

MUNICIPALITY OF BRENDA-WASKADA

Zoning By-law

BY-LAW NO. 21-2017



Municipality of
Brenda-Waskada



THE MUNICIPALITY OF BRENDA-WASKADA

BY-LAW NO. 21-2017

BEING A BY-LAW to regulate the use and development of land within the Municipality of Brenda-Waskada..

WHEREAS, Section 68 of the 2005 Planning Act, C.C.S.M., No. P80, requires the Council of a municipality to adopt a zoning by-law which is generally consistent with a Development Plan adopted for the area;

AND WHEREAS, pursuant to the Manitoba Planning Act, the Board of the Southwest Planning District has by By-law adopted Development Plan 2020 By-law No. 1-2004;

NOW THEREFORE, the Council of the Municipality of Brenda-Waskada, in a meeting duly assembled adopts the **MUNICIPALITY OF BRENDA-WASAKADA- ZONING BY-LAW NO. 21-2017**.

DONE AND PASSED in Council duly assembled this _____ day of _____, 2017.

READ A FIRST TIME THIS 12TH day of APRIL A.D., 2017.

READ A SECOND TIME THIS _____ day of _____ A.D., 2017.

READ A THIRD TIME THIS _____ day of _____ A.D., 2017.

The Municipality of Brenda-Waskada

Head of Council

Chief Administrative Officer

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MAP 1: MUNICIPALITY OF BRENDA-WASKADA

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MAP 6: MEDORA

PART 1: SCOPE

- 1.1 This By-law shall be known as the **Municipality of Brenda-Waskada Zoning By-law** adopted under *The Planning Act* by the Municipality of Brenda-Waskada Council as **By-law No. 21-2017**.
- 1.2 This By-law applies to all lands in the Municipality of Brenda-Waskada, as indicated on **Map 1 of Schedule “A” of this By-law**.
- 1.3 The Zoning By-law regulates the use and development of land in the Municipality and includes requirements for development in each zone such as siting and setback standards.
- 1.4 This By-law regulates:
 - (a) The construction, erection, alteration, enlargement or placing of buildings and structures; and
 - (b) The establishment, alteration or enlargement of uses of land, buildings and structures.
- 1.5 No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed, except in accordance with this By-law, and only after all required permits have been obtained by the owner.
- 1.6 Whenever a provision of a law or regulation of the provincial or federal government contains a restriction governing the same subject matter contained in this By-law, or imposes contradictory regulations with respect to uses, buildings or structures, the most restrictive or highest standard shall prevail.
- 1.7 Nothing in this By-law, or in a Development Permit, approval of a Conditional Use or Variance, or other approval issued under this By-law or *The Planning Act*, shall be construed as authorization to establish any land use which is not compatible with adjacent development and the surrounding area or which is not consistent with applicable land use by-laws (i.e. Development Plan, Zoning By-law, or Secondary Plan by-laws in force and effect).
- 1.8 By-law No. **21-2017** is the first Zoning By-law enacted by the Municipality of Brenda-Waskada.

PART 2: GENERAL REQUIREMENTS GOVERNING USES, BUILDINGS AND STRUCTURES

Use of Land

- 2.1 Subject to **Section 2.3 of this PART**, no land, building or structure shall be constructed, enlarged, placed, used or occupied except for a use which:
- (a) Is listed in the **PART 4 of this By-law**, Use and Bulk Tables, which apply to such land, building or structure as:
 - (i) a permitted use;
 - (ii) a conditional use, subject to approval as such;
 - (b) Is an accessory use; or
 - (c) Is a use eligible for approval by **variance order** pursuant to *The Planning Act* (ex. a use not listed, but substantially similar to a use permitted in a specific zone).
- 2.2 Where land or a building or structure is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. If there is a conflict, the higher or more stringent requirement shall apply.
- 2.3 There shall be a maximum of one (1) dwelling unit per site or parcel of land, except for the following:
- (a) Dwelling units which are required by employees or family members, who in the opinion of Council, will be actively involved in an agricultural operation, and
 - (b) Two-unit dwellings or multiple-unit dwellings as provided for in this By-law.

Public Utilities and Services

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

Other utilities or services may or may not need local approval as follows:

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

- (b) Wind Energy Generation Operations (WEGO) are deemed to be in compliance with this By-law if they are carried out in accordance with federal and provincial law and the provisions of **PARTS 4 and 5 of this By-law**.

Existing Uses, Buildings and Structures

- 2.5 An existing use, building or structure which is classified as a permitted use, building or structure in this By-law shall be allowed to continue to exist, and may be enlarged or expanded, may be changed to another permitted use, or may be replaced if destroyed subject to the following:
- (a) All buildings and structures existing at the effective date of this By-law are deemed to conform to the bulk requirements of the zone in which the buildings or structures are situated.
 - (b) The enlargement, expansion, change in use, or replacement shall be subject to the issuance of a development permit, and shall conform to all requirements of this By-law.
- 2.6 An existing use, building or structure which is classified as a conditional use in this By-law shall be deemed to be an appropriate conditional use, building or structure and shall be allowed to continue to exist, may be changed to a permitted use, or may be replaced if destroyed, provided that the replacement does not increase the intensity of the previously existing use subject to the following:
- (a) Where an existing conditional use is changing to a permitted use, 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 expansion of an existing conditional use, or changing to another conditional use, is proposed, these changes shall require the specific approval of Council, in accordance with **PART 7 of this By-law**.

Non-Conforming Uses

- 2.7 An existing use, building or structure which is not classified as a permitted or conditional use, building or structure by this By-law shall be considered as a non-conforming use, building or structure, and shall be subject to the provisions of *The Planning Act* governing non-conformities:
- (a) A non-conforming use shall be allowed to continue to exist, and may be changed to a permitted use;
 - (b) A non-conforming use shall not be intensified, and shall not be changed to a different non-conforming use;

- (c) A non-conforming use shall not be re-established if it is discontinued for a period in excess of one (1) 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 above the foundation by more than fifty (50) percent of its replacement value; and
- (e) Other provisions of *The Planning Act* governing non-conforming uses, buildings and structures apply, including a provision which enables Council to consider **variance orders** in situations where non-conformities are proposed to be altered, including the authorization of building repairs or time extensions for an additional 12 months.

Permitted Uses, Buildings and Structures

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

Conditional Uses

- 2.9 The classification of uses as **conditional uses** is intended to provide for a special process of review and approval for certain types of development which, due to their inherent characteristics, may have potential adverse impacts on nearby properties or resources.
- 2.10 Where a use, building or structure is provided for as a conditional use by this By-law, the establishment, enlargement or expansion of the use, building or structure shall be subject to the specific requirements of *The Planning Act* pertaining to **conditional uses and PART 7 of this By-law**.

Accessory Uses, Buildings and Structures

- 2.11 Except as provided under **Section 2.12 of this PART** (below), no accessory use shall be established, and no accessory building or structure shall be constructed or erected, prior to the establishment of the use of land, building or structure to which it is accessory (see definition of “**accessory**” in **PART 9, Section 9.3 of this By-law**).
- 2.12 An accessory garage or storage building may be constructed or erected for the purpose of storage of materials and equipment for use during construction of the principal building, provided that a **Development Permit** has first been obtained for the principal building on the site.

- 2.13 For the avoidance of doubt, an accessory use, building or structure may be accessory to an approved **conditional use**; however, no accessory use or building shall be located or constructed on the site prior to review and approval of the **conditional use** by Council in accordance with **PART 7** of this By-law.
- 2.14 A use shown as a **conditional use** in **PART 4, Use and Bulk Tables** cannot be accessory to a use listed as a **permitted use** for the same zoning district.
- 2.15 Where an accessory building or structure is attached to a principal building or structure by means of a foundation, wall or roof, it shall be deemed to be part of the principal building or structure for the purposes of administering and enforcing this by-law.
- 2.16 Accessory buildings, structures and uses include the following in **ALL ZONES**:
- (a) Incinerators, private sewage disposal systems (subject to approval by the provincial authority having jurisdiction), private water supply wells, and signs (see **PART 6, Sections 6.9 and 6.10 of this By-law**);
 - (b) Communication structures, such as private non-commercial television and radio antennas, aerials, satellite dishes, and other such equipment used for personal use;
- 2.17 **Accessory buildings, structures and uses** in **ALL ZONES**, except as otherwise regulated in this By-law, shall be subject to the following additional requirements:
- a. Where an accessory building or structure is attached to a principal building or structure, it shall be subject to and shall conform to, all requirements of this By-law applicable to the principal building or structure;
 - b. Detached accessory buildings or structures shall not be located in any required front yard of the principal use, except as provided for elsewhere in this By-law;
 - c. In no instance shall an accessory building or structure be located within the boundaries of a dedicated easement or right-of-way.
 - d. Accessory buildings and structures proposed to be located within the established control areas adjacent to a provincial highway may require a permit from the Highway Traffic Board or the provincial department having jurisdiction.
- 2.18 **Accessory buildings, structures and uses** include the following in the “AG” and “AL” **Agricultural Zones**:
- a. Farm dwellings, including a single-unit dwelling or a mobile home, when on the same site with a permitted or conditional agricultural use;
 - b. Staff dwellings (to include a single-unit dwelling, multiple-unit dwelling, dormitory and mobile home) when on the same site with permitted or conditional agricultural use and other permitted or approved uses, where, in the opinion of the Council, said dwellings are 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 use;
- 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 requirements;
- e. A children's playhouse, garden house, gazebo and children's shelter at a school bus stop;
- f. A private garage including portable/fabric shelters, carport, covered patio, tool house, shed and other similar buildings for storage of domestic equipment and supplies;
- g. Home daycare and group daycare;
- h. Home based businesses, (see **PART 5, Section 5.1 of this By-law**);
- i. Swimming Pools (also subject to public safety requirements and approval under the Building By-law).

2.19 **Accessory Buildings, Structures and Uses** include the following in the “GD” General Development Zone:

- (a) A children's playhouse, garden house, gazebo and children's shelter at a school bus stop;
- (b) A private garage including portable/fabric shelters, carport, covered patio, tool house, shed and other similar buildings for storage of domestic equipment and supplies;
- (c) Home daycare and group daycare;
- (d) Home based businesses, (see **PART 5, Section 5.1 of this By-law**);
- (e) Swimming Pools (also subject to public safety requirements and approval under the Building By-law).

PART 3: GENERAL BULK REQUIREMENTS

Purpose of Bulk and Yard Requirements

- 3.1 In order to maintain the rural character as well as a reasonable and consistent density of development in the municipality, 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 By-law. 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.

Open Space Along Rural Roads

- 3.2 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” Agricultural General Zone**, the following provisions shall apply to any required front yard, side yard or rear yard which is adjacent to an improved government road allowance, highway or other municipal road:
- (a) No building or structure shall be constructed or located within the required yard, except for electric fences, barbed wire fences, chain link fences, wooden rail fences which are at least seventy-five (75) percent open in character, signs less than fifty (50) square feet in surface area, and small shelters for children at school bus stops;
 - (b) No excavation such as a dugout or gravel pit shall be located within the required yard;
 - (c) No substantial planting (such as a shelterbelt or hedge) exceeding a height of three (3) feet shall be located within the required yard; and
 - (d) No substantial stockpiling of materials, such as soil, gravel, bales or cordwood shall be located within the required yard.

Corner Vision Triangles

- 3.3 In order to provide for a reasonable measure of traffic safety within the communities' **“GD” General Development Zones**, it is considered important to provide for good visibility conditions at street intersections, by establishing special open space requirements as follows:
- (a) No building, structure, vehicular parking space, shelterbelt, hedge or stockpiling of materials exceeding a height of three (3) feet above grade shall be located within a

triangular area of any site adjacent to an intersection of two public streets, with the sides of the triangular area being measured a distance of ten (10) feet along each property boundary from the point of intersection.

Projections into Yards

- 3.4 Required yards in **ALL** zones shall be maintained as open space areas on all sites, except as follows:
- (a) Open, unenclosed projections of a building, including eaves, awnings, stairs, landings, wing-walls, raised decks and balconies, may extend into a required yard up to fifty (50) percent of the required yard depth to a maximum projection of five (5) feet, whichever is the lesser (also see **PART 6, Section 6.13 of this By-law** regarding wheelchair ramps);
 - (b) Enclosed projections of a building, including chimneys, alcoves, and bay windows may extend into a required yard up to fifty (50) percent of the required yard depth to a maximum projection of five (5) feet, whichever is the lesser, provided that no more than twenty (20) square feet of ground surface area within any required yard is occupied by these types of projection;
 - (c) Landscaping features such as driveways, sidewalks, and patios at grade level, ornamental plantings, fences and other decorative features are permitted within any required yard, provided that in the **“GD” Zone** the maximum height of a fence in any required front yard shall be three (3) feet, and the maximum height of a fence in any required side or rear yard shall be six (6) feet; and
 - (d) Portable buildings not exceeding one-hundred (100) square feet in floor area for the storage of domestic equipment may be located within any required interior side yard or required rear yard, provided that a separation distance of one (1) foot is maintained from the site line, and a separation distance of three (3) feet is maintained from any dwelling.

Double Frontage Sites

- 3.5 Within the **“GD” General Development Zone**, where a site has frontage along two more or less parallel streets, the following provisions shall apply:
- (a) Where the site depth is greater than two-hundred (200) feet, both site lines which abut these streets shall be considered to be front site lines, and the adjacent yards shall both be considered to be required front yards; and
 - (b) Where the site depth is two-hundred (200) feet or less, only one (1) site line shall be considered to be the front site line, and this determination shall be made by the development officer, based on the arrangement of existing buildings in the immediate area.

PART 4: ZONING

Purpose of Zones

- 4.1 The zoning districts established in this By-law are intended to provide sufficient land in suitable locations to meet the needs of the proposed development, and to be consistent with the policies of the **Southwest Planning District Development Plan** as well as being compatible with existing development in the community.

Zoning Districts

- 4.2 Uses of land in the municipality are regulated in accordance with the following zoning districts:
- (a) "AG" Agricultural General Zone
 - (b) "AL" Agricultural Limited Zone
 - (c) "GD" General Development Zone
 - (d) "M" Industrial Zone
 - (e) "CG" Commercial General Zone
 - (f) "O" Open Space Zone

the extent of these zoning districts are shown on maps comprising **Schedule "A" of this By-law** and a brief explanation of each zoning district follows:

The "AG" Agricultural General Zone is hereby established in this Zoning By-law and is intended to:

- Support and strengthen the agricultural industry in the **Southwest Planning District** and to provide flexibility and opportunity for farm operators to engage in a variety of agricultural uses and farming practices; and
- Protect the agricultural industry and its land resources in recognition of agriculture's contribution to the economy, lifestyle and character of the **Southwest Planning District**.
- Provide opportunities under the **conditional use** process to diversify land uses within the agricultural area to include agri-related commercial or industrial enterprises.

The **“AL” Agricultural Limited Zone** is here established in this Zoning By-law and is intended to:

- Sustain continued limited agricultural use of agricultural land within the areas immediately adjoining the urban settlements of Waskada, Goodlands, Medora and Napinka, in a manner compatible with existing urban development in the community; and

The **“GD” General Development Zone** is hereby established in this Zoning By-law and is intended:

- Provide development areas within the urban settlements of Goodlands, Medora, Waskada and Napinka, in accordance with the policies of the Southwest Planning District Development Plan. The **“GD” General Development Zone** provides as **permitted uses**, those uses generally found in small communities to be compatible with residential uses as well as schools, recreation facilities and limited commercial uses. **Conditional uses** in this zone represent uses that may be characterized by larger building scale, traffic, operating processes and storage needs, which require site specific assessment to ensure the right locational fit within the community.

The **“M” Manufacturing/Industrial Zone** is hereby established in this Zoning By-law and is intended:

- Provide development areas for future industrial uses within the municipality, in accordance with the **Southwest Planning District Development Plan’s** Industrial policies.

The **“CG” Commercial Development Zone** is hereby established in this Zoning By-law and is intended to:

- Allow for future commercial or industrial uses that require larger sites or highway exposure.

The **“O” Open Space Zone** is hereby established in this Zoning By-law and is intended to:

- allow for limited public and recreational uses in the shorter term, but reserved for residential and commercial uses in the longer term.

Use and Bulk Tables

- 4.3 The **permitted uses** and **conditional uses** prescribed for sites within each zoning district are those set out in the Use and Bulk Tables (below) in this **PART of the By-law**.

TABLE 4-1: "AG" AGRICULTURAL GENERAL ZONE – USE & BULK TABLE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet) (a)	Rear Yard (feet)
PERMITTED USES					
Advertising Signs, exceeding 50 sq. ft. in area	As determined by Council				
Agriculture (General) including farm dwellings, pasturing of livestock, and apiaries (b).	80	1,000	125	25	25
Livestock Operations up to 299 A.U.(c) (g) (also see Part 5)	80	1,000	125	25	25
Oil Batteries (See Section 5.17 – 5.25)	-	-	125	50	50
CONDITIONAL USES					
Agriculture (Specialized) (b) including apiaries	2	200	125	25	25
Aircraft Landing Areas	10	200	125	25	25
Auction Marts / Auction Grounds	2 (f)	200	125	25	25
Campgrounds	2 (f)	200	125	25	25
Cemeteries	2 (f)	200	125	25	25
Community Halls (h)	2 (f)	200	125	25	25
Livestock Operations including those in excess of 299 AU (c) (g) (See Sections 5.2 - 5.9)	80	1,000	125	25	25
Earth Moving Contractors (e)	2 (f)	200	125	25	25
Establishments for the storage, handling or processing of agricultural produce (e)	2 (f)	200	125	25	25
Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures (e)	2 (f)	200	125 (d)	25 (d)	25 (d)
Exhibition or Fair Grounds	2	200	125	25	25
Dwellings, Non-farm (f) (g)	2 (f)	200	125	25	25
Kennels	2 (f)	200	125	25	25
Manufacturing, Fabricating, Machining, Processing or Repair Establishments (e)	2 (f)	200	125	25	25
Motor Vehicle or Agricultural Equipment Body Shops, Salvage or Wrecking Operations (e)	2 (f)	200	125	25	25
Museums or Historic Sites	2 (f)	200	125	25	25
Oil Batteries (See Section 5.17 – 5.25)	-	-	125	50	50
Public Works Compounds and Buildings (e)	2 (f)	200	125	25	25
Outdoor Recreation Facilities including but not limited to golf courses	2	200	125	25	25
Religious Institutions (h)	2 (f)	200	125	25	25
Riding Academies and Stables	2 (f)	200	125	25	25
Rural Convenience Stores & Restaurants	2 (f)	200	125	25	25
Sewage Lagoons	2	200	125	25	25
Surface Mining Operations, including gravel pits	2	200	125	25	25
Telecommunications Towers	2 (f)	200	125	25	25
Trucking Establishments (e)	2 (f)	200	125	25	25
Veterinary Clinics (e)	2 (f)	200	125	25	25
Waste Disposal Sites	2	200	125	25	25
Wind Energy Generating Operations (WEGO) (See PART 5 Sections 5.26 – 5.45)	-	-	125	-	-

TABLE 4-1: "AG" AGRICULTURAL GENERAL ZONE – USE & BULK TABLE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet) (a)	Rear Yard (feet)
ACCESSORY BUILDINGS, STRUCTURES AND USES (See PART 2, Sections 2.11 to 2.19)	-	-	125	25	25

The following "AG" zone requirements form part of this **TABLE 4-1**:

(a) **Yards Adjacent to Roadways**

- (i) Where a side site line is adjacent to a government road allowance or other municipal road, the minimum required side yard shall be 125 feet.
- (ii) Where a rear site line is adjacent to a government road allowance or other municipal road, the minimum required rear yard shall be 125 feet.

(b) **Siting of Apiaries**

Apiaries shall be considered as a conditional use when proposed to be located within one-quarter (1/4) mile of a residence when the owner of the residence has not consented to such a location.

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

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

(d) **Anhydrous Ammonia**

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 shall be separated by a distance of 2,640 feet from the boundaries of any designated or zoned rural residential area, seasonal recreation area and all urban settlements.

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

These types of uses may be allowed in the "AG" **Agricultural General Zone** only if Council is satisfied that no suitable site is available in a community, in accordance with the policies of the Southwest Planning District Development Plan.

(f) **Maximum Site Area**

The maximum site area for non-farm dwellings shall be ten (10) acres, unless physical features of the site (such as natural drains, shelterbelts, etc.) would indicate that a larger site would be appropriate.

(g) **Rural Residential Standards**

(i) Subject to policies respecting non-farm dwellings in the **Southwest Planning District Development Plan**, a “good neighbour policy” shall be applied in all decisions regarding the proximity between residential uses, oil batteries and livestock operations. Separation distances for newly siting and/or expanding livestock operations, oil batteries and rural residential development proposed in the “**AG**” **Zone** shall be guided by the minimum mutual separation requirements for newly siting or expanding livestock operations of **PART 5 of this By-law**.

(ii) Furthermore, any rural residential development located within a designated rural residential cluster as identified in the **Southwest Planning District Development Plan** will require lot sizes of sufficient area to provide for effective on-site private sewage waste disposal and an adequate potable water supply as approved under provincial regulations.

(h) **Religious Institutions in the “AG” Agricultural General Zones**

New uses of this type may be allowed in the “**AG**” **Agricultural General Zone** only if no suitable site is available in an existing urban community.

TABLE 4-2: "AL" AGRICULTURAL LIMITED ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet) (a) (b)	Rear Yard (feet) (a) (b)
PERMITTED USES					
Advertising Signs in excess of 50 sq. ft.	As determined by Council				
Agriculture (General and Specialized) including associated farm dwellings and livestock pasturing, but excluding livestock operations except as provided under conditional uses and Section 5	40	1,000	125	25	25
Community Halls (d)	2	200	125	25	25
Exhibition Grounds	2	200	125	25	25
Livestock operations less than 50 AU in size (see PART 5, Sections 5.3 (b) of this by law for additional information)	40	1,000	125	25	25
Market Gardens, Nurseries or Greenhouses	2	200	125	25	25
Public Recreation Facilities	2	200	125	25	25
Oil Batteries (See Section 5.17 – 5.25)	-	-	125	50	50
CONDITIONAL USES					
Apiaries	2 (e)	200	50	25	25
Auction Marts	2 (e)	200	50	25	25
Campgrounds	2 (e)	200	50	25	25
Earth Moving Contractors	2 (e)	200	50	25	25
Establishments for the storage, handling or processing of agricultural produce (d)	2	200	50	25	25
Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures (d)	2 (e)	200	50	25 (f)	25 (f)
Establishments related to the harvesting of natural resources, such as oil and gas	2 (e)	200	50	25	25
Establishments related to the storage and handling of agriculture fertilizers and bulk fuel storage excluding anhydrous ammonia storage	2 (e)	200	50	25	25
Dwellings, single-unit	(f)	(f)	(f)	(f)	(f)
Livestock (c) (See Sections 5.2 – 5.9)	40	300	125	25	25
Kennels	2 (e)	200	50	25	25
Manufacturing, Fabricating, Machining, Processing or Repair Establishments (d)	2 (e)	200	50	25	25
Motor Vehicle or Agricultural Equipment Body Shops, Salvage or Wrecking Operations	2 (e)	200	50	25	25
Museums or Historic Sites	2 (e)	200	50	25	25
Oil Batteries (see Section 5.17 – 5.25)	-	-	125	50	50
Public Works Compounds and Maintenance Buildings	2 (e)	200	50	25	25
Outdoor Extensive Recreation Facilities including but not limited to golf courses	2 (e)	200	50	25	25
Religious Institutions (d)	2 (e)	200	50	25	25
Riding Academies and Stables (c)	2	200	50	25	25
Sewage Lagoons	2	200	50	25	25
Trucking Establishments (d)	2 (e)	200	50	25	25
Veterinary Clinics	2 (e)	200	50	25	25

TABLE 4-2: "AL" AGRICULTURAL LIMITED ZONE – USE & BULK TABLE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet) (a) (b)	Rear Yard (feet) (a) (b)
ACCESSORY USES, BUILDINGS AND STRUCTURES (See PART 2, Sections 2.11 to 2.19)	-	-	50	25	25

The following "AL" zone requirements form part of this **TABLE 4-2**:

- (a) In the case of sites which abut roads under the jurisdiction of the Province of Manitoba, the adjoining yard requirements shall be as established by the provincial authority having jurisdiction.
- (b) Where a side site line or rear site line is adjacent to a government road allowance or other municipal road, the minimum required side yard or rear yard shall be fifty (50) feet.
- (c) Sites which are associated with keeping of livestock shall be subject to Part 5 of this By-law.
- (d) New uses of this type may be allowed in the "AL" **Agricultural Limited Zone** only if no suitable site is available in an existing urban community.
- (e) The maximum site area shall be ten (10) acres, unless physical features of the site (such as natural drains, shelterbelts, etc.) would in the opinion of Council indicate that a larger site would be appropriate.
- (f) A single-unit dwelling, where it is incidental and necessary to an approved conditional use, may occupy a zoning site, but must be included within the parcel under the same title as the principal use of the site and comply with all bulk requirements for the use within **TABLE 4-2 of this PART**.

TABLE 4-3: "GD" GENERAL DEVELOPMENT ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED USES					
Accommodation Facilities, i.e. Hotels and Motels (b)	15,000	100	25	15	25
Advertising Signs in excess of 50 sq. ft.	-	-	As determined by Council		
Bakeries (b)	5,000	50	25 (c)	15 (c)	25 (c)
Bed and Breakfast Establishments with a maximum of four (4) suites (b)	5,000	50	25	15	25
Boarding or Rooming Houses with a maximum of four (4) suites (b)	7,500	75	25	15	25
Campgrounds (b)	20,000	100	25	15	25
Clubs, Private or Public (b)	15,000	100	25 (c)	15 (c)	25 (c)
Cultural Facilities, including auditoriums, community clubs, golf courses and halls, libraries, museums, theatres and historic sites	15,000	100	25 (c)	15 (c)	25 (c)
Day Care Facilities, accommodating up to eight (8) children (b)	7,500	75	25	15	25
Dwellings, single-unit (b)	5,000	50	25	15	25
Dwellings, mobile home (b) (d)	5,000	50	25	15	25
Dwellings, two-unit (b)	7,500	75	25	15	25
Dwellings, multiple-unit (b)	(e)	100	25	15	25
Emergency Services, including police and fire stations (b)	10,000	100	25 (c)	15 (c)	25 (c)
Establishments for the provision of personal services, including offices, financial institutions, clinics, salons, day care facilities and funeral homes (b)	7,500	75	25 (c)	15 (c)	25 (c)
Establishments for the sale of goods or services, provided that all storage is within a fully enclosed building	6,000	60	25 (c)	15 (c)	25 (c)
Exhibition Grounds (b)	20,000	100	25	15	25
Food/Beverage Service Establishments (b)	7,500	75	25 (c)	15 (c)	25 (c)
Institutional Buildings, including hospitals, schools, personal care homes and senior citizen homes (b)	20,000	100	25	15	25
Nurseries or Greenhouses	15,000	100	25	15	25
Parks or Playgrounds	1,000	20	-	-	-
Public Parking Areas	5,000	50	-	-	-
Public Utilities	15,000 (f)	100 (f)	25 (c) (f)	15 (c) (f)	25 (c) (f)
Recreation Facilities	15,000	100	25 (c)	15 (c)	25 (c)
Religious Institutions (b)	10,000	100	25 (c)	15 (c)	25 (c)
Residential Care Facilities, providing service to up to four (4) persons (b)	10,000	100	25	15	25
CONDITIONAL USES					
Boarding or Rooming Houses with more than four (4) suites	15,000	100	25	15	25
Day Care Facilities accommodating nine (9) children or more (b)	15,000	100	25	15	25

TABLE 4-3: "GD" GENERAL DEVELOPMENT ZONE – USE & BULK TABLE

	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
Earth Moving Contractors and Ready-Mix Concrete Suppliers	15,000	100	25	15	25
Establishments for the storage, handling or processing of agricultural produce	15,000	100	25	15 (g)	25 (g)
Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures, including card lock establishments	15,000	100	25	15 (g)	25 (g)
Establishments for the sale of goods and services, where there is exterior storage of products	15,000	100	25 (c)	15 (c)	25 (c)
Manufacturing, Fabricating, Machining, Processing or Repair Establishments	15,000	100	25 (c)	15 (c)	25 (c)
Public Works Compounds and Maintenance Buildings	15,000	100	25	15	25
Residential Care Facilities providing service to five (5) or more persons (b)	15,000	100	25	15	25
Sewage Lagoons	15,000	100	25	15	25
Trucking Establishments	15,000	100	25	15	25
Veterinary Clinics	15,000	100	25	15	25
Storage Buildings, Lumber yards and Warehouses for non-hazardous materials (b)	10,000	100	25	15 (c)	25 (c)
ACCESSORY USES, BUILDINGS AND STRUCTURES (See PART 2, Sections 2. 11 to 2.19)	-	-	(h)	5 (i) (j)	5(i) (j)

The following "GD" zone requirements form part of this **TABLE 4-3**:

- (a) In addition to the minimum requirements of this **TABLE 4-3**, the following requirements shall also apply:
- (i) Maximum allowable height for all principal buildings and structures shall be thirty (30) feet, except for grain storage structures, fuel and fertilizer storage tanks and church steeples.
 - (ii) Maximum allowable height for all accessory buildings and structures shall be twelve (12) feet, if accessory to a residence, and eighteen (18) feet if accessory to a non-residential use, except for grain storage structures, fuel and fertilizer storage tanks, church steeples and telecommunications towers.
 - (iii) Minimum dwelling unit area shall be 600 square feet for a residential building, and 400 square feet for an accessory residential suite within a commercial building.
- (b) Where the site is not serviced by municipal water and sewer services, provincial requirements for access to an adequate supply of potable water shall apply plus any private sewage disposal system shall be subject to approval under provincial regulations and the following minimum bulk requirements shall apply:

- (i) Minimum required site area – 15,000 square feet
 - (ii) Minimum required site width – 100 feet
 - (iii) Minimum required side yard – 10 feet, except for the street side of a corner site, in which case the minimum required side yard shall be fifteen (15) feet, or where the side wall contains a window with an area in excess of (20) square feet, or where the height of the building exceeds twenty (20) feet, in which case the minimum required side yard shall be fifteen (15) feet.
- (c) When located in the business area of the community, the minimum required yard shall be five (5) feet.
 - (d) For mobile home sites, there shall be an open space at least twenty (20) feet by fifty (50) feet adjacent to the side of the mobile home containing either the entrance or the main living room window, to be utilized for household exterior recreational use.
 - (e) The minimum required site area for the first three (3) dwelling units shall be 9,000 square feet, and the minimum required site area shall increase by an additional 1,000 square feet for each additional dwelling unit above three (3) units.
 - (f) Where the proposed development consists of a building or structure less than 100 square feet in floor area, a smaller site may be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of seven (7) feet is maintained from all site lines.
 - (g) Where the side or rear site line of a site coincides with the boundary of a railway right-of-way, the required yard shall be zero (0) feet for those structures which require railway service for loading or unloading.
 - (h) The minimum required front yard for accessory buildings and structures shall be the same, as the minimum required front yard for the principal building on the same site.
 - (i) In the case of buildings or structures, which are accessory to residential uses, when located entirely to the rear of the principal building, the minimum required side yard and rear yard for accessory buildings and structures shall be three (3) feet.
 - (j) Where an accessory building is used for the storage of a motor vehicle, the wall which contains the vehicular access door shall be set back a minimum distance of fifteen (15) feet from a public road or lane used for access to this building.

TABLE 4-4: "M" INDUSTRIAL ZONE – USE & BULK TABLE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (c) (d)	Side Yard (e)	Rear Yard (f)
PERMITTED USES					
Advertising Signs in excess of 50 sq. ft.	-	-	As determined by Council		
Agricultural Machinery Parts and Equipment, manufacturing, repairs, sales and service	20,000	100	30	10	20
Autobody Shops	6,000	50	25	5	20
Automotive, bicycle and marine vehicles and parts, manufacturing sales, repair, service and rental	10,000	80	30	10	20
Blacksmith Shops	6,000	50	25	5	20
Earth Moving Contractors and Ready-Mix Concrete Suppliers	10,000	100	25	15	20
Establishments for the storage, handling or processing of agricultural produce	10,000	80	30	10	20
Maintenance and Public Works Yards (a)	10,000	80	30	10	20
Manufacturing general and assembly of pre-manufactured parts	10,000	80	30	10	20
Petroleum or petroleum products bulk stations sales and storage	10,000	80	30	10	20
Public Utilities	10,000	80	30	10	20
Public Works Compounds and Maintenance Buildings	5,000	50	25 (b)	10 (b)	20 (b)
Storage facilities and compounds exterior for non-hazardous materials (a)	5,000	50	25 (b)		
Storage yards for Lumber sales (a)	20,000	100	30	10	20
Trucking Establishments	20,000	100	30	10	20
CONDITIONAL USES					
Auto wrecking and used parts storage and sales yards (g)	20,000	100	30	10	20
Chemicals and gas compounding plants, bulk storage and handling facilities	20,000	100	300	10	20
Dwellings for security or maintenance personnel	6,000	50	25	5	20
Recycling Yards (b)	10,000	80	30	10	20
ACCESSORY USES, BUILDINGS AND STRUCTURES (See PART 2, Sections 2.11 to 2.19)					

The following "M" zone requirements for part of this **TABLE 4-4**:

- (a) Requires construction of a six (6) foot light proof fence around the storage area. In the event of a light proof fence is not provided, this use shall be deemed a conditional use;
- (b) Outdoor storage requires that it occur in the rear yard and is fenced from view of adjoining properties by a six (6) foot light proof fence;
- (c) Front yards shall include landscaped green space adjacent to the street right-of-way, at least ten (10) feet in depth as measured from the front property line;

- (d) Parking of customer and employee vehicles may occur in the front yard;
- (e) Access and loading lanes utilizing the side yard must not encroach on the side yard set back;
- (f) Outdoor storage and loading areas may occur within the rear yard;
- (g) Storage in the front yard may be permitted provided it is set back from the road right-of-way the minimum front yard distance and is screened from the street by the establishment of a minimum of a six (6) foot light proof fence around the storage area for that portion of the site within the front yard of the building, provided no storage of materials may exceed the height of the light proof fence.

TABLE 4-5: "CG" COMMERCIAL GENERAL ZONE – USE & BULK TABLE

	MINIMUM REQUIREMENTS (a) (c)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet) (b)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED USES					
Accommodation Facilities, including Hotels and Motels	10,000	100	25	25	25
Advertising Signs in excess of 50 sq. ft.	-	-	As determined by Council		
Bakeries	5,000	50	25	10	25
Clubs, Private or Public	5,000	50	25	10	25
Cultural Facilities, including auditoriums, community clubs and halls, libraries, museums, theatres and historic sites	5,000	50	25	10	25
Churches	5,000	50	25	10	25
Emergency Services including police and fire stations	5,000	50	25	10	25
Drive-Through facilities or businesses	5,000	50	25	10	25
Establishments for the provision of personal services, including offices, financial institutions, clinics, salons, day care facilities and funeral homes, public or private health care facilities, dental offices	5,000	50	25	10	25
Establishments for the sale of goods or services, provided that all storage is within a fully enclosed building	5,000	50	25	10	25
Establishments for the sale of goods and services, where there is exterior storage of products (b)	10,000	100	25	15	25
Food or Beverage Service Establishments	5,000	50	25	10	25
Gas Stations (subject to provincial regulations)	5,000	50	25	10	25
Institutional Buildings, including hospitals, schools, personal care homes and senior citizen homes	20,000	100	25	15	25
Parks or Playgrounds	1,000	20	-	-	-
Printing or Publishing Establishments	5,000	50	25	10	25
Public Parking Areas	5,000	50	-	-	-
Public Utilities	5,000	50	25	10	25
Recreation Facilities	5,000	50	25	10	25
Religious Institutions	5,000	50	25	10	25
Vehicle Sales and Service (b)	5,000	50	25	10	25
CONDITIONAL USES					
Dwelling units in commercial units	As determined by Council				
Fuel Sales and Storage Establishments	5,000	50	25	10	25
Grain and Fertilizer Storages	5,000	50	25	10	25
Manufacturing, Fabricating, Machining, Processing or Repair Establishments, not described elsewhere in this TABLE	5,000	50	25	10	25
Nurseries or Greenhouses (b)	5,000	50	25	10	25
Public Works Compounds and Maintenance Buildings (b)	5,000	50	25	10	25
Storage Buildings and Warehouses for Non-Hazardous Materials (b)	5,000	50	25	10	25
Storage Facilities and Compounds, Exterior, for Non-Hazardous Materials (b)	5,000	50	25	10	25

TABLE 4-5: "CG" COMMERCIAL GENERAL ZONE – USE & BULK TABLE

	MINIMUM REQUIREMENTS (a) (c)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet) (b)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
Trucking Establishments	10,000	100	25	15	25
Veterinary Clinics	10,000	100	25	15	25
ACCESSORY USES, BUILDINGS AND STRUCTURES (See PART 2, Sections 2.11 to 2.19)	-	-	25	10	25

The following "CG" zone requirements form part of this TABLE 4-4:

- (a) In addition to the minimum requirements of this TABLE, the maximum allowable height for all principal buildings and structures shall be thirty (30) feet, and the maximum allowable height for all accessory buildings and structures shall be eighteen (18) feet, with the exception of grain storage structures, fuel and fertilizer storage tanks, church steeples and telecommunications towers.
- (b) No open storage shall be permitted in the front yard except for vehicle displays. Open storage may be permitted in a side or rear yard provided, where side or rear yards abut a public street or highway, the open storage is screened with a solid fence at least six (6) feet in height.
- (c) Off-street parking spaces for general commercial uses shall be provided on the same site as the principal building or use in accordance with the following off-street parking standards:

TABLE 4-5.1: MINIMUM PARKING REQUIREMENTS FOR USES IN THE "CG" COMMERCIAL GENERAL ZONE

USE	MINIMUM PARKING SPACES REQUIRED
Cultural, Institutional and Recreation	As determined by Council
Motel or Hotel	One (1) parking space for each guest room plus parking spaces as determined by Council for restaurant, beverage room, office, gift shop.
Religious Institutions	One (1) parking space for each fifteen (15) seats
Restaurants and Coffee Shops	One (1) parking space for each 100 sq. ft. of floor area.
Store, retail or wholesale	One (1) parking space for each 400 sq. ft. of floor area used for retail or wholesale purposes.
Warehouse and Storage	One (1) parking space for each three (3) employees.

TABLE 4-6: "O" OPEN SPACE ZONE – USE & BULK TABLE

	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (c)	Side Yard	Rear Yard
PERMITTED USES					
Advertising Signs in excess of 50 sq. ft.	-	-	As determined by Council		
Cultural Facilities including auditoriums, community clubs, golf courses, halls, libraries, museums, theatres and historic sites.	15,000	100	25	15	25
Emergency Services	10,000	100	25	15	25
Parks and Playgrounds	1,000	20	-	-	-
Public Parking	5,000	50	-	-	-
Public Utilities (d)	-	-	-	-	-
Recreation Facilities	15,000	100	25	15	25
CONDITIONAL USES					
Public Works Buildings and Compounds	15,000	100	25	15	15
Sewage Lagoons	-	-	-	-	-
Veterinary Clinics or Animal Hospitals (f)	15,000	100	25	15	15
ACCESSORY USES, BUILDINGS AND STRUCTURES (See PART 2, Sections 2.11 to 2.19)					
			(e)	5	5

The following "O" zoning requirements form part of this **TABLE 4-6**:

- (a) In addition to the minimum requirements of this **TABLE 4-6**, the following requirements shall also apply:
 - (i) Maximum allowable height for all principal buildings and structures shall be thirty (30) feet.
 - (ii) Maximum allowable height for all accessory buildings and structures shall be twelve (12) feet
- (b) Where the site is not serviced by municipal piped water and sewer services, provincial requirements for access to an adequate supply of potable water shall apply plus private on-site sewage disposal systems utilizing septic fields shall be subject to approval under provincial regulations and the following minimum bulk requirements shall apply:

Septic Fields

- (i) Minimum required site area – 2 acres
- (ii) Minimum required site width – 200 feet
- (iii) Minimum required side yard – 10 feet, except for the street side of a corner site, in which case the minimum required side yard shall be fifteen (15) feet, or where the side wall contains a window with an area in excess of (20) square feet, or where the height of the building exceeds twenty (20) feet, in which case the minimum required side yard shall be fifteen (15) feet.

- (c) When located in the business area of the community, the minimum required front yard shall be five (5) feet which may be further reduced wherever the provincial building code and local Building By-law will allow.
- (d) Where the proposed development consists of a building or structure less than 100 square feet in floor area, a smaller site may be approved, provided that a separation distance of seven (7) feet is maintained from all site lines.
- (e) The minimum required front yard for accessory buildings and structures shall be the same, as the minimum required front yard for the principal building on the same site.
- (f) Veterinary clinics or animal hospitals which include facilities for the keeping of large animals will require approval as a **conditional use** as well as larger lot size and setbacks.

PART 5: REQUIREMENTS FOR SPECIFIC USES

Home-Based Businesses

- 5.1 Home-based businesses are considered as **permitted uses** in any zone which allows dwellings and/or residences and they are governed by the following standards:
- (a) They shall be conducted by a person or persons residing in the dwelling;
 - (b) Persons employed or otherwise engaged in the business who do not reside in the dwelling may not exceed:
 - (i) Five (5) persons in the “**AG**” **Agricultural General Zone**, and
 - (ii) Two (2) persons in **ALL** other zones where they may be developed;
 - (c) In all zones, except the “**AG**” **Agricultural General Zone**, there can be no processing or outside storage of goods or materials, without Council approval;
 - (d) Not more than 1,000 square feet of floor area of the dwelling or accessory building may be devoted to the business;
 - (e) One (1) business sign, either freestanding or affixed to the wall of a principal or accessory building, is permitted, not exceeding an overall area of:
 - (i) In the rural zones, thirty-two (32) square feet;
 - (ii) In the urban zones, twelve (12) square feet in any location other than the required front yard, and eight (8) square feet in the required front yard.
 - (f) They shall not generate undue traffic or congestion, adversely affect the amenity and convenience of the neighbourhood, or create a nuisance, and
 - (g) In the urban zones, the residential character of the property shall be maintained.

Livestock Operations

- 5.2 Livestock operations may be allowed in the rural and agricultural areas of the Municipality and, depending on size, site, and situation, may be considered as a **permitted use** or as a **conditional use** under this By-law. All newly siting and/or expanding livestock operations **with 300 or more** animal units (cumulative across species) in size are deemed to be a **conditional use** and therefore require Council approval and are also subject to provincial a provincial technical review report the details for which are prescribed in *The Planning Act* . processing and decision-making.

Municipal approval of all livestock operations of 300 AU or more in size (cumulative across species) are subject to the a provincial technical review of the proposal by the Provincial Technical Review Committee and said report must be made available to Council a minimum of 30 days before the required **conditional use** Public Hearing is held by Council. *The Planning Act* further requires that no development or expansion of existing operations shall take place until **ALL** approvals, permits, and licenses have been obtained for all newly siting and/or expanding livestock operations involving 300 or more animal units (cumulative across species). *The Planning Act* also requires that municipal approval shall impose **NO** conditions respecting the storage, application, transport, or use of manure from a livestock operation other than the conditions intended to reduce odours from the livestock operation (i.e., a manure storage cover and/or a shelterbelt planted around a manure storage facility).

In addition, all livestock operations greater than 300 AU in size (cumulative across species) and all pig operations involving 10 AU or more **MUST** also be in compliance with other provincial regulations such as the Livestock Manure and Mortalities Management Regulation as amended. Manure storage facilities and field applications are also subject to provincial regulations including the requirement for the operator of a livestock operation involving 300 or more animal units and all pig operations with 10 or more animal units (cumulative across species) to file an annual manure management plan with the provincial department having jurisdiction. Manure storage facilities and large volume water supply sources require approval under provincial regulations.

5.3 livestock operations are generally allowed in the rural and agricultural areas of the municipality subject to all of the following:

(a) **Within areas zoned “AG” Agricultural General Zone:**

- (i) all existing agricultural uses (General or Specialized) involving the keeping of livestock, whether that be livestock on pasture or livestock operations (as defined by this By-law), shall be allowed to continue as a permitted use at the size and type of operation existing on-site on the date of adoption of this By-law;
- (ii) all existing livestock operation shall be allowed to expand as a **permitted use up to 299 animal units (cumulative across species)** in size and any such expansion may be approved by the municipality through issuance of a **Development Permit** and any required **Building Permit**;
- (iii) all newly siting or expanding **livestock operations 300 animal units or greater in size (cumulative across species)**(ex. 240+ beef cows) will be considered as a **conditional use** and shall be considered for approval pursuant to requirements of **The Planning Act** and **PART 7 of this By-law**, including the requirements for a Technical Review Committee report and a **conditional use** Public Hearing;
- (iv) expansion of any livestock operation in the **“AG” Zone** may be limited by its location relative to existing unrelated residences or nearby designated/zoned areas and urban settlements in accordance with the minimum mutual separation distances as determined by size of the livestock operation in **PART 5, Table 5-2 of this By-law.**

- (b) **Within areas zoned “AL” Agricultural Limited Zone:**
- (i) all existing agricultural uses (General or Specialized), including livestock operations as defined in **PART 9 this Bylaw**, shall be allowed to continue as a **permitted use** at the size and type of operation existing on-site on the date of adoption of this By-law;
 - (ii) all newly siting and/or expanding livestock operations over 50 animal units (ex. 40 beef cows) in size in the “**AL**” **Zone** will all require Council’s approval through the **conditional use** process pursuant to *The Planning Act* and **PART 7 of this By-law**;
 - (iii) expansion of any livestock operation in the “**AL**” **Zone** may be limited by its location relative to existing unrelated residences and/or urban settlements and designated/zoned areas in accordance with the minimum mutual separation distances as determined by the size of the livestock operation in **PART 5, Table 5-2 of this By-law**.
 - (iv) All newly siting or expanding livestock operation 300 AU (cumulative across species) located in the “**AL**” **Agricultural Limited Zone** shall be treated as a conditional use and shall be subject to a Provincial Technical Review report as provided for in the Planning Act.
- (c) The keeping of livestock in the “**GD**” **Zone** will typically not be allowed. Council may, however, entertain proposals for the keeping of a small number of livestock in a “**GD**” **Zone** provided that approval is granted via the **conditional use** process, including a Public Hearing and a **Conditional Use Order**, and provided that the total number of livestock (cumulative across species) is limited to a maximum of three (3) animal units per acre.
- (d) For the purposes of administration and enforcement of this By-law, animal units shall be calculated in accordance with **PART 5, Table 5-1 of this By-law** by multiplying the number of animals by the number of animal units produced by one livestock.

TABLE 5-1: ANIMAL UNIT SUMMARY TABLE

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

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

Siting of Livestock Operations

- 5.4 The siting or expansion of livestock operations within the Municipality will be managed through administrative processes involving **Development Permits** and **Building Permits** and **conditional use orders** (where required) in accordance with the provisions of The Planning Act and this By-law. The intent of the provisions set out below is to promote compatibility between livestock operations and unrelated residential uses and designated areas within the Municipality.
- 5.5 Where the size of a newly siting or expanding livestock operation is **300 animal units (AU) or more in size (cumulative across species)**, it shall be deemed a **conditional use** and will be subject to the requirements contained in this By-law under **PART 5, Section 5.8 and Section 5.9**, the requirements of the **“AG” Zone**, and approval under *The Planning Act* which includes a requirement for a provincial technical review for **all newly siting and/or expanding livestock operation 300 or more animal units in size** (cumulative across species) to obtain all municipal and provincial permits approvals and licenses before the commencement of construction of the proposed development or expansion takes place.
- 5.6 The minimum mutual siting standards under **Table 5-2 of this PART** (below) will help to direct the location of new livestock operations relative to existing development, particularly unrelated residences and designated areas and urban settlements. The minimum mutual separation distances in **Table 5-2 of this PART** increase with the size of the livestock operation and are based on but greater than minimum provincial mutual separation distance requirements. Proposals to expand existing livestock operations will be guided by these separation distance requirements. Council may consider an application to vary these requirements on a case by-case basis should the circumstances surrounding a proposal for a new or expanding livestock operation warrant such an approval which would be subject to the process (i.e. public hearing) and other requirements of *The Planning Act*.

TABLE 5-2: MINIMUM SEPARATION DISTANCES FOR SITING LIVESTOCK OPERATIONS

Size of Livestock Operation in Animal Units	Separation Distance in Feet From Single Residence		Separation Distance in Feet from Designated Areas	
	To Earthen Manure Storage Facility	To Animal Housing Facility and Non-earthen Manure Storage Facility	To Earthen Manure Storage Facility	To Animal Housing Facility and Non-earthen Manure Storage Facility
10 – 100	1200	600	3200	2100
101 – 200	1800	900	4800	3200
201 – 300	2600	1300	6600	4300
301 – 400	2800	1400	7400	4900
401 – 800	3200	1600	8200	5400
801 – 1600	3800	1900	9800	6500
1,601 – 3,200	4600	2300	11400	7600
3,201 – 6,400	5200	2800	13000	8700
6,401 – 12,800	6000	3000	14600	9800
> 12,800	6600	3300	16400	10900

- 5.7 To help protect riparian area health and water quality, no livestock confinement structure, including building, seasonal shelter or fenced enclosure (excluding an open pasture) shall be constructed or located within **330 feet** of a surface watercourse (which flows either perennially or intermittently beyond the site of the facility), water wells, or other drinking water sources (ex. source water protection areas) as set out in provincial regulations (i.e. Livestock Manure and Mortalities Management Regulation 42/98, as amended under The Environment Act) which include minimum setback requirements from property lines and water features.
- 5.8 An application for a development permit or a conditional use approval of a newly siting or expanding livestock operation shall be made on forms prescribed by Council and in addition to the information required by **PART 7, Section 7.7 of this By-law**, accompanied by the following:
- (a) Site plan showing location of all lands forming part of the proposed operation and a description of the type of operation;
 - (b) Plans, specifications and descriptions, for
 - (i) The animal housing facilities,
 - (ii) The manure handling system (including manure storage and odour reduction plans), and
 - (iii) Location of land proposed for manure application;
 - (c) A site plan showing the location of housing, storage and other facilities and their distances from property boundaries as well as the distance from water wells and surface water bodies.
 - (d) Number and type of livestock plus maximum capacity (in animal units); and
 - (e) Documentation confirming total lands owned and/or under lease, which are to be used as part of the proposed livestock operation.
- 5.9 Council may approve a livestock operation subject to conditions in accordance with *The Planning Act* and, for livestock operations involving 300 or more animal units (cumulative across species), that Act **prohibits** Council from imposing any conditions of approval regarding the storage, application, transport, or use of manure from a livestock operation. Conditions of approval (which must be both relevant and reasonable) are limited by the Act to the following:
- (a) Measures to ensure conformity with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law in effect;
 - (b) Measures to implement recommendations made by the Provincial Technical Review Committee;
 - (c) One or both of the following measures intended to reduce odours from the livestock operation:

- (i) Requiring covers on manure storage facilities,
 - (ii) Requiring shelter belts to be established;
- (d) Requiring the owner of the affected property to enter into a development agreement with the Municipality.

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

- 5.10 No dwelling or mobile home or other habitable building shall be constructed or located within 1,500 feet of the site of any municipal sewage lagoon or solid waste disposal site.
- 5.11 No dwelling or mobile home or other habitable building shall be constructed or located within 2,640 feet of the site of an anhydrous ammonia storage tank or a bulk chemical storage facility.
- 5.12 No building, dwelling, mobile home or farm building or structure shall be located within 1800 feet of the edge of the right of way of any pipeline regulated by a federal or provincial agency, unless specific approval has been granted by the authority having jurisdiction.
- 5.13 No building, dwelling, mobile home or farm building or structure shall be located within 100 feet of the edge of the right-of-way of any railway, unless the structure is required for railway operations, or requires railway service.
- 5.14 No building, dwelling, mobile home or farm building or structure shall be constructed or located within an area which has been designated as a high or medium quality aggregate area by the Province of Manitoba, unless the site has been further reviewed by the Mines Branch and a recommendation provided which would allow development to proceed. Where the proposed building is a dwelling or mobile home, a separation distance of 500 feet shall be provided between the building location and the edge of the deposit.
- 5.15 Any proposal to establish any building, structure, mobile home or farm building or structure which exceeds a building height of ten (10) feet, or to establish a shelterbelt or similar obstruction within the flight approaches of any aircraft landing area for a distance of one (1) mile, shall be deemed to be a conditional use, and shall be subject to the approval of Council.

Hazardous Materials Storage

- 5.16 Unless the listed distances are varied by Council, no bulk farm chemical supply warehouse, inland grain terminal, bulk fuel or fertilizer storage, or anhydrous ammonia storage facility shall be located within:
- (a) 2,640 feet of a building used for human habitation;
 - (b) 2,640 feet of a **“GD” General Development Zone and/or** designated area;

- (c) 330 feet of a municipal road or provincial highway, water wells, surface water bodies and source water protected areas.
- (d) Or on sites which are subject to flooding (see Part 6 of this By-law).

Oil Batteries

- 5.17 A new oil battery is subject to good neighbour siting standards and may be approved as a **permitted use** in accordance with the **Southwest Planning District Development Plan's Mineral Resources Policy – PART 2, Policy 2.3.8**, where a new oil battery development is proposed to be located in areas zoned “**AG**” **Agricultural General Zone** or “**AL**” **Agricultural Limited Zone** by this By-law when:
- (a) The proposed location of a new oil battery **exceeds** 1.5 km (0.93 mile) separation distance from all existing residences;
 - (b) The proposed location of the new oil battery is within 1.5 km (or 0.93 of a mile) separation distance from an existing residence and has received the **unanimous consent** from the registered owners of all residences within 1.5 km (or 0.93 of a mile) separation distance and the proposal has technical approval from the Petroleum Branch under the Oil and Gas Act.
- 5.18 An application for a new oil battery **Development Permit** that satisfies **Section 5.17 (b) of this PART** (above) shall be treated as a **Permitted Use** but must be accompanied by a report from the oil battery proponent confirming consent has been received from ALL adjoining residents within the good neighbour separation distance as applicable; and certification from the Petroleum Branch confirming the proposed oil battery complies with the design and construction standards set by the Province.
- 5.19 A new oil battery may be approved as a **conditional use** in accordance with the **Southwest Planning District Development Plan Mineral Resources Policy – PART 2, Policy 2.3.8** where a new oil battery development is proposed to be located in areas zoned “**AG**” **Agriculture General Zone** or “**AL**” **Agricultural Limited Zone** by this By-law when:
- (a) The proposed location of the new oil battery is within 1.5 km (or 0.93 of a mile) separation distance from an existing residence and has **NOT received unanimous consent** from the registered owners of all residences within 1.5 km (or 0.93 of a mile) separation distance of the proposed oil battery, but the proposal has technical approval from the Petroleum Branch under the Oil and Gas Act.
- 5.21 Council will hold a Public Hearing for the **conditional use** application and thereafter make a decision (to approve; or approve with conditions; or reject the application) in accordance with the provisions of *The Planning Act*, and issue a **Conditional Use Order** as necessary.
- 5.22 An application for **conditional use** approval of a new oil battery shall be accompanied by a copy of a report from the oil battery proponent indicating the results of the consultations completed with adjoining residents and a report from the Petroleum Branch providing an analysis of the new oil battery proposal and any recommendations or conditions respecting the location of the new oil battery. The comments received by the Petroleum Branch from

it's Technical Advisory Committee, comprised of a number of government departments, would be a welcomed addition to the Council table for consideration of a new oil battery. The Council may at its discretion request a review and recommendations from Manitoba Sustainable Development (or such other agencies or experts as Council shall determine) to assess and provide recommendations or conditions respecting the location of the new oil battery.

- 5.23 While Council **may set a fee** for processing an application for municipal approval of new oil batteries, the costs of the Public Hearing process and related reports providing additional assessment and recommendations regarding oil battery siting under the good neighbour siting standards shall be the responsibility of the municipality.
- 5.24 Oil battery good neighbour siting standards are **mutually** applicable to new residences in accordance with the **Southwest Planning District Development Plan's Mineral Resources Policy - PART 2, Policy 2.3.8**. When an application is received to establish a new residence within 1.5 km (or 0.93 of a mile) of an existing oil battery and the consent of the oil battery operator is **NOT obtained in writing** and provided to the Municipality, the proposed residence shall become a **conditional use** and the procedures for the processing a conditional use application shall apply as set out in this by-law and *The Planning Act*.
- 5.25 Council may request a report from Manitoba Sustainable Development (or such other provincial departments or agencies that Council shall determine) to assist Council, neighbours, and/or impacted stakeholders in their review of a development proposal and the setting of any conditions of approval intended to ensure the compatible locations of oil batteries and residences within the Municipality of Deloraine-Winchester.
- 5.26 The location and/or siting of any proposed oil battery shall be respectful of any area which has been identified by the Province as being "sensitive wildlife habitat" and/or "sensitive ecological area" and which may be subject to provincial policy and regulation. Information regarding the location of provincially identified sensitive areas will be provided to the proponent by the provincial authorities having jurisdiction.

Wind Energy Generating Operations (WEGO)

- 5.26 Wind Energy Generating Operations (WEGO) may be allowed as a **conditionally approved use** in the rural and agricultural areas of the municipality in areas zoned "**AG**" by this By-law.
- 5.27 WEGO developments shall be located a minimum of one-half mile (2640 feet) from all urban settlements and designated areas within the municipality including areas zoned "**GD**".
- 5.28 New residences to be sited in the vicinity of a WEGO, other than the residence of the owner of the lands upon which a WEGO is located, shall be separated a minimum distance of 1640 feet from the nearest adjacent wind turbine tower constructed as part of WEGO.
- 5.29 WEGO will typically require approvals of its various components from governmental agencies as required by local, provincial and federal laws.

- 5.30 For municipal approvals, proponents of any WEGO shall submit a detailed site plan showing the location of any wind energy generation devices (ex. wind turbines) associated buildings and structures, electrical lines (above ground or buried) private on-site roads, and driveways for access to the public road system.
- 5.31 Buildings and accessory structures forming part of any WEGO shall comply with the common front yard setback of 125 feet which applies to most land uses in the “AG” Zone adjacent to a public road in the municipality; setbacks for turbines are listed below.
- 5.32 While Wind Energy Generation Operations (WEGO) intended for commercial production shall be approved as **conditional uses** under this By-law, WEGO intended to serve only a single use for their own sole use will be considered as an **accessory use** to any permitted or conditional use and shall require a **Development Permit**. The **conditional use** approval process requires that Council hold a Public Hearing to deal with any municipal issues related to the proposed development (ex. development agreements for the use, maintenance, and rebuilding of roads damaged by construction activities) whereas the public participation process required under the Environmental Act is intended to deal with environmental aspects of the proposed development.
- 5.33 An instrument tower (use for wind and/or meteorological research) may be allowed on selected sites, subject to approval by **Development Permit**, for a term set out in the **Development Permit**. The site for any such tower may be under lease or other legal instrument signed by the registered land owner or owned by the proponent.
- 5.34 For the purposes of this By-law, an application for a WEGO development involving more than one parcel of land with separate title(s) may be processed at one time through the use of a consolidated conditional use hearing, but **individual parcel specific conditional use orders** shall be issued to the each land owner who has owns land forming part of and having WEGO's on their respective land holdings.
- 5.35 WEGO development located adjacent to petroleum wells, wetlands or water courses, and provincial roads or highways will be subject to setback requirements set by the Province and approvals from the authorities having jurisdiction.
- 5.36 Proponents of a WEGO are responsible for obtaining any required Federal and/or Provincial permits or approvals from agencies such as, but not limited to Transport Canada, NAV Canada, Manitoba Hydro, Manitoba Infrastructure, and Manitoba sustainable development, prior to the issuance of a **Conditional Use order** and any required **Development Permit** and **Building Permits** (if required).
- 5.37 When locating a proposed wind turbine in the vicinity of an airport all Transport Canada regulations regarding height and location of buildings and structures shall be satisfied.
- 5.38 All signage affixed to a commercial WEGO shall be subject to the approval of Council.
- 5.39 Following approval of any **conditional use order** for a WEGO, any **Development Permit** required under this By-law and any **Building Permit** (if required) shall be obtained prior to the commencement of construction of a WEGO.

- 5.40 For purposes of administration and enforcement of this By-law, the total height of a wind turbine shall be the distance measured from the ground to the uppermost point of the extension of any rotor blade.
- 5.41 Wind turbines as part of a WEGO development shall adhere to the following setbacks:
- (a) a minimum distance equal to the total height of the wind turbine from any property boundary, including the boundary of a public road or other right-of-way. Exception to this minimum setback distance with respect to property lines may be allowed where the property line nearest to any given wind turbine represents a quarter line within a section of land. In such instances, the minimum setback from the property line to the base of the wind turbine maybe reduced to 25 feet provided that the adjoining land owner has given written consent including a lease or similar legal agreement.
 - (b) a minimum distance of 1640 feet from any existing residence in the “**AG**” **Zone** with the exception of a residence on lands owned or leased as part of a WEGO.
 - (c) a minimum distance equal to the total height of the wind turbine from a land owners dwelling(s) located on the same parcel as the WEGO.
 - (d) a minimum distance equal to its total height where a wind turbine located on the same site and in direct support of either a permitted or conditionally approved agricultural use or residence (farm dwelling).
 - (e) a minimum distance of 1640 feet from all dwellings or other habitable buildings (eg. bed & breakfast or motel) on land not associated with the WEGO.
 - (f) a minimum distance of 1320 feet from non-dwelling principal structures (ex. hog barn) on the same or adjacent properties.
- 5.42 The municipal setback requirements for wind turbines may be varied by Council on a case by case basis where circumstances are acceptable to Council as well as to local residents and land owners.
- 5.43 Sites for wind turbines may be located on lands owned by the proponent or on lands leased or secured by legal instrument from the registered landowner(s) provided that those sites have frontage on a public road, or have access to a public road secured by a right-of-way agreement for access which could be registered as a caveat against the affected titles where appropriate. Council may require such an access agreement as a condition of their approval for any WEGO.
- 5.44 Agricultural land uses approved as permitted uses or conditional uses may, subject to satisfying all other provisions of this By-law, co-exist on the same parcels or sites with any WEGO.
- 5.45 The location of any proposed WEGO shall be respectful of any area which has been identified by the Province as a “sensitive wildlife habitat” or “sensitive ecological area” and which may be subject to Provincial policies and regulations. Information about the location of provincially identified sensitive areas will be provided to the proponent by provincial authorities having jurisdiction.

PART 6: MISCELLANEOUS REQUIREMENTS

Land Subject to Flooding

- 6.1 No habitable buildings or structures shall be built in areas in the vicinity of creeks or streams which, in the opinion of Council, are subject to flooding by a one in a hundred year flood event, unless the owner provides sufficient information prepared by a qualified consultant to demonstrate compliance with the policies of the **Southwest Planning District Development Plan**.
- 6.2 Where development is proposed in an area which, in the opinion of Council, may be subject to ponding due to snowmelt or heavy rainfall events, the owner may be required to provide additional measures, including the provision of sufficient fill around the building, to provide an additional measure of protection from flood damage.
- 6.3 No permanent building shall be constructed or placed on 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.

High Water Table Areas

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

Site Reduced by Road Widening

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

Building Removal

- 6.6 Upon completion of the removal or demolition of a building from a site, the old foundation shall be removed, any excavation shall be filled, the ground shall be levelled and the site shall be put in a safe condition to the satisfaction of the local **Building Inspector/Development Officer** who the **Council** shall rely on for advice that the site owner has undertaken appropriate action to ensure public safety on the affected site.

Road Access

- 6.7 No permanent building may be constructed or placed on a site which does not have frontage on a public street or legal access to the public road system.

Public Monuments and Cairns

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

Signs

- 6.9 Most, but not all, signs are allowed to be located in the rural and agricultural areas of the municipality without a requirement for a development permit, but the following requirements apply:
- (a) Identification and advertising signs are allowed as accessory structures in all zones, but advertising signs in excess of fifty (50) square feet in area require Council approval.
 - (b) Home-based business signs shall be limited in size depending on their location in urban or rural zones (see Section 5.1 of this By-law).
 - (c) 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, obstruct the view of any highway or street intersection or railroad crossing or be deemed to be a potentially dangerous distraction to the motoring public.
 - (d) The placing of a sign structure within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the provincial authority having jurisdiction.
- 6.10 All signs and their support structures shall be kept in good repair. Signs, which have become obsolete because of the discontinuance of the business service and have not been removed or relocated with thirty (30) days following such condition, maybe removed by the Municipality at the owner's expense.

Temporary Buildings, Structures & Uses

- 6.11 Temporary buildings, structures and uses of land (including portable buildings) 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 **Building Permit** (if required) and only for the following purposes:
- (a) Offices for the contractor or developer or project supervisor;

- (b) Accommodation for a caretaker;
 - (c) Storage of materials and equipment;
 - (d) Temporary placement of concrete batch and asphalt plants incidental to and necessary for highway construction and maintenance.
- 6.12 A **Development Permit** for a temporary building or structure or use shall be valid for one (1) year and may not be renewed for more than two (2) successive years.
- 6.13 Notwithstanding **PART 3, Section 3.4 of this By-law** (Projections into Yards), 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** and **Building Permit** (if required).

Development Near Waste Disposal Sites

- 6.14 No habitable building, commercial building or mobile home shall be constructed or located within 1500 feet of any active or abandoned waste disposal site, unless, in the case of an abandoned waste disposal site, it can be demonstrated by a geotechnical specialist that there will be no unacceptable risks presented by the migration of dangerous gases or other unfavourable subsoil condition.

Development Near Sewage Lagoons

- 6.15 No habitable building or mobile home shall be constructed or located within one thousand five hundred (1,500) feet of any sewage lagoon.

Railways

- 6.16 Nothing in this By-law shall be interpreted so as to interfere with the normal railway operations and maintenance of railway trackage.
- 6.17 All railway office buildings, warehouse facilities, maintenance buildings, and storage areas shall be subject to the requirements of this By-law.

Development Near Provincial Highway System

- 6.18 For any structure or construction proposed for any location near or adjacent to provincial highways or within the control areas established by the Province adjacent to the provincial highway system, **Provincial Permits are required from the Highway Traffic Board or the provincial department having jurisdiction.** Permits from this Department and/or Board

are also required for any new, modified, or relocated driveway providing access to a provincial road or provincial trunk highway.

Development Near Watercourses

- 6.19 To assist with the goal of retaining riparian areas, any permanent development within the rural and agricultural areas of the Municipality proposed to be situated near watercourses will be encouraged to maintain a general setback of 50 feet on either side of the watercourse and that setback will increase to 100 feet in situations where the Province has identified indications of fish species (ex. walleye, northern pike, etc.) and communicated this information in writing to the Municipality.

Private Water Supply and Sewage Disposal Systems

- 6.20 In situations where municipal water supply and/or sewage collection and disposal services are not available, land owners may choose to construct private water supply and sewage disposal systems on their development site. Provincial regulations allow for a variety of on-site wastewater management systems which must be registered with Manitoba Sustainable Development prior to their installation. It is the responsibility of the land owner to apply for provincial permits and/or approvals for any private water supply and sewage disposal system. Similarly, Manitoba Sustainable development requires certain types of development serving the Public to utilize water supplies approved by the Department.

Subdivision of Land

- 6.21 The subdivision process enabled by *The Planning Act* normally results in the creation of a new Certificate of Title which is guaranteed by the Province of Manitoba after that title is registered Manitoba Land Titles.

An application for subdivision requires the approval of Council as part of the legislated approval process and Council may grant its approval only when that application generally conforms to the **Southwest Planning District Development Plan By-law** and the parcel meets the requirements established by Council in this **Zoning By-law**.

PART 7: ADMINISTRATION

Administration and Enforcement

- 7.1 Council for the Municipality of Brenda-Waskada shall be responsible for the administration and enforcement of this By-law and one or both may direct the **Development Officer/Building Inspector** and **municipal solicitor** to proceed with enforcement under **PART 8 of this By-law**. Council may also consider arrangements with other municipal councils (such as the participating members of the Southwest Planning District) to share the costs of administration and enforcement of this By-law subject to the signing of an agreement specifying the services to be shared and the cost sharing formula for each or all services. **The Southwest Planning District Board** could be asked to sign such an agreement and perform the specified services on behalf of member municipal councils.

Development Permits

- 7.2 A **Development Permit is required** for any of the following:
- (a) Subject to **Section(s) 7.3 and 7.4 of this PART**, the erection, construction, enlargement, structural alteration or placing of a building or structure;
 - (b) The establishment of a use of land or a building or structure;
 - (c) The change of a use of land or a building or structure from the existing use to a permitted or conditional use;
 - (d) The alteration or enlargement of an approved permitted or conditional use.
- 7.3 Every owner shall be required to obtain a **Development Permit** prior to the commencement of development, including the commencement of construction or relocation of any building or structure, except as provided in Section 7.4 following. The issuance of a **Development Permit** in respect of a building or structure does not affect the obligation to obtain a **Building Permit** or other permit where they are required under the municipal building by-law for such a building or structure, nor does it relieve the owner from the responsibility of obtaining any other local, provincial or federal permit or approval that may be required by any other administrative body, including business licences, environmental licenses, highway access and structures approvals, and similar approvals.
- 7.4 A **Development Permit is not required** for the following:
- (a) The maintenance, replacement or restoration of building components and finishes, provided that the size of the building or structure is not materially increased, or the structural load carrying capacity of any component is not reduced.
 - (b) The erection, construction, enlargement, structural alteration or placing of the following as accessory structures:

- (i) Fences;
- (ii) Signs (not including advertising signs in excess of 50 sq. ft. in area);
- (iii) Lighting;
- (iv) Flagpoles;
- (v) Sheds and buildings for the storage of domestic equipment and supplies, (ex. farm buildings including granaries and machine sheds) as long as the proposed location is more than 125 feet from a property line adjacent to a public road allowance in the rural areas.
- (vi) Aerials, antennas, dishes, towers, or lines for television, radio, satellite, or communication services;
- (vii) Garden houses or children's playhouses;
- (viii) Water supply wells and onsite wastewater management systems which are subject to provincial approval;
- (ix) Unenclosed patios; and
- (x) Temporary signs and notices, including real estate signs.

7.5 Despite not requiring a **Development Permit**, all things listed in preceding **PART 7, Section 7.4 (above)** shall be subject to satisfying all of the requirements of this By-law.

7.6 An application for a **Development Permit** shall be made by the owner or owners of the site in question, or by a person authorized in writing by them.

7.7 An application for a **Development Permit** shall be accompanied by plans drawn to scale showing the following:

- (a) The shape and dimensions of the site to be used or built on;
- (b) The location and dimensions of existing buildings and structures;
- (c) The location and dimensions of the proposed building, structure, enlargement or alteration, including separation distances from site boundaries;
- (d) The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;
- (e) The location of vehicular access and utility connections; and
- (f) The location of any proposed water wells or on-site sewage disposal systems.

and shall include any other information required by the **Development Officer** to determine compliance with this By-law.

- 7.8 An application for a **Development Permit** shall be accompanied by the **fee** prescribed by Council or the Board.
- 7.9 Despite apparent compliance with this By-law, the **Development Officer** may refuse to issue a **Development Permit** where the proposed building, structure or use does not, to the Development Officer's knowledge, comply with the municipal building by-law or with any other law. Any such refusal may be subject to a review as provided under **PART 8, Sections 8.6 and 8.7 of this By-law**.
- 7.10 No person shall use or occupy any land, building or structure, or erect, construct, enlarge, alter or place any building or structure, except in accordance with an approved **Development Permit** (where required), and with the requirements of this By-law.
- 7.11 All proposed development shall be in accordance with the application and drawings submitted to and approved by the **Development Officer**. No work shall vary from the approved application and drawings without the prior written authorization of the **Development Officer**, and the owner shall ensure that all development is completed in accordance with the approved **Development Permit**.
- 7.12 The **Development Officer may revoke a development permit:**
- (a) Where any information accompanying the development application is incorrect or incomplete and an existing or proposed building, structure or use is thereafter found to be in contravention of this By-law, the building by-law, or any other law; or
 - (b) Where the **Development Permit** was issued in error.

Development Officer

- 7.13 The **Development Officer** shall be the person appointed by **Council; or by the Board of the Southwest Planning District** under any agreement signed by Council and other municipalities for joint services.
- 7.14 The **Development Officer**, on behalf of the municipality, shall issue development permits and otherwise administer the provisions of this By-law and *The Planning Act*, where applicable.
- 7.15 The **Development Officer** shall, as directed by Council, exercise the powers of remedy and enforcement set out in **PART 8 of this By-law**.
- 7.16 The Development Officer is authorized to grant or refuse, in his or her discretion, a minor variation not to exceed ten (10) percent of the requirements of this By-law in accordance with the provisions of the Planning Act regarding variances.

Zoning By-law Amendments

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

and shall include any other information required by the **Development Officer** to determine compliance with this By-law.

- 7.19 An application for a zoning amendment shall be accompanied by the **fee** prescribed by Council or the Board.
- 7.20 Upon receipt of a completed application, Council will consider the application for either a text or map amendment and may consult with a land-use planner or branches of the provincial government which can supply advice about the proposed changes to this Zoning By-law.
- 7.21 Following such consultation, review and report (if any) as the Council deems necessary, the application shall be considered by Council, which shall decide whether or not to start the procedures for enactment of an amendment and, as provided in *The Planning Act*, may do so only if the proposed amendment can be considered to be **generally consistent** with the intent and policies of the **Southwest Planning District Development Plan**.

Variances & Conditional Uses

- 7.22 An application for a **variance** and/or approval of a **conditional use** shall be made to the **Development Officer** by the owner or owners of the site, or by a person authorized in writing by them.
- 7.23 An application for a **variance** or approval of a **conditional use** shall be accompanied by the plans and information described in **PART 7, Section 7.7, of this By-law** and in the case of a livestock operation, by the information described in **PART 5 of this By-law**.
- 7.24 An application for a **variance** and/or a **conditional use** shall be accompanied by the **fee** prescribed by Council.

- 7.25 Where an application for a **variance** and/or **conditional use** has been submitted, a public hearing shall be held by the Council, to receive representations from any person with respect to the proposal, and notice of the public hearing shall be given as required by *The Planning Act*.
- 7.26 On receipt of an application for a **variance** and/or approval of a **conditional use** in proper form, Council may, prior to the required hearing date prescribed under *The Planning Act*, refer the application to Manitoba Indigenous and Municipal Relations or any other department or authority Council deems appropriate for their review and comment. For example, notice of any development, proposed to be located adjacent to or near the provincial highway system, should be given to the department having jurisdiction for review and comment (see **PART 6, Section 6.18**).
- 7.27 In accordance with provisions of *The Planning Act*, Council shall either approve or deny the **variance** and/or **conditional use**, and may establish conditions of approval appropriate to the circumstances, and issue a **Variance Order** and/or **Conditional Use Order** as may be required.
- 7.28 Council may subsequently **revoke** any **variance order** and/or **conditional use order** as a consequence of any violation of conditions specified at the time of approval.
- 7.29 In spite of receiving approval from Council for a **Variance Order** and/or **Conditional Use Order**, proponents of any development will also require municipal approval via a **Development Permit** as set down in **Sections 7.2 through 7.12 of this PART** and a Building Permit (if required).

Fee Schedule

- 7.30 Council or the Board shall establish a **fee schedule** for **Development Permits, zoning amendments, variance orders, conditional use orders non-conforming use certificates and zoning memoranda**.
- 7.31 All fees in connection with the administration and enforcement of this By-law shall be payable to the **Municipality** or if an agreement is in place, the **Southwest Planning District Board** and shall be collected by the **Development Officer** at the time an application is made for a Development Permit, zoning amendment, conditional use order, variance order, non-conforming use certificate or zoning memorandum, as the case may be.

PART 8: ENFORCEMENT

Inspections

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

Contravention Order

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

Review by the Board

- 8.6 A person who receives an order under **Section 8.4 of this PART**, or who is refused a permit under **PART 7, Section 7.9 of this By-law**, may request the **Board of the Southwest Planning District** to review the matter, by giving written notice within fourteen (14) days after the date on the Order issued under **PART 8, Section 8.4 herein** or decision issued under **PART 7, Section 7.9 of this By-law**.
- 8.7 After giving the person a reasonable opportunity to be heard, the **Southwest Planning District Board** may confirm, vary, substitute or cancel the Order or decision as determined by the Board in accordance with the policies and intent of the **Southwest Planning District Development Plan By-law**.

Remedying Contravention

- 8.8 If a person does not comply with an Order to remedy a contravention, **Council and-or the Board** may take any action or measure that is reasonable to remedy the contravention. Council will seek advice from their municipal solicitor about such actions under *The Planning Act*.
- 8.9 Council or the Board may apply to the Court of Queen's Bench for an injunction or other Order to enforce this Zoning By-law or to restrain a contravention of this By-law or Building by-law of the Municipality.
- 8.10 *The Planning Act* also defines offences and provides for penalties which can be invoked by the Court, including fines, imprisonment, or both.
- 8.11 A prosecution under *The Planning Act* must be commenced no later than two years after the day the alleged offence was committed.

PART 9: INTERPRETATION

Permitted Uses

- 9.1 Where a use appears in the Use and Bulk Tables of this By-law as a **permitted use**, it shall not be construed to include any use, which appears as a conditional use for the same zoning district. Upon review of a request from the **Development Officer** for a determination on a use not listed in the bulk table of the applicable zone, Council or the Board may, in accordance with *The Planning Act*, approve by **variance order** a use which is considered by Council to be readily identifiable as being similar in its impact on neighbouring development as uses listed as a **permitted uses** or **conditional uses** in that zone. While **a newly proposed or expanding conditional use** requires Council approval including a Public Hearing and issuance of a **conditional use order**, a **permitted use** may by contrast be approved by an administrative process including the issuance of a **Development permit** and a **Building Permit** (if required).

Definitions

- 9.2 Terms not defined in this By-law which are defined in *The Planning Act*, have the meaning provided in that Act, or otherwise, as defined in a standard dictionary.
- 9.3 Where the following terms appear in this By-law, they have the meaning provided as follows:

Accessory – where used to describe a use, building or structure, means that the use, building or structure is naturally and normally incidental, subordinate in purpose or area, or both, and exclusively devoted to the principal use, building or structure to which it is accessory.

Advertising Sign – means a sign directing attention to a business, commodity, service, entertainment or other matter, not conducted, sold, offered or carried out on the same site (or on an adjacent site under the same ownership) where the sign is maintained (includes a billboard and similar signs).

Agricultural Uses:

- (a) **General Agriculture** – means a use of larger tracts of land for agricultural purposes, (including cropping, dairying, ranching and the keeping of animals) and the necessary accessory uses for packing, storing or treating animal products, but does not include the following:
- (i) Specialized agriculture or livestock operations as defined below,
 - (ii) Storage, handling or processing of agricultural products on a large-scale commercial basis, or
 - (iii) Sales or servicing of agricultural equipment or agricultural buildings.

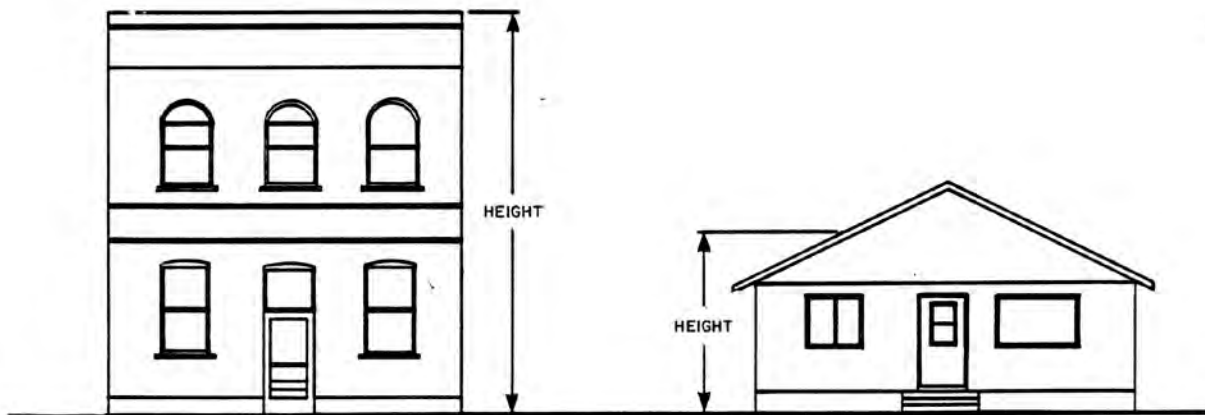
- (b) **Specialized Agriculture** – means agricultural activities such as market gardening, apiculture, floriculture, horticulture and activities of a like nature which do not require the use of large parcels of land to be sustainable.
- (c) **Livestock Operation** – means a permanent or semi-permanent facility or non-grazing area where at least 10 animal units of livestock are kept or raised either indoors or outdoors, and includes all associated manure collection facilities, but does not include an auction mart, an agricultural fair, or a livestock sales yard where livestock are kept on a short-term basis.

Aircraft Landing Area – includes all runways, open spaces, buildings and structures used in connection with the landing or take-off of aircraft.

Building – means the results of construction activities including:

- (a) A building or structure used or to be used for residential, commercial, industrial or agricultural purposes, or a combination of all or any of those purposes, or
- (b) A prefabricated building or structure of the kind described in clause (a), or
- (c) A mobile home.

Building, Height of – means the vertical distance measured from grade to the highest point of the roof surface of a flat roof, to the deck of a mansard roof, and to the average height level between eaves and ridge for a gable, hip or gambrel roof.



Bulk – means the size of buildings or structures (based on floor area and height), the site area and site width upon which a use, building or structure is located, the location of exterior walls of a building in relation to site lines, and all open spaces required along site lines.

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

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

Dwelling Unit – means one or more rooms used or intended to be used for residential purposes as a single housekeeping unit with cooking, sleeping and sanitary facilities.

Dwelling, Single-unit – means a detached building containing one dwelling unit used for residential purposes.

Dwelling, Two-unit – means a detached or semi-detached building containing two dwelling units where residents have exclusive occupancy of a dwelling unit.

Dwelling, Multiple-unit – means a building containing three (3) or more dwelling units, with each unit designed for and used by residents having exclusive occupancy of a dwelling unit.

Farm Building – means any building or structure used primarily for agricultural activities, but does not include a farm dwelling.

Farm Dwelling – means a dwelling unit associated with an agricultural operation which is the principal land use; this dwelling is typically located in a farmyard with other farm buildings.

Farmstead – means the buildings and adjacent service areas of a farm; this space generally includes the farmyard which contains the farm dwelling and farm buildings which are usually surrounded by a shelterbelt.

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

Kennel – means premises where pets (including more than five (5) dogs or ten (10) cats, but not including animals less than four (4) months of age) are boarded, bred, trained, cared for, or are kept for the purpose of sale.

Livestock – means animals not kept exclusively for pets including cattle, swine, horses, poultry, sheep, rabbits, and more exotic species (ex. emu, elk, bison, etc.)

Mobile Home – means a portable dwelling unit which is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached by which it may be transported, which can be located on a prepared pad and may be jacked up or skirted, and which conforms to *The Buildings and Mobile Homes Act* and provincial construction standards. Mobile home includes modular homes and similar units.

Oil Battery – means a development defined as a “battery” in the Manitoba Oil and Gas Act and generally refers to an on-site system of tanks or other surface equipment that receives fluid from, or delivers fluid to, one or more wells, and includes an injection plant, a pump station and equipment or a device designed to separate the fluid into oil, gas and water.

Parcel of Land - means a parcel as defined in *The Planning Act*.

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

Parking Area, Public - means an off-street parking area used for the temporary parking of vehicles and is available for public use whether free, for compensation or as an accommodation for clients, customers, employees or visitors.

Parking Space - means a space on a parking area, public parking area or zoning site for the temporary parking or storage of a motor vehicle.

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

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

Public Utility – means an organization incorporated to provide services to the public including water supply, sewage collection, electricity, telecommunication, gas or similar services to properties by means of pipes, lines and other equipment located on or under public roads and other rights-of-way.

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

Secondary Suite - means a self-contained accessory dwelling unit located within, forming part of or accessory to a permanent single-unit dwelling, farm dwelling or non-farm dwelling 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 accessory use does not include duplex housing, semi-detached housing, multiple-unit housing or apartment housing.

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

- (a) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on or in a building or other structure;
- (b) Is used to identify, direct attention to, or advertise;
- (c) Is visible from outside a building, but shall not include show windows as such; and

(d) May include the following types:

- (i) **Advertising Sign** - means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zoning site where the sign is maintained, including a billboard sign;
- (ii) **Bulletin Board Sign** - means a sign of permanent character, but with movable letters, words or numerals indicating the names of persons associated with, or events conducted upon, or products or services offered upon the premises upon which such sign is maintained, e.g., school, church, community centre, etc.;
- (iii) **Business sign** - means an accessory sign directing attention to a business, commodity, service or entertainment conducted, sold, or offered upon the same zoning site where the sign is maintained;
- (iv) **Identification Sign** - means an accessory sign that identifies the business, owner, or resident and/or the street address of the zoning site on which it is located and which sets forth no other advertisement;
- (v) **Mobile Sign** - means any structure designed for transport, which is placed or maintained at one (1) particular location for the express purpose and intent of promoting or conveying an advertising message. The removal of the wheels from such a sign does not change the inherent portability which was part of the design;
- (vi) **Real Estate Sign** means a sign advertising the sale, rental or lease of the premises on which it is maintained; and
- (vii) **Temporary Sign**
means a sign identifying temporary activities including construction project signs, real estate signs, political signs and advertising signs (includes mobile signs) taking place on the same site or a different site on which the sign is located.

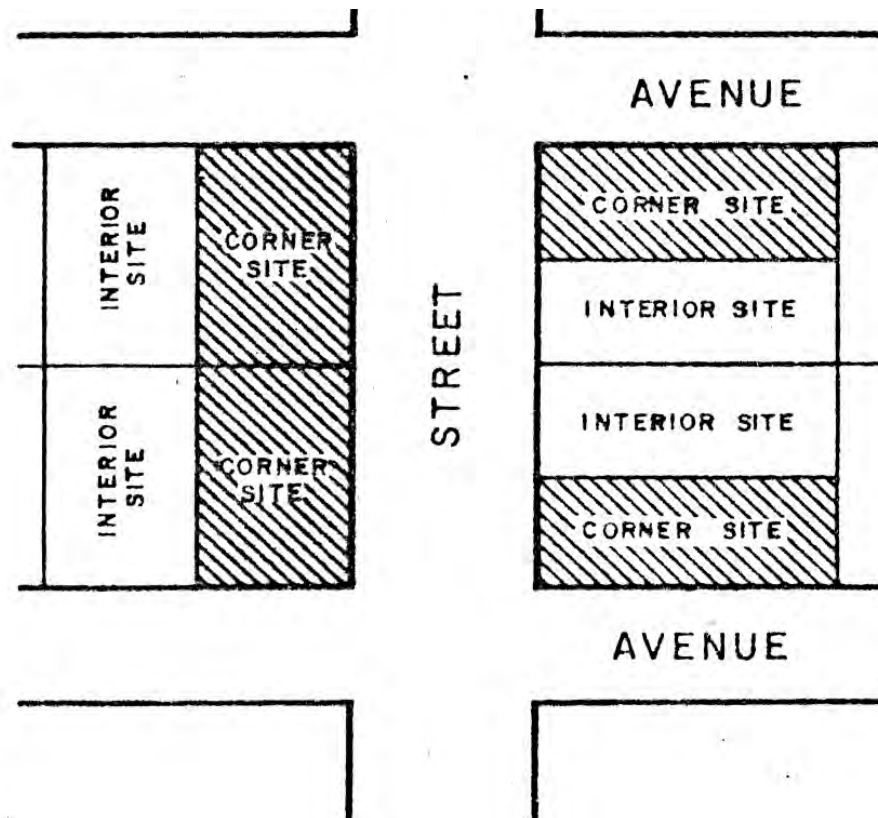
Sign Surface Area - means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any other material or colour forming an integral part of the display; excluding the necessary supports or uprights on which it is placed. In computing the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

Site – means an area of land which:

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

Site Area – means the computed area contained within the site lines.

Site, Corner – means a site situated at the intersection of two (2) streets.



Site Depth – means the horizontal distance between the centre points in the front and rear site lines.

Site Lines:

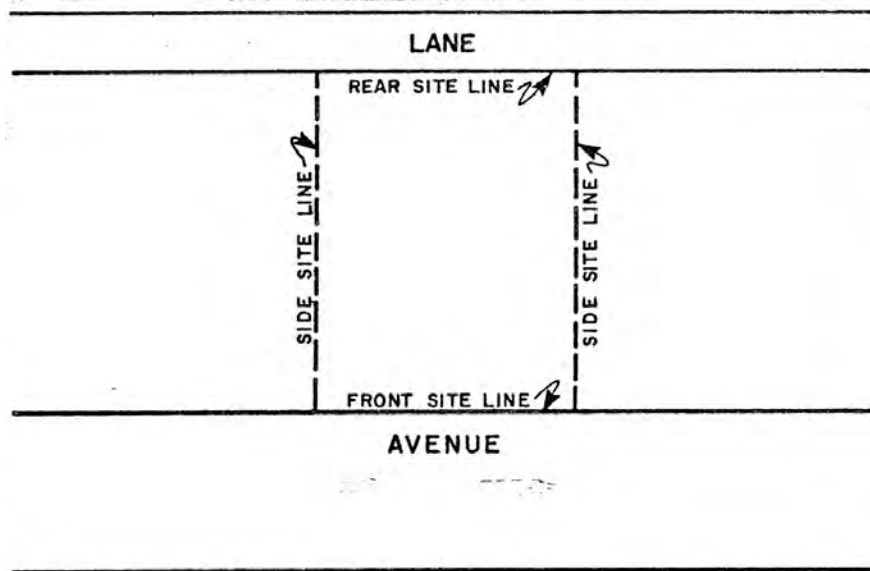
- (a) **Front Site Line** – means
 - (i) The boundary of a site along a public street or highway;
 - (ii) For a corner site, the continuation of the front site line of the abutting interior site.

(b) **Rear Site Line** – means

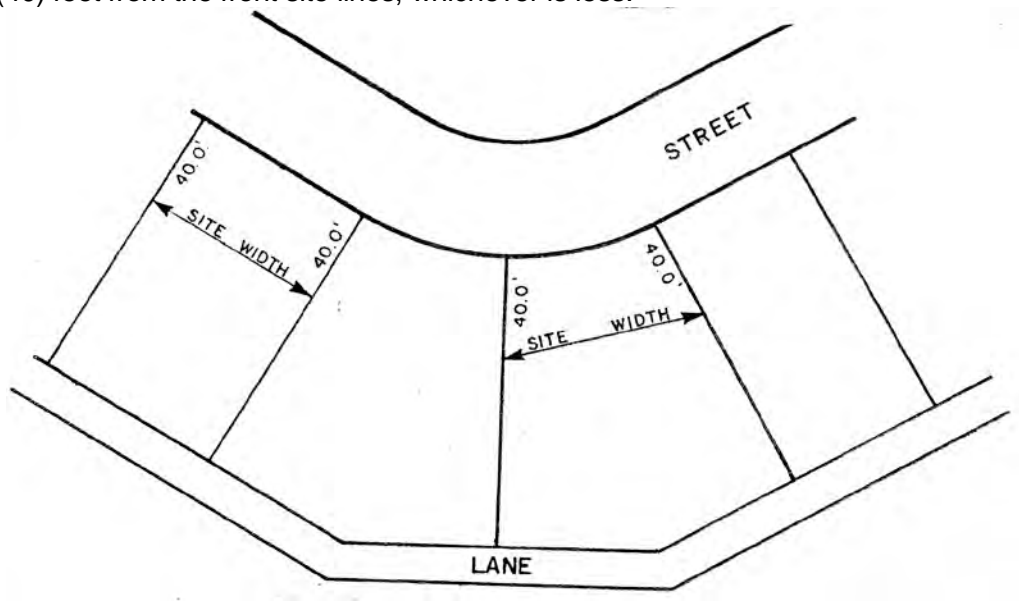
- (i) A boundary of a site which is most nearly parallel to the front site line;
- (ii) Where the side site lines intersect, a line ten (10) feet in length within the site, parallel to and at the maximum distance from the front site line.

Side Site Line - means any boundary of a site, which is not a front or rear site line.

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



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



Street – means a public highway, road allowance, lane, way, or thoroughfare (or any part thereof) which has a minimum right-of-way width of fifty (50) feet, and which provides the principal means of access to abutting property.

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

Surface Water - means any body of flowing or standing water, whether naturally or artificially created, including, but not limited to a lake, river, creek, spring, drainage ditch, roadside ditch, reservoir, swamp, wetland and marsh, including ice on any of them, but not including a dugout or reservoir on the property of an agricultural operation.

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

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

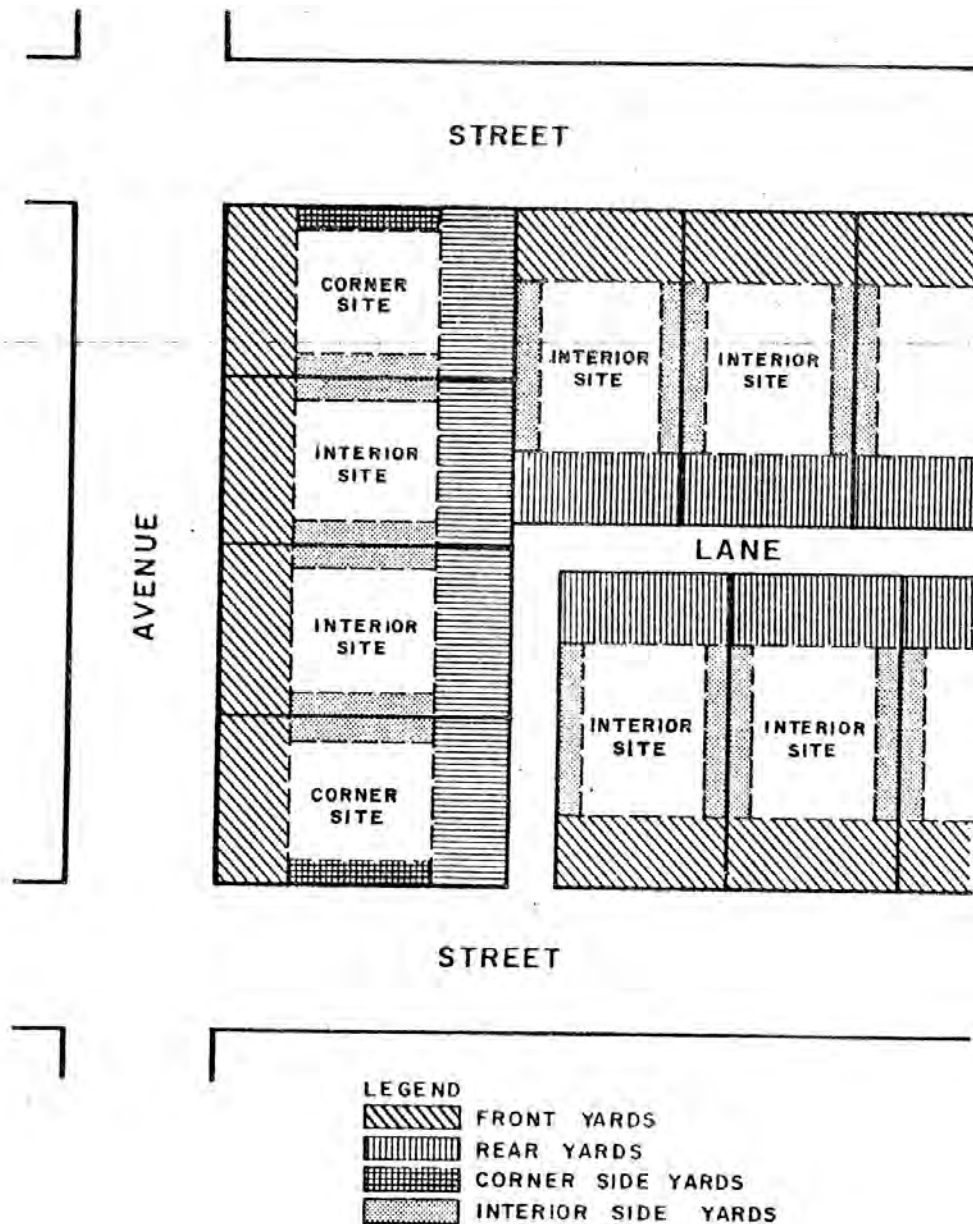
Waterbody - means any body of flowing or standing water, whether naturally or artificially created, and whether the flow or presence of water is continuous, intermittent or occurs only during a flood, including but not limited to a lake, river, creek, stream, slough, marsh, swamp and wetland, including ice on any of them.

Wind Energy Generating Operation – means one or more devices such as a wind charger, windmill, or wind turbine that converts wind energy to electrical energy and that, singly or collectively, produce electricity which is subsequently distributed on the provincial electrical grid (Manitoba Hydro) for consumption on a commercial basis.

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

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

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



Zoning Boundaries

9.4 The following rules of interpretation shall apply to the boundaries of the zoning districts shown on the **MAPS** comprising **Schedule "A"**:

- (a) Boundaries indicated as approximately following the centre-lines of streets, lanes, highways, rivers, or railway or public utility lines or rights-of-way shall be construed to follow such centre-lines;

- (b) Boundaries indicated as approximately following site limits as shown on a registered plan or a metes and bounds description or by reference to the Dominion Government Survey shall be construed to follow such site limits.
- 9.5 If a street, lane or government road allowance is lawfully closed, then the land formerly comprising the street, lane or government road allowance shall be included within the zone of the land, which surrounds it. If the said street lane or government road allowance was a zone boundary between two or more different zones, then the new zone boundary shall be the former centreline of the closed street lane or government road allowance.

SCHEDULE "A" - ZONING MAPS

Attached to

By-law No. 21-2017

of

Municipality of Brenda-Waskada

MAP 1: MUNICIPALITY OF BRENDA-WASKADA

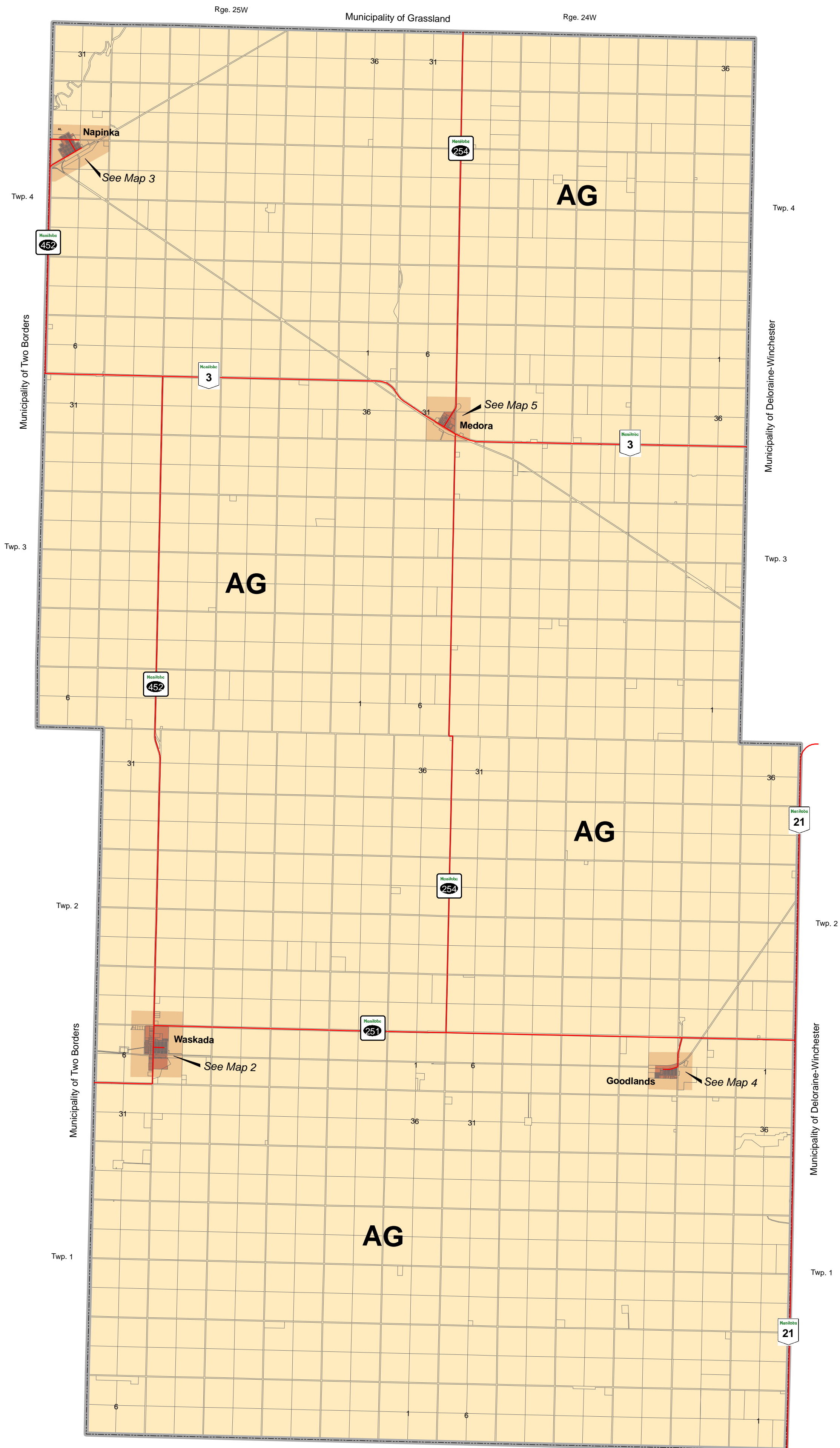
MAP 2: WASKADA

MAP 3: NAPINKA

MAP 4: GOODLANDS

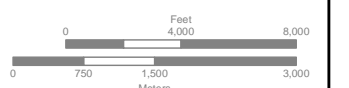
MAP 5: MEDORA

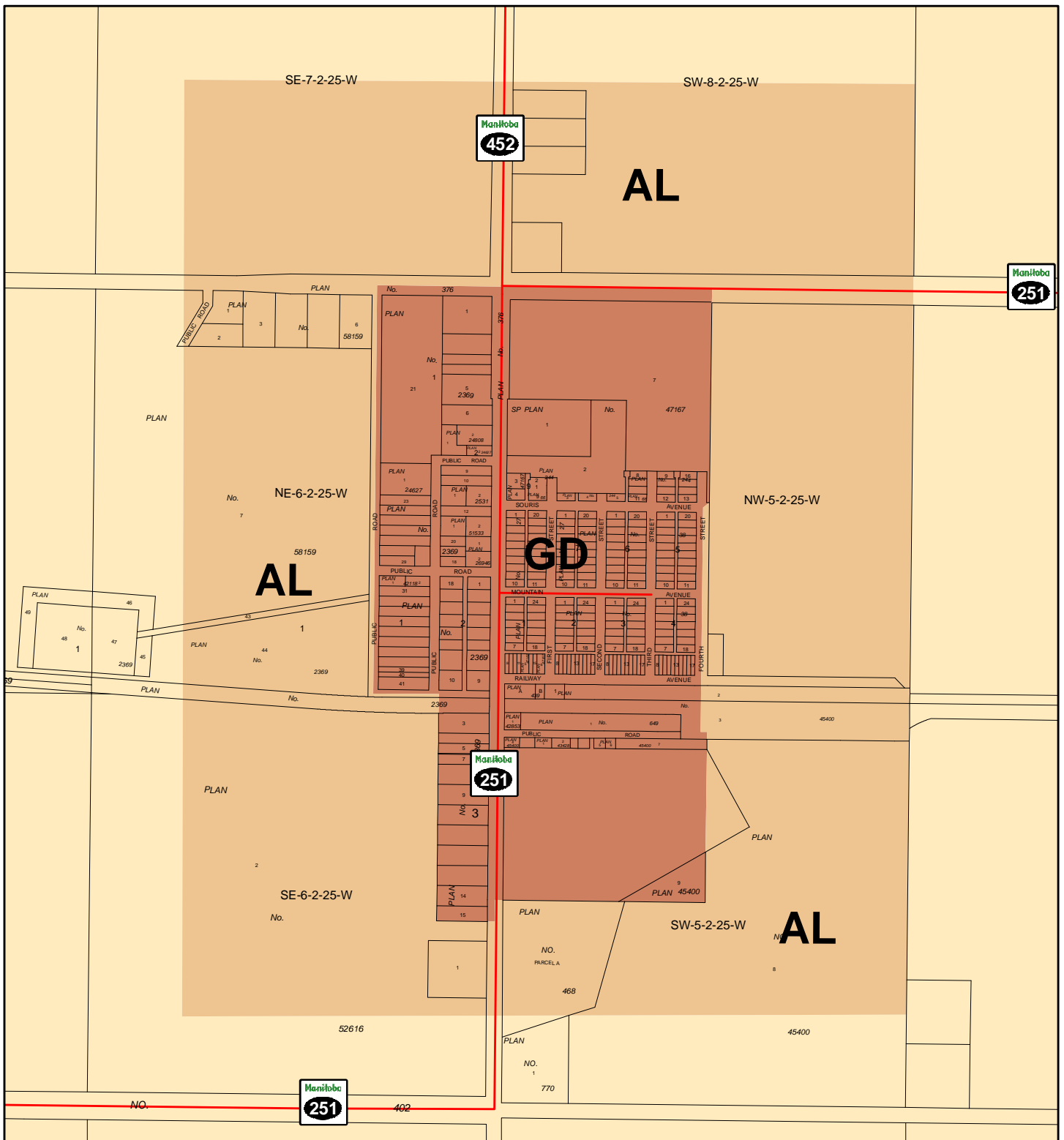
ZONING MAP 1



Legend:

- Zones
- Agricultural General Zone
 - Agricultural Limited Zone
 - General Development Zone
- Brenda-Waskada Municipal Boundary





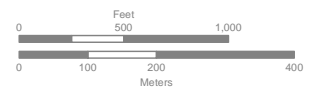
ZONING MAP 2

Schedule "A"
By-Law No. 21-2017

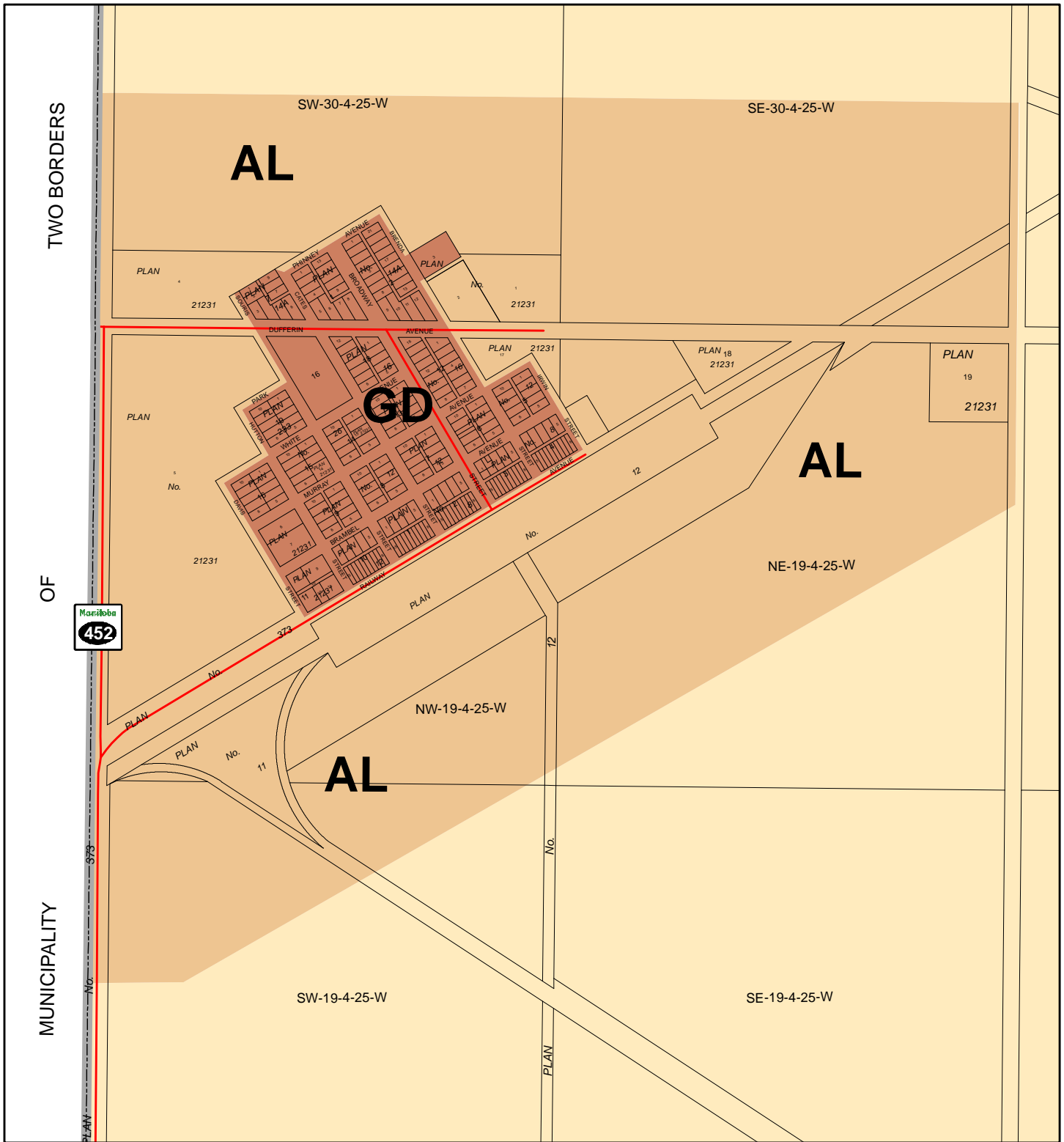
Waskada
Municipality Of Brenda-Waskada

Legend:

- Zones
- Agricultural General Zone
 - Agricultural Limited Zone
 - General Development Zone



Indigenous and Municipal Relations
Community & Regional Planning
Date: March, 2017



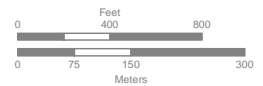
ZONING MAP 3

Schedule "A"
By-Law No. 21-2017

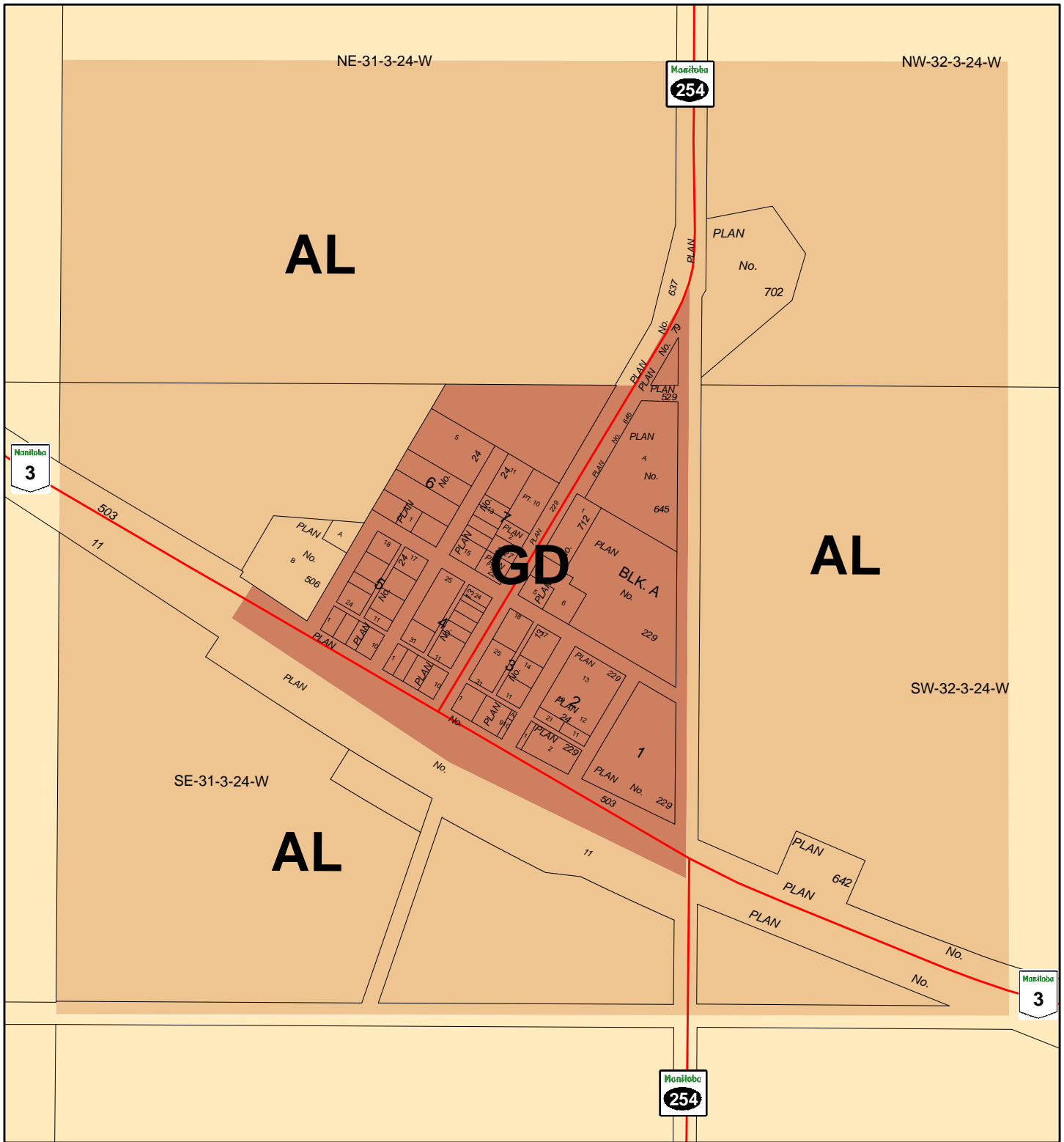
Napinka
Municipality Of Brenda-Waskada

Legend:

- Zones
- Agricultural General Zone
 - Agricultural Limited Zone
 - General Development Zone



Indigenous and Municipal Relations
Community & Regional Planning
Date: March, 2017



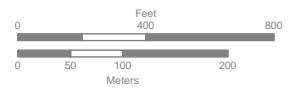
ZONING MAP 5

Schedule "A"
By-Law No. 21-2017

Medora
Municipality Of Brenda-Waskada

Legend:

- Zones
- Agricultural General Zone
 - Agricultural Limited Zone
 - General Development Zone



Indigenous and Municipal Relations
Community & Regional Planning
Date: March, 2017