to solar collectors in the R.M. of Macdonald, and must meet the following standards:
- (a) any solar collector not connected to a building shall require a minimum site area of 2 acres, and adhere to the same setbacks and height restrictions for secondary/accessory buildings in the zone in which the installation is situated;
  - (b) a roof or wall-mounted solar collector shall not exceed, in size, the total square footage of the principal structure;
  - (c) a solar collector that is mounted on a roof may project a maximum of [1.5] meters (6.5 feet) from the surface of the roof and must not extend beyond the outermost edge of the roof

- d) a solar collector that is mounted on a wall may project a maximum of [0.6] meters (two feet) from the surface of that wall and must be located a minimum of [2.4] meters (eight feet) above grade.

## **Temporary Buildings & Uses**

76. The following regulations apply to temporary buildings and uses in all zones:

- (1) Temporary buildings, structures and uses of land are permitted on a site in connection with construction and development on that or a nearby site, subject to the issuance of a development permit and only for the following purposes:
  - (a) Offices for the contractor or developer or project supervisor;
  - (b) Accommodation for a caretaker, watchman or other staff; and
  - (c) Storage of materials and equipment.
- (2) A development permit for a temporary building or structure or use shall be valid for six (6) months and may not be renewed for more than two (2) successive six (6)-month periods.
- (3) A wheelchair ramp may extend into the required yard of a residence for as long as is required by an occupant of the residence, subject to the issuance of a development permit.

77. Mobile or Portable Signs

- (1) Notwithstanding anything elsewhere contained in this by-law, the following regulations shall apply to portable or mobile signs:
  - (a) As indicated in Table 3-3, portable signs are not allowed in residential zones.
  - (b) A portable sign shall not be located, erected, placed or displayed on any site until a permit which outlines the sign identification number and expiry date has been issued by the designated officer.
  - (c) The portable sign shall be removed from the site upon the date of the permit expiry.
  - (d) The maximum sign surface area of a portable sign in 40 sq. ft.
  - (e) There shall be no more than one (1) portable sign per lot, except for a lot with multiple occupancy where there can be a maximum of two (2) portable

signs. Where there is more than one portable sign, the signs shall be a minimum of 65 ft. apart.

- (f) A portable sign shall comply with the yard regulations of the Zone where it is located.
- (g) Any flashing or scintillating portable sign shall not be located within 200 ft. of a residential zone.
- (h) No portable sign shall be located in such a way that it interferes with, obstructs the view or could be confused in any way with an authorized traffic signal, warning sign or other regulatory or informational device, and in no circumstances shall it be located within 100 ft. from the nearest part of any exit or entrance driveway.
- (i) The maximum height of a portable sign shall be 10 ft. measured from grade to the highest part of the sign.
- (j) The maximum permitted duration for any sign on a site shall be 90 consecutive days per calendar year.
- (k) Each business on a site with multiple occupancy shall be allowed to have one (1) portable sign on the site for a maximum permitted duration of 90 consecutive days per calendar year.
- (l) The applicant for the portable sign shall pay the applicable fees, sign a letter that they will comply with these regulations and agree to a date when the portable sign will be removed.
- (m) No portable sign shall be erected, operated, used or maintained which is not related to any business upon the site where the sign is located.

## PART 5: SITE DEVELOPMENT STANDARDS

### APPLICATION

78. This part of the Zoning By-Law provides development and design standards applicable to all development in the Municipality, unless the development and design standards are specifically limited to certain types or categories of development. Where specific design or development standards apply in different zones, they apply to the zones designated on the Zoning Maps 1 to 8 inclusive in this By-Law.

#### Standards for All Zones

79. The following standards apply to all development under the jurisdiction of this zoning by-law:
- (1) Unless a temporary permit is obtained, no accessory structure shall be permitted on any zoning lot without the existence of the principal building to which it is accessory or without the existence of a principal use when no principal building is required.
  - (2) No permanent building may be placed on a site which does not have legal access to an improved, all weather, public road. Legal access to an improved public road may be obtained through an easement agreement registered by caveat on title.

### AGRICULTURAL ZONE SITE REQUIREMENTS

80. The following standards apply to the Agriculture General (AG) and Agriculture Restricted (AR) Zones:
- (1) No person may construct a principal building in the AG or AR zones except for public utility facilities, unless the principal building complies with the dimensional standards in Table 4-1.
  - (2) Table 4-1 sets forth the dimensional requirements in feet, unless otherwise stated, identifies at the top of its column for the zoning zone identified at the far right of the row. "NA" means "not applicable". Notes within the Table and lower

case alphabetic letters contained in parenthesis ( ) refer to explanations or exceptions listed at the end of the bulk table, which form part of the requirements within these zones and have legal effect.

**Table 4-1: Agricultural Zones Site Requirements**

Zoning Zone	MINIMUM REQUIREMENTS				
	SITE AREA (acres)	SITE WIDTH (feet)	FRONT YARD (feet)	SIDE YARD (feet)	REAR YARD (feet)
<b>AG</b>					
Agriculture, general	80	660	100	25	25
Agriculture ,specialized	5	300	100	25	25
Farm Residential and Other Uses	2	200	100	25	25
<b>AR</b>					
Agriculture, general	80	660	100	25	25
Agriculture, specialized	5	300	100	25	25
Farm Residential and Other Uses	2	200	100	25	25

## Agriculture Zones Performance Standards

81.

- (1) In addition to the minimum requirements of Table 4-1 the following apply to the Agricultural Zones subject to the provisions of this By-Law:
  - (a) Agriculture includes crops, livestock operations, and stables;
  - (b) Specialized Agriculture including: Apiaries, Anhydrous Ammonia Facilities, Green houses and Nurseries; and
  - (c) Farm Residential and Other Uses including Remnant and Residual Parcel Residential Sites.

- (2) Subject to provisions respecting non-farm dwellings in the Development Plan and the mutual separation distances provided in this By-Law, decisions regarding the separation between non-related residential uses and livestock operations in the AG and AR zones shall be guided by the mutual separation requirements in the Livestock Operation Policies.
- (3) Applications for a residential Permitted or Conditional Use in the AG or AR Zone must be accompanied by a permit, issued from the responsible authority having jurisdiction over the installation of a private sewage waste disposal systems.

## Yards Adjacent to Provincial Highways and Municipal Roadways

82.

- (1) In the AG and AR zones, front, side and rear yard requirements on sites which abut roadways under provincial jurisdiction shall be as established by the applicable highway authority.
- (2) Subject to the clauses under this section, when a front, rear or side site line is adjacent to a municipal road, the minimum required yard shall be 100 feet.

## **RESIDENTIAL ZONE SITE REQUIREMENTS**

83. The following standards apply to the Residential Zones including, Residential General (RG), Residential General-1 (RG-1), Residential Suburban (RS), Rural Residential (RR) and Residential Mobile Home (RMH):

- (1) No person may construct a principal building on any zoning lot in a Residential Zone, except for public utility facilities, unless the principal building complies with the dimensional standards in Table 4-2.
- (2) Table 4-2 sets forth the dimensional requirements in feet, unless otherwise stated, identifies at the top of its column for the zone identified at the far right of the row. "NA" means "not applicable". Performance Standards following the Table refer to explanations or exceptions and form part of the requirements within these zones and have legal effect.
- (3) Measurements in Table 4.2 for all front, side and rear yards in residential zones are measured from the finished building face to the edge of the site.



**Table 4-2: Residential Zone Site Requirements**

Zone	REQUIREMENTS							
	Minimum Lot Area (sq. ft.)	Minimum Site Width (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Dwelling Unit Area (sq. ft.)	Maximum Height of Building (feet)	Maximum Site Coverage (%)
<b>Residential - Single Family including Modular Homes</b>								
<b>RG</b>	8,000	75	30	15	25	700	35	40
<b>RG-1</b>	8,000	70	30	10	25	700	35	40
<b>RS</b>	1 ac.	150	50	15	25	1200	35	20
<b>RR</b>	2 ac.	180	50	20	50	700	35	30
<b>Residential – Two Family</b>								
<b>RG RG-1</b>	8,000	80 (2x 40)	30	15	25	700	35	40
<b>Residential – Multi-family</b>								
<b>RG RG-1</b>	10,000	100	30	10	30	400	45	80
<b>Residential Accessory Structures</b>								
<b>All R zones</b>	n/a	n/a	82	2	2	n/a	15	10(a)(b)
<b>RMH</b>	See Section 89, Residential Modular Home Park Zone – Specific Standards							

- (a) In the RG-1 zones, where there is an attached garage, residential accessory structure maximum site coverage shall be 150 sq. ft. or 10% of the lot, whichever is less.
- (b) In RG and RS zones, where there is an attached garage, accessory structure maximum site coverage shall be 288 sq. ft. or 10% of the lot, whichever is less.

## **Residential Accessory Uses**

84.

- (1) In the Residential Zones the following buildings, structures, and uses are deemed to be accessory:
  - (a) A children's playhouse, a garden house, private greenhouse, or enclosed gazebo.
  - (b) A private garage or carport, covered patio, tool-house, shed and other similar buildings and structures for the storage of domestic equipment and supplies.
  - (c) Excluding the RR zone, there is a limit of two accessory buildings permitted per residential site.
- (2) A private swimming pool is considered an accessory structure but is not included in the maximum percentage (d)3 of site coverage.
- (3) Accessory off-street parking as provided for in Part 4
- (4) Buildings and structures for the operation, maintenance and administration of, or accessory to, park and recreation uses.
- (5) Accessory Signs in accordance with this By-Law.
- (6) In addition to the requirements of Table 4-2, accessory structures shall respect the following:
  - (a) The maximum height of an accessory structure shall be 15 feet.
  - (b) The minimum front yard requirement for an accessory building or structure shall be the same as the minimum front yard requirement for the principle use of the site.
  - (c) A detached accessory building or structure shall not be located closer than three (3) feet to any main building or structure, measured eave to eave
- (4) Where a structure is attached to the principal building by a roof, an open or enclosed structure, a floor or a foundation, it is considered to be part of the principal building and is subject to the dimensional standards for the principal building in Table 4-2.
- (5) Satellite dishes are permitted on the roof of either the main building or the roof of a garage, but the top of the dish shall not project more than 3 feet above the highest point of the main building.

## **Public Utilities Location Standards within Residential Zones**

85. In the Residential Zones a public utility shall be located on a site of a minimum 5,000 square feet. Where the proposed public utility development consists of a building or structure less than 100 square feet in floor area, a smaller site may

be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of 10 feet is maintained from all site lines.

## **Residential Zones Performance Standards**

86.

- (1) For a corner site the minimum required side yard shall be adjusted as follows:
  - (a) within the RG and RG-1 Zone the minimum required side yard on the street side of the site shall be 15 feet for all principal and accessory buildings and structures; and
  - (b) for the RR Zone corner side yards shall be the same as the side yard requirements in Table 4.2 above.
- (2) Where dwellings are to be developed as a bare land condominium, the minimum required site area, minimum required site width, and minimum required yards shall not apply to individual condominium units; however, the front and rear walls of the condominium structure shall be set back a minimum distance of 25 feet from the front and rear boundaries of the condominium lot, and the side wall shall be set back a minimum distance of 8 feet from the side boundary, unless the wall is a party wall, in which case the minimum required side yard shall be 0 feet.
- (3) For two-family dwellings each unit may occupy a separate site, in which case the minimum site area requirement shall be 4,000 square feet, the minimum site width requirement shall be 40 feet and the minimum side yard requirement along the party wall shall be 0 feet.
- (4) The minimum required rear yard site line for accessory buildings and structures shall be 2 feet from the eave to the property line.
- (5) The maximum allowable height for a fence or hedge in a required front yard shall be 3.5 feet above grade. The maximum allowable height for a fence or hedge in a side and rear yard shall be 6 feet.
- (6) Off-site built or ready to move (RTM) homes placed upon a permanent foundation are considered under this Zone to be similar to single-family dwellings.
- (7) In the case of sites which abut roads under provincial jurisdiction, the front, side and rear yard requirements shall be as established by the highway authority unless under Agreement with the Municipality an access management plan has been entered into with the Provincial Department responsible where access and set back approval for Provincial Roadways has been transferred to the Municipality.
- (8) Applications for a Permitted or Conditional Use in the (RR) Rural Residential Zone must be accompanied by a permit, issued from the responsible authority

having jurisdiction over the installation of a private sewage waste disposal systems.

- (9) Modular homes may only locate in an approved modular home park, where the sites are leased or within an approved modular home subdivision, where lots are separately titled property, all in accordance with a Municipal Development Agreement. The Municipal Development Agreement may, without limiting its application, provide standards and requirements, in addition to the site specific standards in clause 89, for site infrastructure servicing, lot development, dwelling exterior and foundation treatment, amenity spaces, storage areas and landscaping.

## **Projections into Required Yards**

87.

- (1) Required yards shall be provided and maintained unobstructed from ground level to the sky, except wherein otherwise provided:
  - (a) Chimneys may project into a required front, side or rear yard not more than three (3) feet, provided the width of such side yard is not reduced to less than three (3) feet;
  - (b) Fire escapes may extend or project into any required front, side or rear yard not more than four (4) feet;
  - (c) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) feet and such balconies may extend into a required front yard not more than thirty (30) inches;
  - (d) Open, unenclosed porches, platforms or decks, not covered by a roof or canopy, which do not extend above the level of the first floor of the building but are attached to the principal building, may extend or project into any required rear yard not more than six (6) feet;
  - (e) Open work ornamental fences, uncovered walks, arbors, trellises, lighting fixtures, landscape architectural features or guard railing, for safety protection around depressed ramps, may be located in any required front yard if maintained at a maximum height of three and one-half (3½) feet above ground level adjacent thereto. An openwork type railing not more than three and one-half (3½) feet in height may be installed or constructed

on any balcony, stairway, porch, platform, deck or landing place mentioned in above clauses (c) and (d);

- (f) Fences and hedges shall not exceed a height of six (6) feet above finished grade in the required side or rear yards. A fence or hedge shall be permitted in any required front yard, in which case the height shall not exceed three and one-half (3½) feet. Agricultural Zones shall be an exception to these provisions;
- (g) Landscape features, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side or rear yard provided they do not produce a hedge effect contrary to the provisions of clause (f) above. Agricultural Zones shall be an exception to these provisions;
- (h) Signs, as permitted and regulated in this By-law, shall be allowed in any required front, side or rear yard;
- (i) Bay, or similar windows and first-storey alcoves or cantilevers shall be permitted provided they do not extend beyond the projection of the overhang or more than two (2) feet from the face of the building and having have a floor area of 20 ft² or less. The minimum setback from the front elevation of the building for projections into a side yard is three (3) feet. Only one such architectural feature in the front, side or rear yard is permitted.

### **Residential Modular Home Zone – Specific Standards**

88. All development or redevelopment in the Residential Modular Home Zone must meet the following standards.
- (2) All modular homes shall meet structural standards as determined by the Manitoba Building Code A277 rating. Any modular homes installed in the Municipality must have been constructed no more than 5 years prior to date building permit is issued.
  - (3) Modular Home Parks will require approval from Council and are required to submit a plan drawn to scale and fully dimensioned indicating landscaping, access, roads, modular home spaces, buffers, storage compounds, refuse and garbage area, common recreational area, retention of surface run-off and parking; and shall include such other information as may be necessary to determine conformance with this By-Law.

- (4) All additions, porches, garages and accessory structures shall be of an equivalent quality and appearance as the modular home unit and shall complement the exterior.
- (5) A buffer area must be provided within and adjacent to the perimeter of the modular home park property boundary in accordance with the following:
  - (a) Maintain a landscaped buffer a minimum of 25 feet in width free and clear of all buildings and structures around the entire perimeter of the modular home park or subdivision (street and pedestrian accesses may cross this buffer).
- (6) A modular home park will have the following Dimensional Standards:
  - (a) Minimum of 10 modular home spaces
  - (b) Minimum dwelling unit floor area of 800 square feet for each modular home unit
  - (c) Maximum density of 6 modular home spaces per acre
  - (d) Minimum area of five (5) acres;
  - (e) Minimum site width of 220 feet
  - (f) Minimum width per modular home space of 50 feet
  - (g) Maximum site coverage of 40% for each modular home unit
- (7) A modular home park or subdivision shall:
  - (a) Provide 2 parking spaces per unit
  - (b) Contain a common recreational area of 1,000 square feet for each 10 modular home spaces or fraction thereof (buffers and walkways cannot be considered as part of the recreational area)
- (8) A modular home space must be provided with the following:
  - (a) A sewer and water connection to municipal services
  - (b) An electrical service outlet
  - (c) Provide skirting around the base of the unit that is of a manufactured or similar type to harmonize with the unit within 60 days of the placement of the unit in the stall
  - (d) Provide off-street parking spaces for all residential uses on the same site as the main building or use
  - (e) An adequate base for the modular home
- (9) Accessory buildings or structures may be attached to the modular home in which case the accessory structure shall be considered as being part of the modular home and the yard requirements for the modular home shall apply.

## COMMERCIAL ZONE SITE REQUIREMENTS

89. The following standards apply to the Commercial Zones, including the Commercial Mixed Use (CMU) and Commercial Highway (CH) ones:

- (1) No person may construct a principal building on any zoning lot in the CMU, CH or CA zones, unless the principal building complies with the dimensional standards in Table 4-3.
- (2) Table 4-3 sets forth the dimensional requirements in feet, unless otherwise stated, identifies at the top of its column for the zone identified at the far right of the row. "NA" means "not applicable". Performance Standards following the Table refer to explanations or exceptions and form part of the requirements within these zones and have legal effect.

**Table 4-3: Commercial Zones Site Requirements**

ZONES	MINIMUM REQUIREMENTS					MAXIMUM REQUIREMENTS	
	SITE AREA (square feet)	SITE WIDTH (feet)	FRONT YARD (feet)	SIDE YARD (feet)	REAR YARD (feet)	HEIGHT (feet)	SITE COVERAGE (%)
<b>Commercial Mixed Use (CMU)</b>							
unless listed	5,000	50	20	5	15	35	70
Retail or Service within enclosed building	5,000	50	0	0	15	30	70
<b>Commercial Highway (CH)</b>							
unless listed	15,000	100	50	20	30	40	50
Hotels and Motels	2 ac.	200	100	25	50	45	60
<b>Commercial Agricultural (CA)</b>							

ZONES	MINIMUM REQUIREMENTS					MAXIMUM REQUIREMENTS	
	SITE AREA (square feet)	SITE WIDTH (feet)	FRONT YARD (feet)	SIDE YARD (feet)	REAR YARD (feet)	HEIGHT (feet)	SITE COVERAGE (%)
unless listed	20,000	150	50	20	30	35	50
<b>Commercial - Accessory Uses</b>							
CMU	n/a	n/a	(a)	(a)	5	15	30
CH	n/a	n/a	(a)	(a)	10	20	40

(a) for accessory uses front and side yards are the same as the main use.

## Commercial Zone Performance Standards

90. The following Commercial performance standards form part of Bulk Table:

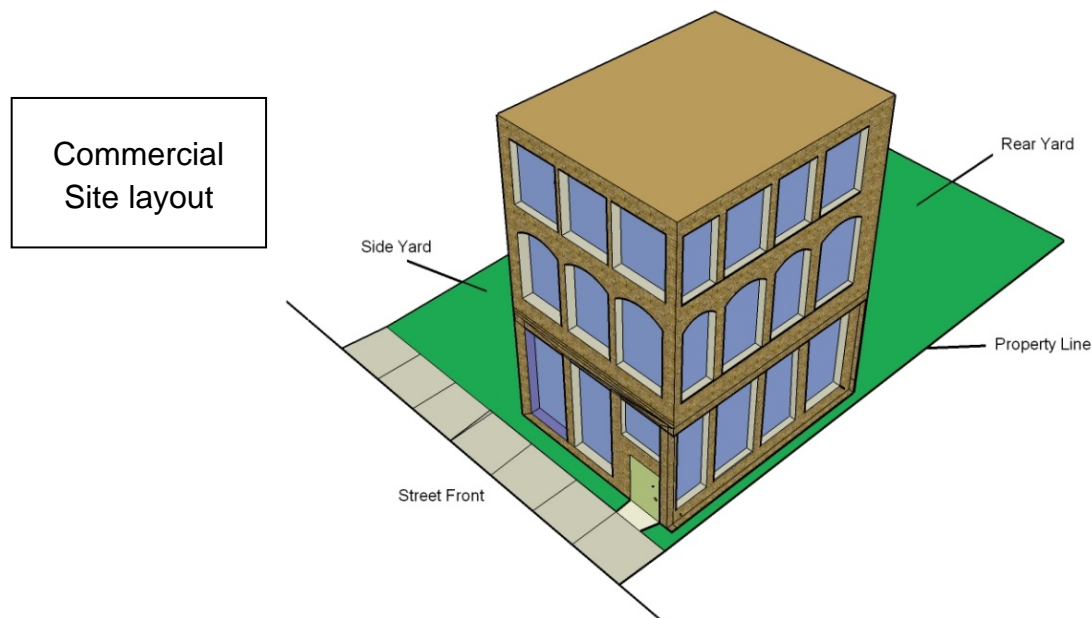
- (1) Detached accessory buildings shall be located a minimum of 25 feet from the principal building on the site;
- (2) Service station fuel pumps shall be located a minimum of 25 feet from any site line;
- (3) When abutting a residential zone, the interior side yard shall be not less than 20 feet;
- (4) The side yard on the street side of a reversed corner site abutting an residential zone shall be not less than 15 feet;
- (5) The required side yard adjacent to a street in the case of a corner site or a reversed corner site shall be increased by 10 feet; and
- (6) Notwithstanding the maximum site coverage for CH Zones in Table 4-3, the maximum site area coverage including the principal and all accessory buildings and structures in the CH zone shall be 60%.



## Multiple Commercial Buildings and Uses

91.

- (1) More than one (1) principal building may be located on one (1) parcel provided that the yard requirements for each building are fulfilled without overlap with other yards.
- (2) A multiple-unit building shall be considered 1 building for the purposes of establishing yard requirements measured according to the most restrictive use.
- (3) A Planned Unit Development as approved by Council need not fulfill subsection (1) above.



## Signage

92. Notwithstanding general sign standards in section 133, business signage in the CMU and CH Zones shall be in accordance with the following specifications:

- (1) Non-illuminated signs shall not exceed 200 square feet
- (2) Illuminated signs shall not exceed 100 square feet
- (3) Free standing signs shall not exceed 200 square feet
- (4) No signs, billboards, notices or other advertising material of any kind shall be placed on any part of the land, or on any building or structure, or on any fence or tree on the land without the approval of the Development Officer

- (5) Not more than one ground-mounted sign and two combined ground-mounted and directory sign shall be permitted for any building or structure. The maximum height of ground-mounted signs shall be 24 feet;
- (6) A building-mounted sign shall not extend above the eaves or cornice at that part of the wall of the building or structure to which the sign is affixed
- (7) Signs illuminated by flashing or blinking lights will not be approved.

## **Accessory Uses**

93.

- (1) In the CMU and CH zones the following buildings, structures, and uses are deemed to be accessory:
  - (a) The production, processing, cleaning, servicing, altering, testing repair or storage of goods or a building or structure so used normally incidental to and conducted by the same owner as the principal use
  - (b) A residential use which is incidental to a permitted or approved commercial use
- (2) An accessory dwelling unit must:
  - (a) Be located above or behind the principal commercial use
  - (b) Be a minimum of 600 square feet in floor area
- (3) No accessory building or structure shall be constructed on any zoning site:
  - (a) Prior to the time of construction of the principal building to which it is accessory, or
  - (b) Prior to the establishment of the principal use of the land where no principal building is required. Unless a time-limited permit is granted for a temporary building to store materials, equipment, etc. until the principal building is completed.
- (4) Accessory structures or buildings, may be attached to the principal building by means of a breezeway, extended roof or similar structure. In such cases, the accessory structure shall be considered as being part of the main building and the yard requirements for principal building shall apply.

## INDUSTRIAL ZONES SITE REQUIREMENTS

94. The following standards apply to the Industrial Zones, including the Industrial General (MG) and Industrial Light (ML) Zones:

- (1) No person may construct more than one principal building on any zoning lot in the MG or ML zones, except for public utility facilities, unless the principal building complies with the dimensional standards in Table 4-4.
- (2) Table 4-4 sets forth the dimensional requirements in feet, unless otherwise stated, identifies at the top of its column for the zone identified at the far right of the row. "NA" means "not applicable". Performance Standards following the Table refer to explanations or exceptions and form part of the requirements within these zones and have legal effect.

**Table 4-4 Industrial Zones Site Requirements**

ZONING ZONE	MINIMUM REQUIREMENTS					MAXIMUM REQUIREMENTS	
	SITE AREA (square feet)	SITE WIDTH (feet)	FRONT YARD (feet)	SIDE YARD (feet)	REAR YARD (feet)	HEIGHT (feet)	BUILDING SITE COVERAGE (%)
MG	20,000	100	50	15	25	45	60%
ML	10,000	80	30	10	20	45	60%
<b>Accessory Uses</b>							
MG	n/a	n/a	30	5	10	45	20%
ML	n/a	n/a	30	5	10	45	20%

## Industrial Performance Standards

95. The following Industrial performance standards form part of Bulk Table:

### Accessory Uses

96. In the MG and ML Zones the following buildings, structures, and uses are deemed to be accessory:

- (1) The production, processing, cleaning, servicing, altering, testing, repair or storage of goods or a building or structure so used, normally incidental to and conducted by the same owner as the principal use
- (2) A retail or commercial use which is incidental to a permitted or approved industrial use
- (3) Accessory off-street parking and loading spaces as required and regulated in this By-Law
- (4) Signs, as regulated in this By-Law.

## Outside Operations

97. When outside storage of goods and materials is required:

- (1) The storage shall be located at the rear of the building and parallel to the front wall, and shall not occupy more than 50% of the site area remaining after the area of the principal building is subtracted
- (2) The storage shall not project above the height of the fence
- (3) The total area of outside operations is not to exceed 50% of the total site remaining after the area of the principal building is subtracted.

## Projections into Required Yards

98.

- (1) Notwithstanding anything elsewhere contained in this By-Law, no sign, display or other advertising device, shall be located in the required ML or MG yard that abuts a lot in a Residential Zone
- (2) Notwithstanding the required front, side, and rear yard requirements in Bulk Table 4-4, owners may permit the building elements, landscaping and site elements, and other features listed below to project into the required front, side, and rear yards of properties falling within the zones set out in Table 4-4:
  - (a) Architectural features including chimneys and steps
  - (b) Landscape features including trees, fences, walls, lighting and signs
  - (c) Parking and loading areas, sidewalks and driveways
  - (d) Outside storage of materials, but not in any front yard, corner side yard or yard abutting a Residential or Recreational Zone. Where outside storage of material is permitted, the storage shall not project above the height of a wall or fence

- (e) The restrictions in subsection (d) above do not apply to the display of farm machinery, automobiles, trucks or trailers or to lawnmowers, snowmobiles, and the like.
- (3) Notwithstanding the maximum height limits established in the Bulk Table 4-4, the following building elements, site elements and other features may extend beyond the maximum height limit as follows:
  - (a) Chimneys and flues
  - (b) Elevator and stair bulkheads
  - (c) Flagpoles
  - (d) Aerials, parabolic dish antennae and other communication equipment up to a maximum of 4 feet above the highest point of the roof of the principal building
  - (e) Spires up to a maximum of 13 feet

## Signage

99.

- (1) Business Signage shall be in accordance with the following specifications:
  - (a) Non-illuminated signs shall not exceed 200 square feet
  - (b) Illuminated signs shall not exceed 100 square feet
  - (c) Freestanding signs shall not exceed 200 square feet.
- (2) No signs, billboards, notices or other advertising material of any kind shall be placed on any part of the land, or on any building or structure, or on any fence or tree on the land without the approval of the Development Officer.
- (3) Not more than one ground-mounted sign and two combined ground-mounted and directory sign shall be permitted for any building or structure. The maximum height of ground-mounted signs shall be 24 feet.
- (4) Signs illuminated by flashing or blinking lights will not be approved.

## Multiple Buildings and Uses

100.

- (1) More than one (1) principal building may be located on one (1) parcel provided that the yard requirements for each building are fulfilled without overlap with other yards.

- (2) A multiple-unit building shall be considered 1 building for the purposes of establishing yard requirements.
- (3) A Planned Unit Development as approved by Council need not fulfill subsection (1) and (2) above.

## Storage and Display

101. The following standards apply to the ML Zone:

- (1) In the ML Zone no storage of materials or unassembled parts or equipment may occur in the front yard. Partially finished or finished products, equipment, parts or other materials shall not be kept, stored or left on the lands, unless the location and size of the storage area is approved by the Development Officer.

## **PARKS RECREATION AND INSTITUTIONAL SITE REQUIREMENTS**

102. The following standards apply to the Parks and Institutional Zones, including the Public Open Space (PR) and Institutional (I) Zones:

- (1) No person may construct more than one principal building on any zoning lot in the PR and I zone, except for public utility facilities, unless the principal building complies with the dimensional standards in Table 4-5.
- (2) Table 4-5 sets forth the dimensional requirements in feet, unless otherwise stated, identified at the top of its column for the zone identified at the far right of the row. "NA" means "not applicable". Performance Standards following the Table refer to explanations or exceptions and form part of the requirements within these Zones and have legal effect.

**Table 4-5 Parks and Institutional Site Requirements**

ZONE	MINIMUM REQUIREMENTS					MAXIMUM REQUIREMENTS	
	SITE AREA (sq.ft.)	SITE WIDTH (feet)	FRONT YARD (feet)	SIDE YARD (feet)	REAR YARD (feet)	HEIGHT (feet)	SITE COVERAGE (%)
PR	3,000	30	50	25	25	45	60
I	10,000	50	50	25	25	45	60
<b>Accessory Uses</b>							
PR/I	n/a	n/a	30	5	10	15	10

## GENERAL DEVELOPMENT SITE REQUIREMENTS

103. The following standards apply to the General Development (GD) Zone:

- (1) No person may construct a principal building on any zoning lot in a Residential Zone, except for public utility facilities, unless the principal building complies with the dimensional standards in Table 4-2.
- (2) Table 4-2 sets forth the dimensional requirements in feet, unless otherwise stated, identifies at the top of its column for the zone identified at the far right of the row. "NA" means "not applicable". Performance Standards following the Table refer to explanations or exceptions and form part of the requirements within these zones and have legal effect.

**Table 4-6: General Development Zone Site Requirements**

ZONE	MINIMUM REQUIREMENTS					MAXIMUM REQUIREMENTS	
	SITE AREA (sq.ft.)	SITE WIDTH (feet)	FRONT YARD (feet)	SIDE YARD (feet)	REAR YARD (feet)	HEIGHT (feet)	SITE COVERAGE (%)
GD	8,000	75	30	15	25	35	40
<b>Accessory Uses</b>							
GD	n/a	n/a	30	2	2	15	10(a)

(a) In the GD zones accessory structure maximum site coverage shall be 288 sq. ft. or 10% of the lot, whichever is less.

## General Development Zone Performance Standards

104.

- (1) For a corner site the minimum required side yard on the street side of the site shall be 15 feet for all principal and accessory uses.
- (2) In the case of sites which abut roads under provincial jurisdiction, the front, side and rear yard requirements shall be as established by the highway authority unless under Agreement with the Municipality an access management plan has been entered into with the Provincial Department responsible where access and set back approval for Provincial Roadways has been transferred to the Municipality.
- (3) Residential uses in the GD zone shall generally follow the standards and regulations of the RG zone, subject to interpretation by the development officer.



# **PART 6: GENERAL DEVELOPMENT STANDARDS**

## **STANDARDS FOR EDGES OF ZONES ABUTTING OTHER USE ZONES**

105. When a non-residential use is adjacent to a lot in a residential zone, whether or not an existing lane or drainage way exists, a buffer is required that conforms to the following specifications:

- (1) A wall, berm, fence or dense vegetative screen with a minimum height of 4 feet at the time of installation or planting which must be maintained at all times.

## **REGULATIONS FOR THE DEVELOPMENT OF NEW SUBDIVISIONS**

106.

- (1) Prior to the approval of any development application and/or construction of a building on land within a Residential, Commercial or Industrial Light Zone, the owner of the land is required to submit a Conceptual Plan for any development or redevelopment that meets one or more of the following characteristics:

- (a) Any development with a multi-building campus;
- (b) Any development with more than 100,000 square feet of combined floor area in all principal and accessory structures; and
- (c) Any development on a site of more than 20 acres, but not including elementary, middle, or high schools.

- (2) If a Conceptual Plan is required pursuant to section 104(1), the following information should be included:

- (a) The location of each existing and each proposed building and structure, the use or uses to be contained in that building, the approximate size, and approximate location of entrances and loading points of the building;
- (b) The location of major facilities for waste disposal;
- (c) The location of access points to public streets, parking areas; and loading areas;
- (d) All pedestrian and public spaces;

- (e) The types of surfacing, such as paving, turfing or gravel, to be used at the various locations;
  - (f) The location of all major utilities;
  - (g) Typical floor plans and elevations of proposed buildings and structures, if available;
  - (h) Features included to minimize any impacts on adjacent properties, including but not limited to transitions in building height, building size, location of parking areas and landscaping and screening; and
  - (i) Land for future development.
- (3) The Development Officer, may require new subdivisions to provide Concept Plans for a larger area that include:
- (a) Design layout;
  - (b) Efficient provision of infrastructure;
  - (c) Compatibility with other building uses; and
  - (d) Compatibility with regional transportation infrastructure.
- (4) A new subdivision, pursuant to section 112(1), shall not be approved unless Council has by resolution given its recommendation with or without conditions. A developer may also have to enter into an agreement with the Municipality that adheres to the following demands:
- (a) Standards of workmanship for utilities;
  - (b) Dedication of land;
  - (c) Phasing of development;
  - (d) Financial commitments to the public;
  - (e) The posting of securities to guarantee project completion; and
  - (f) Restrictions on the number of trees which can be removed in a subdivision site.

## LAND USE PARKING REGULATIONS

Table 5-1 below provides the minimum parking requirements for all Permitted and Conditional Uses in All Zones.

**Table 5-1: Land Use Parking Regulations for All Zones**

<b>ON-SITE PARKING REQUIRMENTS IN ALL ZONES</b>	
<b>Parking Category</b>	<b>Minimum Parking Requirements</b>
<b>0</b>	No on-site parking required
<b>1</b>	One per dwelling unit
<b>2</b>	One space per dwelling unit plus one space per four dwelling units for visitors
<b>3</b>	One space plus one space per guest room
<b>4</b>	One space per 400 sq./ft. of gross floor area
<b>5</b>	One space per four beds plus one space per employee
<b>6</b>	One space plus one space for each non-resident staff member
<b>7</b>	Three spaces per 10 seats in the main assembly area or where no fixed seating is provided one space per 25 sq./ft. of gross floor area devoted to main assembly area.
<b>8</b>	One space per four seats intended for patrons use
<b>9</b>	One space per guest room plus one space per 200 sq./ft. of gross floor area devoted to the public assembly plus the applicable parking requirements for any other use contained on the site.
<b>10</b>	One space per 500 sq./ft. of gross floor area, or one space per three employees, whichever is greater.
<b>11</b>	One space per 1000 sq./ft. of gross floor area
<b>12</b>	One space per 300 sq./ft. of gross floor area, or one space per three employees, whichever is greater
<b>13</b>	One space plus one space per five persons enrolled in the facility
<b>14</b>	One space for every eight patrons at design capacity
<b>15</b>	One space per 10 seats in main assembly area or where no fixed seating is provided one space per 100 sq./ft. of gross floor area devoted to main assembly area
<b>16</b>	One space per non-resident employee
<b>17</b>	One space per staff member
<b>18</b>	One space per staff member, plus three spaces for each classroom, with parking permitted in a front, side/ or rear yard
<b>19</b>	1 space per bay
<b>20</b>	One space per three beds plus one space per four employees
<b>21</b>	To be determined by the R.M of Macdonald Council

## Additional Parking Regulations

107. The following regulations apply to the provision of parking in all Zones:

- (1) Required off-street parking spaces shall not be required to observe the same setback regulations as other accessory uses.
- (2) Required off-street parking spaces shall be located on the same site as the use being served, unless a variance order is approved for parking spaces located elsewhere or on a site that the owner of the premises being served has a continuing right to use for parking;
- (3) When a building or structure is enlarged or a use is changed, the off-street parking spaces shall be provided for the enlargement, change, or new use, in accordance with the provisions of this section;
- (4) Every parking or loading space shall be a minimum width of 9 feet and shall be a minimum length of 20 feet;
- (5) Off-street parking spaces may be open to the sky or enclosed within a structure; and
- (6) Spaces built so as not to cause water to drain from parking lot onto adjacent properties, sidewalks or streets/roads.

## PARKING LAYOUT

108. The layout and design of accessory off-street parking areas, other than those for single and two family residences, shall be as follows:

- (1) The minimum dimensions for off-street accessory parking areas shall be in accordance with Table 5-2;
- (2) The depth of each parking space as specified in Table 5-2 shall be exclusive of access driveways, aisles, ramps and columns, and floor area dedicated to office or work areas;
- (3) 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;
- (4) Each parking space shall have a vertical clearance of at least 7.5 feet from floor or grade;

- (5) The angle of parking shall be measured between the centre line of the parking space and the centre line of the aisle;
- (6) The off-street parking area shall be provided with an access drive with a minimum width of 20 feet to a street or lane;
- (7) Except as provided for in subsection (3) above, an aisle or driveway shall not mean a street or lane;
- (8) Lighting used to illuminate an accessory off-street parking area shall be arranged so that it does not illuminate directly onto the adjoining sites, streets or lanes;
- (9) An accessory open off-street parking area for a multiple family dwelling shall be provided with guard rails, or wheel stops, or walls to prevent a vehicle from encroaching onto public or private property;
- (10) A solid wall or fence at least 3 feet, but not greater than 6 feet in height, shall be located along the boundary of the accessory open off-street parking area where it is adjacent to a residential zone boundary in order to screen off the view of said parking. The wall or fence may be opaque or perforated;
- (11) If the calculation of the required parking spaces results in a fraction, the required parking spaces shall be the next higher whole number;
- (12) The surface of the accessory off-street parking, loading areas, spaces and the access driveways, thereto, in Commercial and Industrial Zones, shall be surfaced with asphalt or concrete and designed in such a manner that there will be no free flow of water onto either adjacent properties or public sidewalks. Gravel parking surfaces, due to difficulties with drainage, will only be considered as a variance; and
- (13) Accessible parking spaces shall be provided out of the total number of required parking spaces to persons with disabilities. Each such space:
  - (a) The width of each space shall be at least 12 feet wide and 23 feet long;
  - (b) Must be located within close proximity and access to the main entrance to the principal building;
  - (c) Must include signage indicating that the space is reserved for people with mobility issues; and
  - (d) Except for single- and two-family dwelling units and modular home parks, the owner must provide at least 1 parking space for persons with mobility issues for every 25 required off-street parking spaces.

**TABLE 5-2 Parking Area Dimensions: Minimum Requirements**

Angle of Parking	Width of Stall	Depth of Stall	Width of Aisle 1 way	Width of Aisle 2 way
(degrees)	(feet)	(feet)	(feet)	(feet)
0 (parallel)	9	20 ft.	12 ft.	22 ft.
30	9	20 ft.	12 ft.	24 ft.
45	9	20 ft.	12 ft.	24 ft.
60	9	20 ft.	18 ft.	24 ft.
90	9	20 ft.	20 ft.	22 ft.

## **LOADING REQUIREMENTS**

109. Accessory off-street loading spaces shall be provided as follows:

- (1) No off-street loading space is required for buildings having gross floor area of less than 5,000 square feet;
- (2) Commercial, warehouse, manufacturing and industrial uses which are larger than 5,000 square feet shall provide 1 space for each 20,000 square feet of gross floor area or part thereof;
- (3) Institutional and public uses including hospitals, assembly halls, clubs, public utilities, schools and office buildings which are larger than 5,000 square feet shall provide 1 space for each 30,000 square feet of gross floor area or part thereof;
- (4) Each off-street loading space shall be a minimum of 400 square feet in area and shall be not less than 12 feet in width nor have less than 12 feet overhead clearance. In no case shall the length of the loading space be such that a vehicle in the process of loading or unloading shall project into any street, lane or public thoroughfare;
- (5) Each off-street loading space shall have access to a public street or lane; and
- (6) Off-street parking spaces shall not be deemed as off-street loading spaces

# **PART 7: GENERAL PROVISIONS**

## **BUILDINGS AND STRUCTURES**

110.

- (1) No land, building or structure shall be constructed, enlarged, placed, used or occupied except for a use which:
  - (a) Is listed in the Use and Site Requirement Tables which apply to such land, building or structure as:
  - (b) A permitted principal use;
  - (c) A conditional use, subject to approval as such; or
  - (d) Is an accessory use.
- (2) Where land or a building or structure is used for more than one purpose, all provisions of this By-Law relating to each use shall be satisfied. If there is a conflict, the higher or more stringent requirement shall apply.

## **NUMBER OF DWELLING UNITS**

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

- (1) Dwelling units which are required for employees or family members as provided in this By-Law, who in the opinion of Council, will be actively involved in an agricultural operation;
- (2) Two-family dwellings or multiple-family dwellings as provided for in this By-Law; and
- (3) Secondary suites as approved by Council.

## **PUBLIC UTILITIES, TRANSMISSION LINES**

112.

- (1) This By-Law shall be interpreted so as not to interfere with the construction, erection and location of the distribution facilities of a public utility. Office buildings,

warehouse, maintenance or storage compounds operated by a public utility shall be subject to the provisions of this By-Law.

- (2) Oil and gas pipelines, electric transmission lines and structures are deemed to be in compliance with this By-Law if they are carried out, constructed and operated in accordance with federal and provincial law.

## **EXISTING USES, BUILDINGS AND STRUCTURES**

113.

- (1) An existing use, building or structure which is classified as a permitted use, building or structure in this By-Law shall be allowed to continue to exist and may be enlarged or expanded if the change is less than 50% of existing use in size or intensity, may be changed to another permitted use or may be replaced if destroyed.
  - (a) All buildings and structures existing at the effective date of this By-Law are deemed to conform to the bulk requirements of the zone in which the buildings or structures are situated; and
  - (b) The enlargement, expansion, change in use or replacement shall be subject to the issuance of an appropriate permit and shall conform to all requirements of this By-Law.
- (2) An existing use, building or structure that 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. Such an existing conditional use may be changed to a permitted use or may be replaced if destroyed, provided that the replacement does not increase the intensity of the previously existing use.
  - (a) In these circumstances, the change in use or replacement shall be subject to the issuance of a development permit and shall conform with all requirements of this By-Law; and
  - (b) Where an enlargement or expansion of such a use is proposed, it shall require the specific approval of Council, in accordance with Part 3.
- (3) An existing use, building or structure which is not classified as a permitted or conditional use, building or structure in this By-Law shall be considered as a legal non-conforming use, building or structure and shall be subject to the provisions of *The Planning Act* governing non-conformities.



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

## **PERMITTED BUILDINGS, STRUCTURES AND USES**

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

## **CONDITIONAL USES**

115.

- (1) Any person may apply for a conditional use order in accordance with *The Planning Act*. All applicable forms, information and fees to be submitted to the Municipal Office.
- (2) The classification of uses as conditional uses is intended to provide for a special process of review and approval for certain types of development which, due to their inherent characteristics, may have potential adverse impacts on nearby properties or resources.
- (3) Where a use, building or structure is provided for as a conditional use by this By-Law, the establishment, enlargement or expansion of the use, building or

structure shall be subject to the specific requirements of The Planning Act pertaining to conditional uses.

- (4) If a conditional use order is not acted on in within 12 months of the date of the decision, it will expire. If an application is received before the initial deadline, Council may extend the deadline for an additional 12 months.
- (5) A conditional use expires if the use begins within the required time frame but later ceases operations for a period of 12 consecutive months unless otherwise specified in the conditional use order.

## **VARIANCES**

116.

- (1) Any person may apply for a variance order in accordance with The *Planning Act*. All applicable forms, information and fees to be submitted to the Municipal Office.
- (2) If a variance order is not acted on in within 12 months of the date of the decision, it will expire. If an application is received before the initial deadline, Council may extend the deadline for an additional 12 months.

## **LIGHTING**

117.

- (1) Wall-mounted lights must have fully shielded luminaries to direct all light down.
- (2) No owner may install or maintain a light source that is directed outward toward property boundaries or adjacent street rights-of-way.
- (3) Architectural, landscape and decorative lighting may be directed upward to illuminate flags, building facades, landscape or any other objects but must use a narrowly directed light whose light source is not visible from public streets.
- (4) All light sources must be shielded to prevent glare and spillover.
- (5) The owner must install all required lighting so as to maintain a minimum clear distance of 7 feet above all pedestrian walkways and such lighting must be installed so as not to cause a hazard to those using pedestrian walkways.

## **ACCESSORY BUILDINGS, STRUCTURES AND USES**

118.

- (1) No accessory use shall be established, and no accessory building or structure shall be constructed or erected, prior to the establishment of the principal use of land, building or structure to which it is accessory.
- (2) An accessory garage or storage building may be constructed or erected for the purpose of storage of materials and equipment for use during construction of the main building, provided that an appropriate permit has been obtained for the main building. The main building must be completed within 1 year of the issuance of the development permit.
- (3) For the avoidance of doubt, an accessory use, building or structure may be accessory to an approved conditional use; however no accessory use or building shall be constructed or located on the site prior to review and approval by Council if the accessory building or structure contributes significantly to an intensification or expansion of the conditional use.
- (4) Accessory buildings, structures and uses include the following, in all Zones:
  - (a) Individual sewage disposal systems, subject to the Provincial Approving Authority;
  - (b) Garages, storage buildings and such other accessory buildings;
  - (c) Home based businesses, as regulated in this By-Law;
  - (d) Signs, as permitted and regulated in this By-Law.
- (5) Accessory buildings, structures and uses include the following in the AG and AR - Agricultural Zones; Residential Zones, and RMH -Residential Modular Home Zones:
  - (a) A children's playhouse, garden house, bunk house, private swimming pool (open, closed, above or below ground) and gazebo;
  - (b) A private garage, carport, covered patio not attached to main building, tool house, shed and other similar buildings for storage of domestic equipment and supplies; and

- (c) Home daycare and group daycare, subject to the Provincial Approving Authority.
- (6) In addition to the provisions identified in clause 118 (1-5) above, the following accessory buildings, structures and uses are included in the AG and AR - Agricultural Zones:
- (a) A farm dwelling, including a single-family dwelling or a modular home when on the same site with a permitted or conditional agricultural use;
  - (b) Staff dwelling, to include a single-family dwelling, two-family dwelling, dormitory and modular home, when on the same site with permitted or conditional agricultural use and other permitted or approved uses, where, in the opinion of the Council, said dwelling is essential for the maintenance, operation and care of the permitted or conditional use;
  - (c) Farm buildings or structures for the operation and maintenance of an agricultural activity;
  - (d) Storage of goods used in or produced by agricultural activities on the same site with such activities, unless such storage is excluded by the zone regulations; and
  - (e) Airstrips and related storage facilities which are necessary to farm operation. These strips may be subject to Transport Canada requirements.
  - (f) Private communications, such as television antennas, radio antennas, aerials and satellite dishes as regulated in this By-Law;
  - (g) Private energy generating systems as regulated in this By-Law;
  - (h) In the AG zone only, Incinerators, subject to the Provincial Approving Authority
- (7) In addition to provisions identified in clause 118 (1-5) above, the following accessory buildings, structures and uses are included in the RR Rural Residential Zone:
- (a) Stable for personal use only.
- (8) Accessory building, and structures, except as otherwise regulated in this By-Law, shall be subject to the following regulations:

- (a) Where an accessory building or structure is attached to a main building or structure, it shall be subject to and shall conform to, all regulations of this By-Law applicable to the main building or structure;
- (b) Detached accessory buildings or structures shall not be located in any front yard of the principal use, except as provided for elsewhere herein;
- (c) In no instance shall an accessory building or structure be located within a dedicated easement right-of-way; and
- (d) Minimum of 3 feet between principal building and accessory building, structures, etc., measured eave to eave.

## **COMPLIANCE WITH BULK REQUIREMENTS**

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

## **OPEN SPACE ALONG RURAL ROADWAYS**

120. 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 areas which are zoned AG and AR - Agriculture, the following provisions shall apply to any required front yard, side yard or rear yard which is adjacent to a government road allowance, highway or other municipal road:
- (1) 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, signs less than 50 square feet in surface area, and small shelters for children at school bus stops;
  - (2) No excavation such as a dugout or gravel pit shall be located within the required yard;
  - (3) No substantial planting, such as a shelterbelt or hedge exceeding a height of 3.5 feet shall be located within the required yard; and

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

## **RESTRICTED VISIBILITY AREA**

121. In order to provide for a reasonable measure of traffic safety within Urban and Rural Centres, as designated in the Development Plan, it is considered important to provide for good visibility conditions at street intersections, by establishing special open space requirements as follows:

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

## **PROJECTIONS INTO YARDS**

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

- (1) 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;
- (2) A wheelchair ramp may extend into the required yard of a residence for as long as is required by an occupant of the residence, subject to the issuance of a development permit;
- (3) Enclosed projections of a building, including chimneys, alcoves and bay windows may extend into a required yard up to a maximum of 2 feet, provided that no more than 20 square feet of area within any required yard is occupied by these types of projection;
- (4) 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 3.5 feet, and the maximum height of a fence in any required side or rear yard shall be 6 feet; and

- (5) 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 a separation distance of 1 foot is maintained from the site line, and a separation distance of 3 feet is maintained from any dwelling.

## **DOUBLE FRONTAGE OR THROUGH SITES**

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

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

## **LAND SUBJECT TO FLOODING OR ADJACENT TO A WATERBODY**

124.

- (1) Lands subject to flooding are all lands which are subject to:
  - (a) the Designated Red River Flood Area (DFA);
  - (b) The flood of record or the 200-year flood whichever is greater on all waterways outside the DFA, as may be determined by the Provincial Authority having jurisdiction; or
  - (c) Flood specified by the Provincial Authority having jurisdiction in areas outside of protected by flood control works;
- (2) No habitable buildings or structures shall be built in areas in the vicinity of rivers, creeks or streams which are subject to flooding, unless the owner provides sufficient information prepared by a qualified consultant, to demonstrate development or habitable buildings will be protected to 2 feet above the level of the flood of record or the 200 year flood whichever is greater and that permanent

accessory structures will be protected to a grade elevation at or above the flood of record or the 200 year flood, whichever is greater.

- (3) Flood protection may be achieved by either raising building sites or constructing ring dikes using clean impervious fill, or by other means based upon an engineering analysis as approved by Council.
- (4) Where development is proposed in an area which in the opinion of the Development Officer, may be subject to ponding due to snowmelt or heavy rainfall events, the owner may be required to provide additional measures, including the provision of sufficient fill around the building, to provide an additional measure of protection from flood damage.
- (5) No permanent building shall be constructed or placed on land, which is subject to subsidence or erosion by water or is marshy or unstable or is otherwise unsuitable or hazardous by virtue of its soil or topography, unless it is demonstrated to the satisfaction of Council that proper measures will be taken to deal with the unsuitability or hazard.
- (6) The Development Officer or Council may require that the applicant provide at their expense, such flood levels, elevations or geotechnical data as may be required for its determination with respect to the subsections above.
- (7) Council may, prior to the issuance of a development permit, consult with the Provincial Authority having jurisdiction.
- (8) Along a natural waterway, the construction of walkout basements will be prohibited.
- (9) A riparian area of 100 feet shall be preserved along a natural waterway. No tree removal is permitted from riparian areas without receiving written permission from the development officer.

## **SITE REDUCED BY ROAD WIDENING**

- 125. Where the site area or site width of a parcel of land has been reduced as a result of land acquired for the establishment or widening of a public road or drain, or for any other public work, the land which has been acquired shall be deemed to be part of the site for purposes of determining compliance with the minimum site area and site width requirements and required yards for existing buildings as specified



by this By-Law. However, where new buildings or structures are proposed, the required yards shall be determined by the location of actual site boundaries.

## **BUILDING REMOVAL**

126. Demolition of a building will require a Demolition Permit from the Municipality. Upon completion of removal or demolition of a building from a site, the old foundation shall be removed and any excavation shall be filled and leveled.

## **ROAD ACCESS**

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

## **SERVICE CONNECTIONS**

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

## **PUBLIC MONUMENTS AND CAIRNS**

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

## **LIMITATIONS GOVERNING DEVELOPMENT OF RURAL BUILDINGS AND STRUCTURES**

- 130.
- (1) No dwelling or mobile/modular home or other habitable building shall be constructed or located within 1,500 feet of the site of any municipal sewage lagoon or solid waste disposal site.
  - (2) No dwelling or mobile/modular home or other habitable building shall be constructed or located within 5,280 feet of the site of an anhydrous ammonia storage tank or a farm bulk chemical supply facility.
  - (3) No building, dwelling, mobile/modular home or farm building or structure shall be located near the right-of-way of any pipeline regulated by the National Energy Board, unless specific approval has been granted by the National Energy Board.

- (4) All buildings and structures when being located in close proximity to licensed aircraft landing strips, whether on the same property or adjoining property, shall be governed by the recommended Transport Canada regulations.

## **HAZARDOUS MATERIALS STORAGE**

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

- (1) 5,280 feet from a building used for human occupation;
- (2) 5,280 feet from an Urban or Rural Centre as designated in the Development Plan or incorporated community; and
- (3) 330 feet from a municipal road or Provincial highway.
- (4) At least 330 feet from the centre line of a major highway.

## **PRIVATE SWIMMING POOLS AND HOT TUBS**

132. This clause applies to private swimming pools, hot tubs and similar structures when accessory to a residential use and a minimum depth of 2 feet:

- (1) Outdoor pools and hot tubs shall comply with yard requirements for accessory buildings and uses as set forth in clause 119. In no case shall an outdoor pool or hot tub be located closer than 5 feet to any side or rear site line.
- (2) All outdoor pools shall be completely enclosed with a vertical board fence, with no horizontal or diagonal supports that would facilitate climbing or a chain link fence not less than No. 12 gauge galvanized steel wire or a minimum No. 14 gauge steel wire covered with a vinyl or other approved coating forming a total thickness equivalent to No. 12 gauge galvanized wire, with a mesh not greater than 2 inches or other suitable barrier, excluding barbed wire or wire having similar dangerous characteristics or device for projecting an electric current through the fence, constructed or erected in accordance with the following:
  - (a) It shall have a minimum height of 5 feet and a maximum height of 6 feet, including gates, which shall be self-closing and equipped with a lockable latch to prevent unauthorized entry;
  - (b) There shall be no openings other than an entry to a building or a gate and it shall be constructed so as to prevent a child from crawling under either the fence or gate;

- (c) The enclosure surrounding an outdoor pool shall be maintained in good repair;
  - (d) Notwithstanding other provisions in this By-Law open decks and open stairways associated with outdoor pools or hot tubs may project into the required side or rear yards not more than 2 feet, providing the pool is at least 10 feet from the main building;
  - (e) Semi-private pools, which are not located on the property of a single-family dwelling and used solely by the occupant of said dwelling or his guests, are subject to the regulations governing swimming pools under The Public Health Act;
  - (f) Nothing in this Section shall relieve any such structure from complying with spatial, structural, electrical, plumbing, health and safety or operational requirements contained in regulations under The Building and Mobile Homes Act, Public Health Act or other applicable statutes.
- (3) Hot tubs, in lieu of an enclosure shall meet the requirements of the Manitoba Building Code.

## **SIGNS**

133. The regulations of this section are intended and designed to establish a minimum control of signs. Such control is deemed essential to promote the health, safety and general welfare by reducing hazards to pedestrian and vehicular traffic and by preventing unsightly and detrimental development having a blighting influence upon residential, business and industrial uses.
- (1) The following shall be considered when locating signs:
    - (a) No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device;
    - (b) No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad grade crossing;
    - (c) No sign or sign structure shall be erected or maintained on, over or above any land or right-of-way belonging to the Municipality unless such right is

established by agreement with the Municipality and all signs shall adhere to all the setback requirements of the zone in which they are located; and

- (d) The placing of advertising, business or identification signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate provincial authority.

## **ROTATING BEAM OR FLASHING SIGNS**

- 134. No beam or rotating beam shall be used in connection with any sign display; nor shall any flashing, illumination resembling an emergency light be used for such purpose.

## **MAINTENANCE**

- 135. All signs and sign structures shall be kept in repair and in proper state of preservation. Signs that have become obsolete because of discontinuance of the business service or activity and have not been removed or relocated within 30 days following such condition, may be removed by the Municipality at the owner's expense.

## **EXCEPTIONS**

- 136. The following signs shall not be subject to the provisions of this By-Law, except wherein otherwise noted:
  - (1) Signs posted by duly constituted public authorities in the performance of their public duties;
  - (2) Flags or emblems of a political, civic, educational or religious organization;
  - (3) Signs like "No Trespassing", "Notice", "Beware of Dog" and the like, not to exceed 3 square feet in area;
  - (4) Construction signs not exceeding 32 square feet in area;
  - (5) Signs required for direction and convenience of the public including signs which identify rest rooms or parking entrance or exit, not exceeding 5 square feet;
  - (6) Identification sign, provided in a Residential Zone to a maximum size of 4 square feet; with the exception that a home-based business may erect one business sign, either freestanding or affixed to the wall of a principal or accessory building, provided it does not exceed:
    - (a) In the RR Rural Residential Zone, 32 square feet;

- (b) In all other Residential Zones, 8 square feet, or as outlined in the Conditional Use Order.;
- (7) Business sign, maximum size of 128 square feet in the Agricultural Zone and Highway Commercial Zone; maximum size of 80 square feet in all other Commercial, Industrial, General Development and Open Space Zones; and a maximum size of 8 square feet in all Residential Zones; and
- (8) Real estate signs not exceeding five (5) square feet in residential zones, and sixteen (16) square feet in all other zones, which advertise the sale rental or lease of the premises on which they are located.

### **ADVERTISING SIGNS (BILLBOARDS)**

- 137. Except as otherwise provided, no advertising billboard or other type of display sign shall be constructed in any zone without a Conditional Use Order.

### **PORTABLE OR MOBILE SIGNS**

- 138. Portable or Mobile Signs are considered an accessory temporary use and are regulated under Table 3-3 and Section 75 of this by-law.

# SCHEDULES

- SCHEDULE A: Map 1 - Zoning RM of Macdonald
- SCHEDULE B: Map 2 - Zoning La Salle
- SCHEDULE C: Map 3 - Zoning Oak Bluff
- SCHEDULE D: Map 4 - Zoning Starbuck
- SCHEDULE E: Map 5 - Zoning Sanford
- SCHEDULE F: Map 6 - Zoning Domain
- SCHEDULE G: Map 7 - Zoning Brunkild
- SCHEDULE H: Map 8 - Zoning McGillivray Enterprise Zone